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

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

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

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[3195-01]

## Title 3—The President

Proclamation 4547

January 20, 1978

### Import Fees on Sugar, Sirups, and Molasses

*By the President of the United States of America*

#### A Proclamation

By Proclamation No. 4538 of November 11, 1977, I imposed import fees on certain sugars, sirups, and molasses. I also requested the United States International Trade Commission to make an immediate investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible.

The Secretary of Agriculture has since informed me that the fees established by Proclamation No. 4538 are insufficient. He has again advised me that he has reason to believe that sugars, sirups, and molasses, derived from sugar cane or sugar beets, classified under items 155.20 and 155.30, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), hereinafter referred to as "sugars", are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or to materially interfere with the price support operations now being conducted by the Department of Agriculture for sugar cane and sugar beets, or to reduce substantially the amount of any product being processed in the United States from such domestic sugar beets and sugar cane. The Secretary of Agriculture has reaffirmed his determination that the condition requires emergency treatment.

I agree there is reason for these beliefs and I find and declare that:

(a) Sugars, described below by use and physical description, are being imported, or are practically certain to be imported, into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar cane and sugar beets, or reduce substantially the amount of any product processed in the United States from domestic sugar beets or sugar cane;

(b) A condition exists which requires the immediate imposition of the import fees hereinafter set forth, without awaiting the report and recommendations of the United States International Trade Commission.

(c) The imposition of the import fees hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such sugars will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugar beets and sugar cane, or reduce substantially the amount of products processed in the United States from such domestic sugar beets or sugar cane.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and Statutes of the United States of America, including section 22 of the Agricul-

tural Adjustment Act, as amended, do hereby proclaim that Part 3 of the Appendix to the TSUS is amended as follows:

1. Headnote 4 is amended to read as follows:

4. Sugar, sirups, and molasses

(a) Licenses may be issued by the Secretary of Agriculture or his designee authorizing the entry of articles exempt from the fees provided for in items 956.05, 956.15, and 957.15 of this part on the condition that such articles will be used only for the production (other than by distillation) of polyhydric alcohols, except polyhydric alcohols for use as a substitute for sugar in human food consumption. Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines are necessary to insure the use of such articles only for such purposes.

(b) "Not to be further refined or improved in quality" as used in item 956.05 means not to be further refined or improved in quality by being subjected substantially to the processes of (1) affination or defecation, (2) clarification, or (3) further purification by absorption or crystallization.

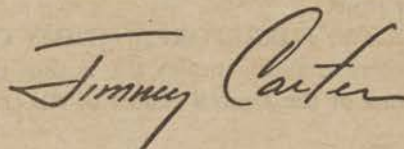
2. Items 956.10, 956.20, 957.10, and 957.20 are deleted.

3. The following new items, in numerical sequence, are added following item 955.06:

Item	Articles	Rates of Duty (Section 22 Fees)
	Sugars, sirups, and molasses, derived from sugar cane or sugar beets, except those entered pursuant to a license issued by the Secretary of Agriculture in accordance with headnote 4(a): Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, part 10A, schedule 1:	
956.05	Not to be further refined or improved in quality .....	3.22¢ per lb., but not in excess of 50% ad val.
956.15	To be further refined or improved in quality .....	2.70¢ per lb., but not in excess of 50% ad val.
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule 1 .....	3.22¢ per lb. of total sugars, but not in excess of 50% ad val.

With the following exceptions, this proclamation applies to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m. (Eastern Standard Time) on the day following its issuance. One exception shall be for the sugars of Malawian origin which entered the United States before February 15, 1978, pursuant to contracts for delivery to the United States entered into before November 11, 1977. Further, if it is established to the satisfaction of the Commissioner of Customs that articles subject to proclamations 4538 and 4539 exported to the United States before November 11, 1977, or imported to fulfill forward contracts for delivery to the United States entered into before November 11, 1977, could have been, but were not, entered for consumption on or before January 1, 1978, as a result of the delay in transportation to a point within the limits of a Customs port of entry of the United States because of windstorm, fog, or similar stress of weather, the provisions of proclamations 4538 and 4539 shall not apply to the articles even though they are entered for consumption after January 1, 1978 nor shall the provisions of this proclamation be applicable to them. The proclamation shall continue to apply until I have acted on the Report of the United States International Trade Commission.

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



[FR Doc. 78-2170 Filed 1-20-78; 5:11 pm]

EDITORIAL NOTE: The President's statement of January 20, 1978, on signing Proclamation 4547, is printed in the Weekly Compilation of Presidential Documents (vol. 14, no. 3).

# 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.

## [6325-01]

### Title 5—Administrative Personnel

#### CHAPTER I—CIVIL SERVICE COMMISSION

##### PART 213—EXCEPTED SERVICE

###### Executive Office of the President; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to compilation of regulations.

SUMMARY: This document adds to the revised Part 213 published in the FEDERAL REGISTER of December 30, 1977, on page 65508, a section which was inadvertently omitted.

EFFECTIVE DATE: December 30, 1977.

#### FOR FURTHER INFORMATION CONTACT:

Grace D. Carpenter, 202-632-5555.

Accordingly, 5 CFR 213.3303(d)(6) should have been added as follows:

§ 213.3303 Executive Office of the President.

• • • • •  
(d) Office of the Special Representative for Trade Negotiations.

• • • • •  
(6) One Confidential Assistant to the Deputy Special Representative for Trade Negotiations.

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1886 Filed 1-23-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Assistant Sales Manager is excepted under schedule C because it is confidential in nature.

EFFECTIVE DATE: January 24, 1978.

#### FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(a)(42) is added as set out below:

§ 213.3313 Department of Agriculture.

(a) Office of the Secretary. \* \* \*  
(42) One Assistant Sales Manager.

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

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1966 Filed 1-23-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Private Secretary to the Deputy Director of Defense Research and Engineering (Strategic and Space Systems) is reestablished under schedule C because it is confidential in nature.

EFFECTIVE DATE: January 24, 1978.

#### FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3306(a)(2) is amended as set out below:

§ 213.3306 Department of Defense.

(a) Office of the Secretary. \* \* \*  
(2) One Private Secretary to the Deputy Secretary of Defense and one Private Secretary to each of the following: Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Research and Technology); the Director, Advanced Research Project Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Comptroller), (Program Analysis and Evaluation), and the Assistant to the Secre-

tary of Defense (Legislative Affairs); the General Counsel, the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

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

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1964 Filed 1-23-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Assistant to the Secretary for Labor Relations is excepted from the competitive service under schedule C because it is confidential in nature.

EFFECTIVE DATE: January 24, 1978.

#### FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3384(a)(13) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. \* \* \*  
(13) One Assistant to the Secretary for Labor Relations.

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

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1965 Filed 1-23-78; 8:45 am]

## [6325-01]

### PART 213—EXCEPTED SERVICE

#### Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Special Assistant to the Secretary is reestab-

lished under schedule C because it is confidential in nature.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 3394(a)(2) is amended as set out below:

§ 213.3394 Department of Transportation.

(a) Office of the Secretary. \* \* \*

(2) One Special Assistant to the Secretary.

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

For the U.S. Civil Service Commission.

JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 78-1963 Filed 1-23-78; 8:45 am]

[3410-01]

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 revises the delegations of authority from the Secretary and General Officers to reflect the establishment of a new agency, the Science and Education Administration, headed by the Director of Science and Education. It has been determined that this action will enable the Department to better carry out its responsibilities and serve the public.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Delaney, Management Improvement Staff, Science and Education Administration, U.S. Department of Agriculture, 6505 Belcrest Road, Hyattsville, Maryland 20782 (301-436-8650).

SUPPLEMENTARY INFORMATION: The delegations of authority of the Department of Agriculture are amended to reflect the consolidation of the Agricultural Research Service, the Cooperative State Research Service, the Extension Service, and the National Agricultural Library into a new Agency, the Science and Education Administration headed by the Director of Science and Education who will

report to the Assistant Secretary for Conservation, Research, and Education. In addition, the new agency is delegated authorities contained in the National Agricultural Research, Extension, and Teaching Policy Act of 1977. Nothing in these delegations is intended to diminish the authorities, delegated elsewhere in this Part, of the Assistant Secretary for Food and Consumer Services for nutrition research, nor those of the Assistant Secretary for Rural Development for rural community development research, nor those of the Director, Economics, Policy Analysis and Budget for national leadership and departmental coordination of agriculture economics and economic analysis.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

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 2.19 is amended by revoking and reserving paragraphs (b), (c), and (e), and by revising paragraph (a) to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Conservation, Research, and Education.

(a) Related to science and education.

(1) Provide national leadership and coordination for agricultural research, extension, and teaching programs in the food and agricultural sciences (includes human nutrition, home economics, consumer services, family life, rural and community development, agricultural energy, agricultural economics, environmental quality, natural and renewable resources, forestry, range management, animal and plant production and protection, aquaculture, and the processing, distribution, marketing, and utilization of food and agricultural products) conducted or financed by the Department of Agriculture and, to the maximum extent practicable, by other Federal departments and agencies pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121).

(2) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture and home economics under the Smith-Lever Act as amended (7 U.S.C. 341-349).

(3) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act as amended (7 U.S.C. 361a-361i).

(4) Support agricultural research at eligible institutions in any State

through Federal-grant funds to help finance physical facilities (7 U.S.C. 390-390k).

(5) Conduct research concerning domestic animals and poultry, their protection and use, causes of contagious, infectious, and communicable diseases and means for the prevention and cure of the same (7 U.S.C. 391).

(6) Conduct research related to the dairy industry and dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(7) Conduct research and demonstrations at Mandan, N. Dak., and Lewisburg, Tenn., concerning dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of dairy and livestock industries (7 U.S.C. 421-422).

(8) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423-424).

(9) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including consumer and food economic research), distribution, processing, utilization of plant and animal commodities, problems of human nutrition, development of markets for agricultural commodities, discovery, introduction, and breeding of new crops, plants, and animals both foreign and native; conservation development, and development of efficient use of farm buildings, homes, and farm machinery, including the application of electricity and other forms of power and research and development related to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (7 U.S.C. 427, 2201, 2204).

(10) Conduct research on varietal improvement of wheat and feed grain to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(11) Administer a program for the improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

(12) Advance the livestock and agricultural interests of the United States including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(13) Enter into agreements with and receive funds from any State or political subdivision, organization, or person for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(14) Administer a program of competitive, special, and facilities grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations and individuals to promote research in food, agricultural and related areas (7 U.S.C. 450i).

(15) Conduct research related to soil and water conservation, engineering operations and methods of cultivation

to provide for the control and prevention of soil erosion (7 U.S.C. 1010, 16 U.S.C. 590a).

(16) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts (7 U.S.C. 1292).

(17) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441-note).

(18) Conduct research, educational, and demonstration work related to the distribution and marketing of agricultural products under the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621-1627).

(19) Administer and coordinate a foreign contracts and grants program of market development research in the physical and biological sciences under section 104(b)(1) of the Agricultural Trade, Development, and Assistance Act of 1954, but excluding agricultural economics research; and administer and coordinate a foreign contracts and grants program of agricultural and forestry research under section 104(b)(3) of such act (7 U.S.C. 1704(b), (1), (3)).

(20) Conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries as provided by the Food for Peace Act of 1966 (7 U.S.C. 1736(a)(4)).

(21) Conduct research to develop and determine methods of humane slaughter of livestock (7 U.S.C. 1904).

(22) Accept gifts and order disbursements from the Treasury for the benefit of the National Agricultural Library or for carrying out any of its functions (7 U.S.C. 2264-2265).

(23) Administer in cooperation with the States a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972 as amended (7 U.S.C. 2661-2670).

(24) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(25) Conduct a program of grants to States to establish or expand schools of veterinary medicine (7 U.S.C. 3151).

(26) Conduct a program of (i) competitive grants to colleges and universities and (ii) predoctoral and postdoctoral fellowships, to further education in the food and agricultural sciences (7 U.S.C. 3152).

(27) Administer the National Agricultural Research Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(28) Make grants to colleges and universities for research on the produc-

tion and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products and agricultural chemicals and other products from coal derivatives (7 U.S.C. 3154).

(29) Administer a national food and human nutrition research and extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171-3177).

(30) Administer an animal health and disease research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191-3193, 3195-3201).

(31) Support continuing agricultural and forestry extension and research at 1890 land-grant colleges including Tuskegee Institute (7 U.S.C. 3221, 3222).

(32) Administer in relation to uses of solar energy (i) a competitive research grants program, (ii) a solar energy research information system, (iii) a cooperative program with the States on model farms and demonstration projects, and (iv) a program of research, extension, and demonstration at regional solar energy research and development centers (7 U.S.C. 3241, 3251, 3261-3263, 3271, 3281-3282).

(33) Cooperate and work with national and international institutions and other persons throughout the world in the performance of agricultural research and extension activities (7 U.S.C. 3291).

(34) Conduct educational and demonstration work in cooperative farm forestry program (16 U.S.C. 568).

(35) Cooperate with the States for the purpose of encouraging and assisting them in carrying out programs of forestry research (16 U.S.C. 582a-582a-7).

(36) Authorize the use of the 4-H Club name and emblem (18 U.S.C. 707).

(37) Maintain a National Arboretum for purpose of research and education concerning tree and plant life; accept and administer gifts or devises of real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191-195).

(38) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(39) Conduct research on control and eradication of cattle grubs (screw-worms) (21 U.S.C. 144e).

(40) Conduct research, demonstration, and promotion activities related to farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(41) Make grants for the support of basic scientific research at nonprofit organizations whose primary purpose

is the conduct of scientific research (42 U.S.C. 1891).

(42) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(43) Administer the Virgin Islands agricultural research program (48 U.S.C. 1409m-0).

(44) Conduct research related to the use of domestic agricultural commodities for the manufacture of any material determined to be strategic and critical or substitute therefor, under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f).

(45) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture and home economics in the District of Columbia (D.C. Code Section 31-1719).

(46) Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting, and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

(47) Exercise responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (pt. 18 of this subtitle).

(48) Represent the Department on the Federal Interagency Council on Education.

(49) Develop and maintain library and information systems and networks and facilitate cooperation and coordination for the agricultural libraries of colleges, universities, Department of Agriculture, and their closely allied information gathering and dissemination units in close conjunction with private industry and other research libraries (7 U.S.C. 2201, 2203, 3126).

(50) Assure the acquisition, preservation and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information system, and the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(51) Formulate, write and/or prescribe bibliographic and technically related standards for the library and information services of USDA.

(52) Determine by survey and other appropriate means the information needs of the Department's scientific, professional, technical and administrative staffs, its constituencies and the general public in the areas of food, agriculture, the environment, and solar energy.

(53) Represent the Department on all library and information science matters before Congressional Commit-

tees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(54) Represent the Department in international organizational activities and on international technical committees concerned with library and information science activities.

(55) Prepare and disseminate computer bibliographic files, indexes and abstracts, bibliographies, reviews, and other analytical information tools.

(56) Copy and deliver on demand selected articles and other materials from its collections by photographic reproduction or other means within the permissions, constraints and limitations of Sections 106, 107, and 108 of the Copyright Act of October 19, 1976 (Title 17, U.S. Code).

(57) Arrange for the consolidated purchasing and dissemination of indexes, abstracts, journals and other widely used information publications and services.

(58) Provide assistance and support to professional organizations concerned with library and information science matters and issues.

(59) Pursuant to authority delegated by the Administrator of the General Services Administration to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 18440, and 38 FR 23838, appoint uniformed armed guards as special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties, (not to exceed those prescribed in 40 (U.S.C. 318c), as will ensure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, D.C.; the U.S. Meat Animal Research Center, Clay Center, Nebr.; the Agricultural Research Center, Beltsville, Md., and the Animal Disease Center, Plum Island, N.Y., over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, the Act of June 1, 1948 (62 Stat. 181) as amended, and policies, procedures and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director of the Office of Operations and Finance and the General Counsel prior to issuance.

(60) Control within the Department of Agriculture of the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard.

(61) Administer teaching funds authorized under section 22 of the Bank-

head Jones Act, as amended (7 U.S.C. 329).

(b)-(c) (Revoked and reserved)

(d) *Related to forest service*

\* \* \* \* \*

(e) (Revoked and reserved)

\* \* \* \* \*

2. Section 2.20 is amended by revoking and reserving paragraphs (b) and (c) and by adding a new paragraph (a) to read as follows:

§ 2.20 Reservations of authority.

(a) *Related to science and education.*  
(1) Withholding funds from States and sending notification thereof to the President in accordance with sections 5 and 6 of the Smith-Lever Act, as amended (7 U.S.C. 345-346), sections 5 and 7 of the Hatch Act as amended (7 U.S.C. 361 e.g.), section 506 of the Rural Development Act as amended (7 U.S.C. 2666), and sections 1436, 1444, 1445, and 1468 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3198, 3221, 3222, and 3314).

(2) Reapportioning funds under section 4 and apportioning funds under section 5 of the act of October 10, 1962 (16 U.S.C. 582a-3, a-4).

(3) Appointing an advisory committee under section 6 of the act of October 10, 1962 (16 U.S.C. 582a-5).

(4) Final concurrence of Equal Employment Opportunity programs within the cooperative extension programs submitted under part 18 of this subtitle.

(5) Approving selection of State directors of extension.

(6) Approving the memoranda of understanding between the land-grant universities and the Department of Agriculture related to cooperative extension programs.

(b)-(c) (Revoked and reserved)

\* \* \* \* \*

Subpart G—Delegations of Authority by the Assistant Secretary for Conservation, Research, and Education

3. Sections 2.58, 2.59, and 2.61 are revoked and reserved and § 2.57 is revoked and the following substituted in lieu thereof:

§ 2.57 Director of Science and Education.

(a) *Delegations.* Pursuant to § 2.19(a), subject to reservations in § 2.20(a), the following delegations of authority are made by the Assistant Secretary for Conservation, Research, and Education to the Director of Science and Education:

(1) Provide national leadership and coordination for agricultural research, extension, and teaching programs in the food and agricultural sciences (in-

cludes human nutrition, home economics, consumer services, family life, rural and community development, agricultural energy, agricultural economics, environmental quality, natural and renewable resources, forestry, range management, animal and plant production and protection, aquaculture, and the processing, distribution, marketing, and utilization of food and agricultural products) conducted or financed by the Department of Agriculture and, to the maximum extent practicable, by other Federal departments and agencies pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121).

(2) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture and home economics under the Smith-Lever Act as amended (7 U.S.C. 341-349).

(3) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act as amended (7 U.S.C. 361a-361i).

(4) Support agricultural research at eligible institutions in any State through Federal-grant funds to help finance physical facilities (7 U.S.C. 390-390k).

(5) Conduct research concerning domestic animals and poultry, their protection and use, causes of contagious, infectious, and communicable diseases and means for the prevention and cure of the same (7 U.S.C. 391).

(6) Conduct research related to the dairy industry and dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(7) Conduct research and demonstrations at Mandan, N. Dak., and Lewisburg, Tenn., concerning dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of dairy and livestock industries (7 U.S.C. 421-422).

(8) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423-424).

(9) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including consumer and food economic research), distribution, processing, utilization of plant and animal commodities, problems of human nutrition, development of markets for agricultural commodities, discovery, introduction, and breeding of new crops, plants, and animals both foreign and native; conservation development, and development of efficient use of farm buildings, homes, and farm machinery, including the application of electricity and other forms of power and research and development related to uses of



solar energy with respect to farm buildings, farm homes, and farm machinery (7 U.S.C. 427, 2201, 2204).

(10) Conduct research on varietal improvement of wheat and feed grain to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(11) Administer a program for the improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

(12) Advance the livestock and agricultural interests of the United States including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(13) Enter into agreements with and receive funds from any State or political subdivision, organization, or person for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(14) Administer a program of competitive, special, and facilities grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations and individuals to promote research in food, agricultural and related areas (7 U.S.C. 450i).

(15) Conduct research related to soil and water conservation, engineering operations and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010, 16 U.S.C. 590a).

(16) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts (7 U.S.C. 1292).

(17) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441-note).

(18) Conduct research, educational, and demonstration work related to the distribution and marketing of agricultural products under the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621-1627).

(19) Administer and coordinate a foreign contracts and grants program of market development research in the physical and biological sciences under section 104(b)(1) of the Agricultural Trade, Development, and Assistance Act of 1954, but excluding agricultural economics research; and administer and coordinate a foreign contracts and grants program of agricultural and forestry research under section 104(b)(3) of such act (7 U.S.C. 1704(b), (1), (3)).

(20) Conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries as provided by the Food for Peace Act of 1966 (7 U.S.C. 1736(a)(4)).

(21) Conduct research to develop and determine methods of humane slaughter of livestock (7 U.S.C. 1904).

(22) Accept gifts and order disbursements from the Treasury for the benefit of the National Agricultural Library or for carrying out any of its functions (7 U.S.C. 2264-2265).

(23) Administer in cooperation with the States a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972 as amended (7 U.S.C. 2661-2670).

(24) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(25) Conduct a program of grants to States to establish or expand schools of veterinary medicine (7 U.S.C. 3151).

(26) Conduct a program of (i) competitive grants to colleges and universities and (ii) predoctoral and postdoctoral fellowships, to further education in the food and agricultural sciences (7 U.S.C. 3152).

(27) Administer the National Agricultural Research Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(28) Make grants to colleges and universities for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products and agricultural chemicals and other products from coal derivatives (7 U.S.C. 3154).

(29) Administer a national food and human nutrition research and extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171-3177).

(30) Administer an animal health and disease research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191-3193, 3195-3201).

(31) Support continuing agricultural and forestry extension and research at 1890 land-grant colleges including Tuskegee Institute (7 U.S.C. 3221, 3222).

(32) Administer in relation to uses of solar energy (i) a competitive research grants program, (ii) a solar energy research information system, (iii) a cooperative program with the States on model farms and demonstration projects, and (iv) a program of research, extension, and demonstration at regional solar energy research and development centers (7 U.S.C. 3241, 3251, 3261-3263, 3271, 3281-3282).

(33) Cooperate and work with national and international institutions and other persons throughout the world in the performance of agricultural research and extension activities (7 U.S.C. 3291).

(34) Conduct educational and demonstration work in cooperative farm forestry program (16 U.S.C. 568).

(35) Cooperate with the States for the purpose of encouraging and assisting them in carrying out programs of

forestry research (16 U.S.C. 582a-582a-7).

(36) Authorize the use of the 4-H Club name and emblem (18 U.S.C. 707).

(37) Maintain a National Arboretum for purpose of research and education concerning tree and plant life; accept and administer gifts or devises of real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191-195).

(38) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(39) Conduct research on control and eradication of cattle grubs (screw-worms) (21 U.S.C. 144e).

(40) Conduct research, demonstration, and promotion activities related to farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(41) Make grants for the support of basic scientific research at nonprofit organizations whose primary purpose is the conduct of scientific research (42 U.S.C. 1891).

(42) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(43) Administer the Virgin Islands agricultural research program (48 U.S.C. 1409m-0).

(44) Conduct research related to the use of domestic agricultural commodities for the manufacture of any material determined to be strategic and critical or substitute therefor, under section 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f).

(45) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture and home economics in the District of Columbia (D.C. Code Section 31-1719).

(46) Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting, and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

(47) Exercise responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (pt. 18 of this subtitle).

(48) Represent the Department on the Federal Interagency Council on Education.

(49) Develop and maintain library and information systems and networks and facilitate cooperation and coordination for the agricultural libraries of colleges, universities, Department of Agriculture, and their closely allied information gathering and dissemina-

tion units in close conjunction with private industry and other research libraries (7 U.S.C. 2201, 2203, 3126).

(50) Assure the acquisition, preservation and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information system, and the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(51) Formulate, write and/or prescribe bibliographic and technically related standards for the library and information services of USDA.

(52) Determine by survey and other appropriate means the information needs of the Department's scientific, professional, technical and administrative staffs, its constituencies and the general public in the areas of food, agriculture, the environment, and solar energy.

(53) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(54) Represent the Department in international organizational activities and on international technical committees concerned with library and information science activities.

(55) Prepare and disseminate computer bibliographic files, indexes and abstracts, bibliographies, reviews, and other analytical information tools.

(56) Copy and deliver on demand selected articles and other materials from its collections by photographic reproduction or other means within the permissions, constraints and limitations of Sections 106, 107, and 108 of the Copyright Act of October 19, 1976 (Title 17, U.S. Code).

(57) Arrange for the consolidated purchasing and dissemination of indexes, abstracts, journals and other widely used information publications and services.

(58) Provide assistance and support to professional organizations concerned with library and information science matters and issues.

(59) Pursuant to authority delegated by the Administrator of the General Services Administration to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 18440, and 38 FR 23838, appoint uniformed armed guards as special policemen, make all needful rules and regulations, and

annex to such rules and regulations such reasonable penalties, (not to exceed those prescribed in 40 (U.S.C. 318c)), as will ensure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, D.C.; the U.S. Meat Animal Research Center, Clay Center, Nebr.; the Agricultural Research Center, Beltsville, Md.; and the Animal Disease Center, Plum Island, N.Y., over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, the Act of June 1, 1948 (62 Stat. 181), as amended, and policies, procedures and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director of the Office of Operations and Finance and the General Counsel prior to issuance.

(60) Control within the Department of Agriculture of the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard.

(61) Administer teaching funds authorized under section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(62) Administer science and education programs assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.).

§ 2.58-2.59 (Revoked and reserved).

§ 2.61 (Revoked and reserved).

\* \* \* \* \*

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953).

For Subpart C:

Dated: January 19, 1978.

BOB BERGLAND,  
*Secretary of Agriculture.*

For Subpart G:

Dated: January 13, 1978.

M. RUPERT CUTLER,  
*Assistant Secretary for Conservation, Research & Education.*  
[FR Doc. 78-1982 Filed 1-23-78; 8:45 am]

## [8010-01]

Title 17—Commodity and Securities Exchanges

### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5894 and IC-10071]

#### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director of Division of Investment Management; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on delegation of authority to the Director of the Division of Investment Management which appears at page 755 of the FEDERAL REGISTER of January 4, 1978.

DATES: Final rule, effective date, August 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence R. Bardfeld, Office of Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, 202-376-8056.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-4 on page 755, column two, fourth full paragraph designated (b-1), tenth line should read "401(c)(1) of the Internal Revenue Code."

GEORGE A. FITZSIMMONS,  
*Secretary.*

JANUARY 16, 1978.

[FR Doc. 78-1939 Filed 1-23-78; 8:45 am]

## [4810-22]

Title 19—Customs Duties

### CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-20]

#### PART 159—LIQUIDATION OF DUTIES

Chains and Parts Thereof, of Iron or Steel, From Spain

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Final countervailing duty determination and suspension of liquidation.

SUMMARY: This notice is to inform the public that it has been determined that the Government of Spain has given benefits which constitute bounties or grants within the meaning of the countervailing duty law upon the manufacture, production or exportation of chains and parts thereof, of iron or steel. Consequently, countervailing duties in the amount of these benefits will be collected in addition to

duties normally due on shipments of this merchandise. Section 159.47(f) of the Customs Regulations is amended to include this determination.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

William T. Trujillo, Operations Officer, Technical Branch, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION:

On July 14, 1977, a "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (42 FR 36339). This notice stated that it had been determined preliminarily that bounties or grants had been paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to herein as "the Act"), under the Spanish Government tax remission system known as the Desgravacion Fiscal, upon the manufacture, production or exportation of chains and parts thereof, of iron or steel, from Spain. Chains and parts thereof, of iron or steel, are provided for in the Tariff Schedules of the United States under item numbers 652.24, 652.27, 652.30, 652.33, and 652.35.

The notice further stated that in some instances benefits derived from the Desgravacion Fiscal constitute bounties or grants within the meaning of section 303 of the Act. Interested parties were provided 30 days from the date of publication of the notice to submit in writing relevant data, views or arguments with respect to the preliminary determination. No information was received during the comment period.

Based on the information available and the determinations in previous cases concerning the Spanish Desgravacion Fiscal tax remission system, it is determined that bounties or grants are paid or bestowed, directly or indirectly, within the meaning of section 303 of the Act, on exports of chains and parts thereof, of iron or steel, from Spain.

Chains and parts thereof, of iron or steel, receive a Desgravacion Fiscal rebate of 14 percent. However, as determined in previous cases involving this tax remission system, a final stage tax of 1.5 percent on the completed product is included in the 14 percent rebate. The Treasury Department does not consider the rebate of indirect taxes which are directly related to the final product or its components to be bounties or grants within the meaning of section 303 of the Act. In keeping with this principle and in the absence of any additional information regarding the Desgravacion Fiscal

rebate, the bounty, or grant is determined to be 12.5 percent.

Accordingly, notice is hereby given that chains and parts thereof, of iron or steel, imported directly or indirectly from Spain, if entered, or withdrawn from warehouse, for consumption on or after January 24, 1978, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303 of the Act, until further notice the net amount of such bounties or grants has been estimated and declared to be 12.5 percent of the f.o.b. value.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable chains and parts thereof, of iron or steel, imported directly or indirectly from Spain which benefit from such bounties or grants and which are subject to this order shall be suspended for 30 days following publication of this notice in the FEDERAL REGISTER. A deposit of the estimated countervailing duty, in the amount of 12.5 percent of the f.o.b. value, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Effective January 24, 1978, and until further notice, upon the entry for consumption of such chains and parts thereof, of iron or steel, imported directly or indirectly from Spain, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount of 12.5 percent of the f.o.b. value.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production, or exportation of such chains and parts thereof from Spain.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting, after the last entry for Spain, in the column headed "Commodity" the words "Chains and Parts Thereof, of Iron or Steel," in the column headed "Treasury Decision" the number of this Treasury Decision, and in the column headed "Action" the words "Bounty Declared-Rate."

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 190 (Revision 14), July 1, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a final countervailing duty determination by the Commissioner of Customs, are hereby waived.

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 887, as amended, 759 (19 U.S.C. 66, 1303, 1624).)

ROBERT H. MUNDHEIM,  
General Counsel  
of the Treasury.

JANUARY 10, 1978.

[FR Doc. 78-1108 Filed 1-23-78; 8:45 am]

[4210-01]

Title 24 Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 3873]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: The addresses where flood insurance policies can be obtained are published at 24 CFR 1912.7.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction purposes as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except

as authorized by section 202(a) of the Act unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

Flood insurance policies for property located in the communities listed can be obtained from any licensed proper-

ty insurance agent or broker serving the eligible community, or from the National Flood Insurers Association (NFIA) servicing company for the State.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5

U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Michigan	Cass	LaGrange, township of	Nov. 15, 1977, emergency	Oct. 17, 1975	260366
New York	Fulton	Mayfield, town of	do	Jan. 17, 1975 and Jan. 14, 1977	361132-A
Ohio	Mercer	Unincorporated areas	do	Feb. 14, 1975 and July 8, 1977	390392
New Hampshire	Hillsboro	Greenfield, town of	Nov. 17, 1977, emergency	Apr. 4, 1975	330209
Do	do	Hudson, town of	do	Mar. 8, 1974 and Oct. 1, 1976	330092-A
Oklahoma	Hughes	Stuart, town of	do	Nov. 12, 1976	400330
Michigan	Muskegon	Norton Shores, city of	Nov. 8, 1977, suspension withdrawn	Sept. 15, 1977	260165-A
Missouri	St. Francois	Leadwood, city of	Nov. 18, 1977, emergency	Nov. 5, 1976	290706
Indiana	Jefferson	Madison, city of	Nov. 12, 1971, emergency; Sept. 30, 1977, regular; Oct. 1, 1977, reinstated	Feb. 1, 1974 and Sept. 19, 1975	180107-B
Alabama	Jefferson	Fairfield, city of	Nov. 29, 1977, emergency	Dec. 17, 1976	010120-A
Michigan	Cass	Silver Creek, township of	Nov. 18, 1977, emergency	Nov. 26, 1976 and May 13, 1977	260369-A
Iowa	Delaware	Dundee, city of	Nov. 30, 1977, emergency	July 30, 1976	190363
Kansas	Sedgwick	Goddard, city of	do	July 16, 1976	200500
Pennsylvania	Warren	Deerfield, township of	do	Nov. 15, 1974	422118
Utah	Uintah	Unincorporated areas	do	Feb. 14, 1975 and Oct. 18, 1977	490147-A
Iowa	Marshall	LeGrand, city of	Dec. 5, 1977, emergency	Nov. 12, 1976	190606
Nebraska	Colfax	Clarkson, city of	do	Jan. 17, 1975	310359
Oklahoma	Hughes	Wetumka, city of	do	Oct. 22, 1976	400453
Texas	Culberson	Unincorporated areas	do	do	480162
Do	Presido	Marfa, city of	do	do	481493-New
Do	Jeff Davis	Valentine, town of	do	Dec. 24, 1976	481131
Colorado	Garfield	Rifle, city of	July 23, 1971, emergency; June 15, 1973, regular; Jan. 15, 1975, suspended; Nov. 24, 1977, reinstated	June 15, 1973	085078-A
Washington	King	Duvall, town of	Dec. 6, 1977, emergency	Aug. 20, 1976	530282
Colorado	Alamosa	Alamosa, city of	June 6, 1973, emergency; Sept. 15, 1977, regular; Nov. 2, 1977, suspended; Nov. 29, 1977, reinstated	May 24, 1974	080010-A
North Dakota	Hettinger	Mott, city of	Oct. 20, 1972, emergency; Dec. 15, 1976, regular; Nov. 16, 1977, suspended; Nov. 29, 1977, reinstated	Jan. 9, 1974 and Dec. 26, 1975	380038-B
Nebraska	Box Butte	Alliance, city of	Dec. 8, 1977, emergency	Mar. 12, 1976	310011
Oklahoma	Pontotoc	Roff, town of	do	Mar. 22, 1974	400176
Kentucky	Jefferson	St. Matthews, city of	Dec. 3, 1971, emergency; Jan. 19, 1972, suspended; Mar. 17, 1972, reinstated; Mar. 5, 1972, regular; July 26, 1976, suspended; Nov. 30, 1977, reinstated	Dec. 6, 1974	210123-A
Alabama	Houston	Columbia, town of	Dec. 9, 1977, emergency	Feb. 20, 1976	010101
Pennsylvania	Huntingdon	Carbon, township of	Dec. 12, 1977, emergency	Jan. 10, 1975	421685
Oregon	Baker	Sumpter, city of	Dec. 13, 1977, emergency	Dec. 24, 1976 and Aug. 2, 1977	410007-A
Michigan	Macomb	Macomb, township of	Dec. 16, 1977, emergency	Mar. 18, 1977	260445-A
Colorado	Arapahoe	Unincorporated areas	June 6, 1973, emergency; Sept. 15, 1977, regular; Nov. 2, 1977, suspended; Dec. 8, 1977, reinstated	May 24, 1974	080011-A
Missouri	St. Francois	Desloge, city of	Dec. 19, 1977, emergency	Dec. 17, 1976	290748
Oklahoma	Garvin	Elmore City, city of	do	Nov. 5, 1976	400374
Pennsylvania	Fulton	Union, township of	do	Dec. 27, 1974	422430
Texas	Hudspeth	Unincorporated areas	do	do	480361
Do	Denton	Sanger, town of	do	Oct. 8, 1976	480786

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Pennsylvania	McKean	Liberty, township of	Aug. 24, 1973, emergency; Sept. 1, 1977, regular; Sept. 15, 1977, suspended; Dec. 12, 1977, reinstated.	July 26, 1974 and June 4, 1976.	420668-A
Michigan	Wayne	Northville, township of	Dec. 23, 1977, emergency	Sept. 24, 1976	421664
Pennsylvania	Monroe	Chestnut Hill, township of	do	Nov. 15, 1974.	421885
Do	Mercer	Fairview, township of	do	Nov. 29, 1974.	421865
Do	Fulton	Thompson, township of	do	Dec. 13, 1974.	421664
Michigan	Muskegon	Muskegon, city of	May 25, 1973, emergency; June 1, 1977, regular; June 1, 1977, suspended; Dec. 13, 1977, reinstated.	June 7, 1974..	260161-B
New York	Chautauqua	Bemus Poing, village of	July 16, 1975, emergency; Nov. 2, 1977, regular; Nov. 2, 1977, suspended; Dec. 14, 1977, reinstated.	Aug. 9, 1974..	360133-B
Colorado	Morgan	Brush, city of	Dec. 12, 1977, suspension withdrawn	Nov. 23, 1973.	080130-A
Do	Rio Blanco	Rangley, town of	do	Apr. 12, 1974 and Dec. 28, 1975.	080152-A
Florida	Duval	Jacksonville, city of	do	Jan. 31, 1975 and Aug. 20, 1976.	120077-A
Do	Broward	Oakland Park, city of	do	June 28, 1974 and Apr. 9, 1976.	120050-A
Iowa	Dubuque	Dyersville, city of	do	June 28, 1974 and May 14, 1976.	190120-A
Maryland	Carroll	Westminister, city of	do	June 28, 1974	240018-A
Massachusetts	Berkshire	Alford, town of	do	June 7, 1974 and June 11, 1976.	250017-A
Nebraska	Saunders	Wahoo, city of	do	Oct. 12, 1973 and June 18, 1976.	310204-A
New Jersey	Mercer	Lawrence, township of	do	June 1, 1973..	340250
New York	Chautauqua	Cassadaga, village of	do	May 31, 1974 and Sept. 24, 1976.	361053-A
Do	Do	Sinclairville, village of	do	May 10, 1974 and June 4, 1976.	360145-A
Do	Do	Lakewood, village of	do	Oct. 29, 1976.	360142-A
Oregon	Tillamook	Wheeler, city of	do	Sept. 13, 1974 and Nov. 28, 1975.	410203
Ohio	Trumbull	Warren, city of	do	Oct. 26, 1973.	390541-A
Pennsylvania	Chester	East Vincent, township of	do	Dec. 28, 1973.	420278
Do	Montgomery	Whitemarsh, township of	do	Oct. 22, 1976.	420712
Do	Lycoming	Williamsport, city of	do	June 29, 1973 and Aug. 27, 1976.	420662-A
Tennessee	Warren	McMinnville, city of	do	Mar. 29, 1974	470195
Texas	Bandera	Bandera, city of	do	Apr. 12, 1974 and Dec. 19, 1975.	480021-A
Do	Wilson	Poth, city of	do	May 24, 1974 and Jan. 16, 1976.	480672-A
Washington	Chehalis	Cashmere, city of	do	Apr. 5, 1974 and May 21, 1976.	390541-A
South Dakota	Union	North Sioux City, city of	do	Nov. 16, 1973 and July 16, 1977.	460087-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17304, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended (39 FR 2787, Jan. 24, 1974).)

Issued: December 28, 1977.

[FR Doc. 78-1629 Filed 1-23-78; 8:45 am]

PATRICIA ROBERTS HARRIS, *Secretary.*

[4210-01]

[Docket No. FI-3872]

**PART 1916—CONSULTATION WITH LOCAL OFFICIALS**

**Changes in Base Flood Elevations**

AGENCY: Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed flood elevations

for those communities is appropriate as a result of requests for changes in the interim rule.

**DATES:** These modified flood elevations are in effect as of the dates listed in the sixth column of the attached

list and amend the Federal Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

**ADDRESSES:** The modified base (100-year) flood elevation determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard W. Krimm, Assistant Administrator Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator has published a notification of modification of the base (100-year) flood elevations in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Administrator has received appeals from the communities requesting changes in the

proposed flood elevation determinations.

The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the base (100-year) flood elevation changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified base (100-year) flood elevation determinations are available for inspection.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood eleva-

tions are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The changes in the base (100-year) flood elevations listed below are in accordance with 24 CFR 1916.8:

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
California.....	San Bernardino.....	Victorville, city of.	The Daily Press, Aug. 4 and 5, 1977.	Hon. Humberto Lugo, mayor, city of Victorville, City Hall, 14343 Civic Dr., Victorville, Calif. 92392.	Aug. 5, 1977...	065068A
Colorado.....	Jefferson.....	Wheat Ridge, city of.	The Wheat Ridge Sentinel, July 14 and 21, 1977.	Hon. Hank Stites, mayor, city of Wheat Ridge, P.O. Box 610, Wheat Ridge, Colo. 80033.	July 22, 1977.	085079A
Connecticut.....	Hartford.....	Farmington, town of.	Farmington Valley Herald, Aug. 18 and 25, 1977.	Mr. Stephen A. Flis, town manager, town of Farmington, Town Hall, 1 Montlieth Dr., Farmington, Conn. 06032.	Aug. 15, 1977.	090029A
Florida.....	Charlotte.....		The Daily Herald News, Aug. 4 and 5, 1977.	Mr. John R. Printon, Charlotte County administrator, courthouse annex, 2d floor, 116 West Olympia, Punta Gorda, Fla. 33950.	Aug. 5, 1977...	120061B
Do.....	Pinellas.....	Clearwater....	The Clearwater Sun, July 7 and 8, 1977.	Hon. Gabriel Cazares, mayor, city of Clearwater, P.O. Box 2078, Clearwater, Fla. 33518.	July 8, 1977...	125096A
Do.....	do.....		do.....	Ms. Jeanne Malchon, chairman, Pinellas County Commissioners, 315 Haven St., Clearwater, Fla. 33516.	do.....	125139B
Do.....	Hillsborough.....	Temple Terrace, city of.	The Beacon, June 29 and July 6, 1977.	Hon. Joseph C. Bonbi, Jr., mayor, city of Temple Terrace, P.O. Box 16930, Temple Terrace, Fla. 33687.	do.....	120115C
Missouri.....	Clay.....	Smithville, city of.	The Democrat Herald, Aug. 4 and 11, 1977.	Hon. L. R. Lukon, mayor, city of Smithville, 108 North Bridge St., Smithville, Mo. 64089.	Aug. 12, 1977.	2952271B
New Jersey.....	Monmouth.....	Deal, borough of.	The Asbury Park Press, June 23 and 24, 1977.	Hon. Daniel Kruman, mayor, borough of Deal, the Borough Hall, Durant Square, Deal, N.J. 07723.	June 24, 1977	340292A
Pennsylvania.....	Luzerne.....	West Wyoming, borough of.	The Wilkes-Barre Time Leader Record, July 29 and Aug. 5, 1977.	Hon. John Mizin, mayor, borough of West Wyoming, West Wyoming Town Hall, West Wyoming, Pa. 18644.	July 22, 1977.	420629-0001B

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Tennessee	Sevier	Gatlinburg, city of.	The Gatlinburg Press, July 5 and 7, 1977.	Hon. Charles Ogle, mayor, city of Gatlinburg, City Hall, P.O. Box 388, Gatlinburg, Tenn. 37738.	July 8, 1977...	475426B
Texas	Brazoria	Angleton, city of.	The Angleton Times, June 23 and 30, 1977.	Hon. Charles Cole, mayor, city of Angleton, P.O. Box 726, Angleton, Tex. 77515.	June 10, 1977	480064 0001-0004B
Do	Galveston	Galveston, city of.	Galveston Daily News, July 1 and 8, 1977.	Mr. Stephen N. Huffman, acting city manager, city of Galveston, P.O. Box 779, Galveston, Tex. 77553.	June 24, 1977	485469B
Do	Harris		Daily Court Review, June 24 and July 1, 1977.	Mr. Richard P. Doss, county engineer, 1004 Congress St., Houston, Tex. 77002.	do	480287B
Do	Galveston	Jamaica Beach, village of.	Galveston Daily News, July 6 and 9, 1977.	Hon. Jack Jordan, mayor of Jamaica Beach, P.O. Box 5264, Galveston, Tex. 77551.	do	481271B
Do	Brazoria	Lake Jackson	The Brazoria News, Mar. 24 and 31, 1977.	Hon. Vick Vickers, mayor, city of Lake Jackson, 103 Parking Way, Lake Jackson, Tex. 77566.	Mar. 18, 1977	485484C
Do	Galveston	LaMarque, city of.	The LaMarque Times, Aug. 31, and Sept. 7, 1977.	Mr. Jack Treaster, city manager, city of LaMarque, 322 Laurel, LaMarque, Tex. 77568.	Aug. 26, 1977.	485486 0001-0002B
Do	do	League City, city of.	The Daily Citizen, June 24 and July 1, 1977.	Hon. Johnnie Arolfo, mayor, city of League City, 300 West Walker, League City, Tex. 77523.	June 7, 1977..	485488 0001-0003B
Do	Brazoria	Quintana, village of.	Brazosport Facts, June 17 and 24, 1977.	Quintana Building Committee, Quintana Village Hall, Lamar St., Quintana, Tex. 77541.	June 10, 1977	481301-0001B
Virginia	Fairfax		The Fairfax Journal, July 7 and 14, 1977.	Mr. Leonard Whorton, county executive, 4100 Chain Bridge Rd., Fairfax, Va. 22030.	June 24, 1977	515525C
Wisconsin	Wood	Wisconsin Rapids, city of.	The Wisconsin Rapids Daily Tribune, July 21 and 22, 1977.	Hon. Donald F. Penza, mayor, city of Wisconsin Rapids, 61 4th Ave., North Wisconsin Rapids, Wis. 54494.	July 22, 1977.	555587B

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS, *Secretary*.

[FR Doc. 78-1628 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3255]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for City of Buffalo, Johnson County, Wyo.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Buffalo, Johnson County, Wyo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in

effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Buffalo, Wyo.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Buffalo, are available for review at City Hall, 46 North Main Street, Buffalo, Wyo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Buffalo, Wyoming.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Clear Creek .....	Burritt Ave. Bridge.	4636
	Main St. Bridge....	4629
	Footbridge.....	4627
	Lobran Ave. Bridge.	4623
	County Rd. No. 252 Bridge.	4581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1638 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3314]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for City of Burlington, Racine County, Wis.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Burlington, Racine County, Wis.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Burlington, Wis.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Burlington, are available for review at City Hall, 300 North Pine Street, Burlington, Wis.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Burlington, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Fox River .....	Chicago, Milwaukee, and St. Paul Railroad.	757
	Jefferson Street...	758
White River .....	Bridge Street (downstream side).	759
	Bridge Street (upstream side).	761
	Milwaukee Avenue.	763
	Milwaukee Avenue above Echo Lake Dam.	766

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1637 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3349]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for Town of South Hero, Grand Isle County, Vt.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of South Hero, Grand Isle County, Vt.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of South Hero, Grand Isle County, Vt.



ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of South Hero, are available for review at the Town Clerk's Office, South Hero, Vt. 05486.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of South Hero, Grand Isle County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Lake Champlain.....	Shoreline.....	102

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1636 filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3259]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for Town of Barre, Washington County, Vt.**

**ACTION:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Barre, Washington County, Vt.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Barre, Washington County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Barre, Washington County, Vermont, are available for review at Town Hall, Barre, Vt.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Barre, Washington County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Stevens Branch.....	South of City of Barre.	665
	Upstream of Snowbridge Rd.	728
	Southern Corporate Limits.	741
Jail Branch.....	East of City of Barre.	717
	Upstream of Waterman St. (Vermont Route 110).	1077

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1635 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3584]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for City of Bangor, Penobscot County, Maine**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Bangor, Penobscot County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Bangor, Penobscot County, Maine.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for City of Bangor are available for review at Planning Office, City Hall, 73 Harlow Street, Bangor, Maine 04401.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Bangor, Penobscot County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Penobscot River ....	At the downstream face of State Route 1A.	17	
	At the downstream face of Main Central Rd.	18	
	120 ft downstream of Bangor water works dam.	20	
	At the upstream face of Bangor water works dam.	30	
	Kenduskeag Stream.	At the downstream face of Central St.	17
		At the downstream face of Harlow St.	18
		0.4 mi upstream from Harlow St.	21
		At the downstream face of Valley Ave.	32
		At the downstream face of Interstate 95.	39
	At the downstream face of Griffin Rd.	60	
At the downstream face of State Route 15.	83		

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Great Brook.....	890 ft upstream from State Route 15.	87	
Osgood Brook .....	At the upstream face of Finson Rd.	84	
	210 ft upstream from Finson Rd.	88	
Tributary No. 2, approximately 4,100 ft upstream from Bangor water works dam on Penobscot River.	At the upstream face of Ohio St.	120	
	1,055 ft upstream from U.S. Route 2.	30	
	At the downstream face of Mount Hope Ave.	43	
	At the downstream face of Hogan Rd.	60	
	At the downstream face of Sylvan Rd.	76	
	At the downstream face of Stillwater Ave.	97	
	At the downstream face of bicycle path.	109	
	Tributary No. 3, approximately 370 ft upstream from the confluence of tributary No. 2 with Penobscot River.	530 ft upstream from the confluence with tributary No. 2.	34
	At the downstream face of Cemetery Rd.	48	
	At the downstream face of twin 48 inch culvert.	52	
At the downstream face of Mount Hope Ave.	54		
At the downstream face of 48 inch culvert.	57		
At the downstream face of earthen dam.	63		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-1634 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-2839]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for Town of Columbine Valley, Arapahoe County, Colo.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Columbine Valley, Arapahoe County, Colo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Columbine Valley, Colo.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Columbine Valley, are available for review at Columbine Country Club, 17 Fairway Lane, Littleton, Colo.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Columbine Valley, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Platte River.	West Bowles Ave..	5,322
	Dutch Creek .....	5,330
	South Jefferson County drainage (north).	5,342
Dutch Creek .....	Cart Bridge (by corporate limits).	5,334
Cart Bridge .....	Cart Bridge (2,000 ft above South Platte).	5,346
	Fairway Lane.....	5,360
	Platte Canyon Rd	5,373

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 7, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1630 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3535]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Cromwell, Middlesex County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Cromwell, Middlesex, Conn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Cromwell, Middlesex, Conn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Cromwell are available for review at Town Clerk's Office, Town Hall, 5 West Street, Cromwell, Conn. 06416.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Cromwell, Middlesex, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	At confluence with Mattabassett River.	23
	2 mi upstream from confluence with Mattabassett River.	24
	3.5 mi upstream from confluence with Mattabassett River.	25
	At the Portland-Glastonbury boundary on east bank.	26
Mattabassett River.	1.4 mi upstream from confluence with Connecticut River.	23
	Upstream of State Route 72 (1st crossing).	24
	At State Route 72 (2d crossing).	25
	Upstream of abandoned bridge 0.25 mi downstream of Pasco Hill Rd.	31
	Downstream of Pasco Hill Rd.	32
Cromwell Creek.....	Culvert at swamp, 1,000 ft upstream of Route 9.	25

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	South St. culvert..	26
	Downstream from West St. culvert.	28
	West St. culvert, 950 ft	40
	downstream from New Lane Bridge.	54
	Downstream from New Lane Bridge.	67
Chestnut Brook.....	Downstream of State Route 9 culvert.	23
	800 ft upstream from State Route 9 culvert.	42
	1,105 ft upstream from State Route 9 culvert.	50
	Hicksville Rd .....	71
	Downstream from pond, 900 ft above Hicksville Rd.	76
	Upstream of pond, 900 ft above Hicksville Rd.	93
	50 ft downstream from West St. culvert.	98
	Upstream of West St. culvert.	107
Shunpike Creek ....	Downstream of Shunpike Rd. culvert.	23
	Downstream of State Route 9 ramp D culvert.	26
	Upstream of State Route 9 ramp D culvert.	30
	370 ft upstream from State Route 9 ramp D culvert.	31
	Upstream of State Route 9 west bound culvert.	43
	Downstream of Evergreen Rd.	71
Willow Brook.....	Upstream of East View Dr.	26
	790 ft upstream from East View Dr. culvert.	31
Coles Rd. Brook ....	Downstream of State Route 72 bridge.	24
	Upstream of State Route 72 bridge.	26
	Downstream of Christian Hill Road Bridge.	27
	Downstream of North Rd.	59

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1631 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3534]

## PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

## Final Flood Elevation Determination for City of Norwich, New London County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the city of Norwich, New London County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Norwich, New London County, Conn.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Norwich, are available for review at the Planning Office, City Hall, Room 304, 96 Broadway, Norwich, Conn.

## FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Norwich, New London County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum	Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Thames River .....	800 ft downstream of confluence of Trading Cove Brook.	11	Tributary F (1,100 ft north of the confluence of the Thames River and Trading Cove Brook).	750 ft upstream of confluence with Thames River.	12
	At confluence of Yantic and Shetucket River.	11		At West Thames St. (State Highway 32.	24
Trading Cove Brook.	160 ft downstream of West Thames St. (State Highway 32 Bridge).	11	Shetucket River .....	At Albert St .....	46
	105 ft upstream of West Thames St.	26		At Water St .....	11
	370 ft downstream of Connecticut Turnpike.	33		At Main St. (State Highway 2).	18
	210 ft upstream of the confluence of Goldmine Brook.	71		At 8th St. ....	30
Great Plain Brook	At confluence with Trading Cove Brook.	29		105 ft upstream of Greenville Dam.	37
	420 ft upstream of the confluence with Trading Cove Brook.	38		100 ft downstream of Taftville Dam.	46
	105 ft upstream of dam located 750 ft downstream of Village Court.	73		265 ft upstream of Taftville Dam.	61
	At downstream end of culvert at Melrose Park Rd.	85		265 ft upstream of Occum Dam.	76
	1,050 ft upstream of Melrose Park Rd. (westbound lane).	86	Spaulding Pond Brook.	2,110 ft upstream of confluence with Byron Brook.	83
	3,030 ft upstream of Melrose Park Rd. (westbound lane).	90		100 ft upstream of Main St.	20
Ford Brook .....	At confluence with Trading Cove Brook.	29		160 ft upstream of Willow St.	31
	1,800 ft upstream of confluence with Trading Cove Brook.	45		55 ft upstream of Chestnut Ave.	41
	850 ft downstream of Salem Turnpike Rd.	58		290 ft upstream of Chestnut Ave.	52
	1,100 ft upstream of Salem Turnpike Rd.	60		At Lake St. ....	76
	900 ft upstream of Old Salem Rd.	65		240 ft downstream of Broad St.	82
	265 ft downstream of New London Turnpike Rd.	68		At Broad St. ....	102
	At New London Turnpike Rd.	82		590 ft upstream of Broad St.	126
	At Newton St. ....	100		635 ft upstream of East Baltic Ave.	133
Goldmine Brook....	At confluence with Trading Cove Brook.	69		135 ft upstream of Mohegan Rd. No. 2.	157
	155 feet upstream of Salem Turnpike Road.	78		At dam upstream of Mohegan Rd. No. 2.	168
			Tributary D (3,700 ft south of the confluence of Shetucket River and Hunter Brook).	At confluence with Shetucket River.	38
				265 ft upstream of confluence with Shetucket River.	45
				At State Highway No. 12.	84
				525 ft upstream of State Highway No. 12.	92
				At Saint Regis Ave.	94
			Hunter Brook .....	At confluence with Shetucket River.	41
				At dam 850 ft upstream of Boswell Ave.	45
				1,900 ft upstream of Boswell Ave.	66
				2,300 ft upstream of Boswell Ave.	71
			Tributary C (580 ft downstream of confluence of Shetucket River and Little River).	State Highway No. 97.	66

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Tributary B (confluent to Bobbin Mill Brook at Town St.).	At confluence with Yantic River.	88
	At East Town St...	105
	1,135 ft upstream of East Town St.	143
	At Mediterranean Lane.	156
Norwichtown Brook.	80 ft above Mediterranean Lane.	160
	At confluence with Yantic River.	90
Yantic River .....	600 ft downstream of Norwich Falls Dam.	96
	210 ft upstream of Mill Dam No. 2.	15
	New London Turnpike.	79
	530 ft upstream of Yantic Mill Dam.	89
Bobbin Mill Brook	1,690 ft upstream of Willimatic Road Bridge.	103
	At confluence with Yantic River.	120
	1,270 ft upstream of confluence with Yantic River.	88
	120 ft downstream of Scotland Rd. At Scotland Rd. Culvert.	89
		118
		127

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-1632 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-31821]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ketchum, Blaine County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ketchum, Blaine County, Idaho. These

base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Ketchum, Idaho.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ketchum, are available for review at City Hall, 407 North Main Street, Ketchum, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Ketchum, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat., 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Warm Springs Creek.	Ski Lift Bridge.....	5834
	Lewis Drive Bridge.	5857
Big Wood River.....	Road Bridge to Warm Springs.	5812
Trall Creek.....	Route 93 (Main Avenue).	5799

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 13, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-1633 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Town of Federalsburg, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the Town of Federalsburg, Md. It has been determined by FIA, after acquiring additional flood information and after further technical review of the flood insurance rate map for the Town of Federalsburg, Md., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker

who sold the policy, or from the national flood insurance program (NFIP) at P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620. The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 240013A Panel 01, published on June 29, 1977, in 42 FR 33215, indicates that a 14.117 acre tract of land in Federsburg, Md., along East Central Avenue, being parcels A, B, and C in the William S. Routzahn Tract as shown on the Topo Survey by Frank J. Colt and Associates, revised October 10, 1976, as recorded in Liber 174, Folio 556 of Deeds, in the Office of Land Records of Caroline County, Md., is within the special flood hazard area.

Map No. H & I 240013A Panel 01 is hereby corrected to reflect that a portion of the above property, which can be described as follows:

Commencing at a point located on East Central Avenue being the southeast corner of the property and the point of beginning as identified on the Topo Survey, Parcels A, B, and C, William S. Routzahn Tract by Frank J. Colt and Associates, revised October 10, 1976; thence S. 80°53'00" W., approximately 210 feet to a point; thence N. 08°30'00" W., approximately 147.67 feet to a point; thence S. 80°24'00" W., approximately 105 feet to a point; thence N. 11°12'00" W., approximately 279.76 feet to a point; thence N. 05°20'30" W., approximately 708 feet to a point; thence N. 44°09'30" E., approximately 80 feet to a point; thence N. 31°39'30" E., approximately 105 feet to a point; thence N. 56°39'30" E., approximately 30 feet to a point; thence S. 70°50'30" E., approximately 25 feet to a point; thence S. 21°20'30" E., approximately 70 feet to a point; thence S. 32°29'30" W., approximately 132 feet to a point; thence S. 16°30'30" E., approximately 25 feet to a point; thence S. 48°30'30" E., approximately 85 feet to a point; thence S. 56°30'30" E., approximately 48 feet to a point; thence S. 68°00'30" E., approximately 43 feet to a point; thence S. 83°00'30" E., approximately 174 feet to a point; thence S. 62°30'30" E., approximately 63 feet to a point; thence S. 30°30'30" E., approximately 58 feet to a point; thence S. 68°30'30" E., approximately 63 feet to a point; thence S. 48°00'30" E., approximately 87 feet to a point; thence S. 82°27'00" W., approximately 55 feet to a point; thence S. 09°51'30" E., approximately 490.99 feet to a point; thence S. 78°17'00" W., approximately 196.26 feet to a point; thence S. 80°36'30" W., approximately 66.43 feet to a point; thence S. 09°35'00" E., approximately 209.82 feet to a point of beginning,

is not within the special flood hazard area identified on March 15, 1977. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1642 Filed 1-23-78; 8:45 am]

#### [4210-01]

[Docket No. FI-71-6361]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for City of Elizabeth, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying special flood hazard areas. This list included the City of Elizabeth, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the flood insurance rate map for the city of Elizabeth, N.J., that certain property is not within the special flood hazard area. This map amendment, by establishing that the subject property is not within the special flood hazard area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 24, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the national flood insurance program (NFIP) at P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 345523C Panel 01, published on June 29, 1977, in 42 FR 33222, indicates that Lots No. 13-1338 and No. 13-1339, located at 145 and 153 Stiles Street, respectively, Elizabeth, N.J., as shown on the Elizabeth tax map, are within the special flood hazard area. This property is recorded as

147 Stiles Street and 151-157 Stiles Street in Book 2554, Page 254, and Book 2789, Page 881, respectively, in the office of the Clerk of Union County, N.J.

Map No. H&I 345523C Panel 01 is hereby corrected to reflect that the existing structures on the above property are in Zone C and are not within the special Flood Hazard Area identified on May 8, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1643 Filed 1-23-78; 8:45 am]

#### [4210-01]

[Docket No. FI-2134]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Township of Wayne, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Township of Wayne, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Wayne, N.J., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 24, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender

now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 345327A Panel 13, published on June 29, 1977, in 42 FR 33224, indicates that Lot 15, Block 153-A, at 33 Newton Road, Wayne, N.J., as shown on the Township Tax Assessor's Map, is within the Special Flood Hazard Area. This property is recorded in Book C93, Pages 112 and 113, in the office of the Clerk of Bergen County, N.J.

Map No. H&I 345327A Panel 13 is hereby corrected to reflect the existing structure on the above property is in Zone B and is not within the Special Flood Hazard Area identified on November 19, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1644 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

**PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION**

Letter of Map Amendment for Town of Barrington, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Town of Barrington, R.I. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Barrington, R.I., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area,

removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 445392B Panel 02, published on June 29, 1977, in 42 FR 33231, indicates that Lot 3, Section A, Dessel Plat, also known as 5 Tall Pines Drive, Barrington, R.I., as recorded in Deed Book 122, Page 457, in the Town Clerk's Office, Barrington, R.I., is within the Special Flood Hazard Area.

Map No. H & I 445392B Panel 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 15, 1970. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1645 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

**PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION**

Letter of Map Amendment for City of Providence, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Providence, Rhode Island. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Providence, R.I. that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), at: P.O. Box 34294, Bethesda, Md. 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 445406D Panel 04, published on June 29, 1977, in 42 FR 33231, indicates that Parcel 1-A Mohassuck Square Arcade Garage, being 530 North Main Street, Providence, R. I., as recorded in Plat Book 42, Page 35, in the Office of the Re-

border of Deeds, Providence County, R.I., is located within the Special Flood Hazard Area.

Map No. H & I 445406D Panel 04 is hereby corrected to reflect that the above property, with the exception of a portion which can be described as follows:

Beginning at the intersection of the northeast right-of-way line of Charles Street and the southwest right-of-way line of Stevens Street; thence S 78°15' E, approximately 51.5 feet to a point; thence S 19°15' E, approximately 109 feet to a point; thence N 88°15' W, approximately 60 feet to a point; thence N 36°45' W, approximately 19 feet to a point; thence N 17°00' W, approximately 22.5 feet to a point; thence N 7°45' W, approximately 75.5 feet to a point, being the point of beginning.

is not within the Special Flood Hazard Area identified on April 16, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-1646 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP  
CORRECTION

Letter of Map Amendment for the County of  
Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Harris, Tex., that certain property is not within the special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Richard W. Krimm, Assistant  
Administrator, Office of Flood In-

urance, 202-755-5581 or Toll Free  
Line 800-424-8872, Room 5270, 451  
Seventh Street SW., Washington,  
D.C. 20410.

SUPPLEMENTARY INFORMATION:

If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 480287B Panel 40, published on June 29, 1977 in 42 FR 33233, indicates that Tracts 1 and 2, being a portion of the William Jones Survey, Abstract Number 489, Harris County, Tex., recorded as Document Number D 796305 in the office of the Recorder of Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 40 is hereby corrected to reflect that a portion of Tract 1, which can be described as follows:

Beginning at a point on the south line of Tract 1, which is marked by a fence line, said point being S 88°15'11" W, approximately 800 feet from a fence corner post that marks the southeast corner of Tract 1; thence continuing S 88°15'11" W along the south line of this tract, approximately 110.61 feet to a half-inch iron rod set for the corner in the north line of a called 11.949 acre tract of land as acquired for right-of-way purposes for U.S. Highway 290 by the State of Texas according to Decree of Condemnation in Cause No. 126,651 (No. 587) styled the *State of Texas, et al., v. Wendell E. Phillips, et al.*, dated July 10, 1964, as recorded for record in Volume 5654, Page 459 of the Harris County Deed Records;

Thence northwesterly around the arc of a 3014.79 foot radius curve to the left, which is marked by a fence line, that represents this herein described 60.33649 acre tract's south line and also the north line of the aforesaid State of Texas called 11.949 acre tract, said curve having a central angle of 19°40'04" and a chord that bears N 77°39'14" W for 1029.80 feet or around the said curve for an arc length of 1034.88 feet to a ½-inch iron rod set for the end of this curve in the fence line;

Thence N 87°39'06" W continuing along this tract's south line, which is marked by a fence line, and the north line of the aforesaid U.S. Highway 290 right-of-way for 4.02 feet to another ½-inch iron rod found in the said fence line;

Thence northwesterly around the arc of a 520.87 foot radius curve to the right, which is marked by the same fence line and still representing this herein described tract's southerly line and the northerly line of the State of Texas called 11.949 acre tract, said

curve having a central angle of 73°45'50" and a chord that bears N 50°45'45" W for 625.22 feet or along the said curve arc for a distance of 670.58 feet to a ½-inch iron rod found located in the said fence line for end of this said curve;

Thence N 13°55'47" W along a westerly line of this tract and an easterly line of the U.S. Highway 290 right-of-way tract which is marked by the same fence line for 122.54 feet to a ½-inch iron rod found in the fence line;

Thence northwesterly around the arc of a 100.00 foot radius curve to the left and still continuing with the fence line that represents a southwesterly line of this 60.33649 acre tract; said curve having a central angle of 56°24'23" and a chord that bears N 41°54'43" W for 94.52 feet or along the said curve arc for a total length of 98.45 feet to another ½-inch iron rod found in the said fence line for end of this curve;

Thence N 69°53'58" W continuing with the said fence line that still represents a south line of this herein described tract and is also a northerly line of the State of Texas' U.S. Highway 290 right-of-way according to Volume 5654, Page 459 of the Harris County Deed Records for 83.15 feet to a ½-inch rod found for beginning of a curve;

Thence northwesterly around a 110.0 foot radius curve to the right that has a central angle of 67°01'39" and a chord that bears N 36°01'47" W for 121.47 feet or along the said curve arc for 128.68 feet to a ½-inch iron rod found for the most northerly southwest corner of this tract and is also the most northerly corner of the said State of Texas' called 11.949 acre right-of-way tract and same rod is located in the east right-of-way line of Huffmeister Road according to a 20.00 foot wide strip of land conveyed to Harris County, Tex., from H. L. Phillips on January 13, 1955, as recorded in Volume 2902, Page 701 of the Harris County Deed Records;

Thence N 02°39'06" W along the west line of this herein described 60.33649 acre tract, which is marked by a fence line, and same being the east line of Huffmeister Road, 80.00 feet wide for 225.40 feet to this tract's northwest corner;

Thence N 88°29'09" E along this tract's north line for 2623.05 feet to a point for northeast corner that is located in the east line of the called 142.69 acre tract, same being the east line of the said William Jones Survey and the west line of the said M. Wood Survey;

Thence S 01°40'06" E along this tract's east line which marked by a fence line and is also the common aforesaid survey line for 349.14 feet, thence S 42°30' W, approximately 1.145 feet to the place of beginning.

and Tract 2 of the above-mentioned property, are not within the Special Flood Hazard Area identified on July 30, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,  
Secretary.

[FR Doc. 78-1647 Filed 1-23-78; 8:45 am]



[4210-01]

[Docket No. FI-3012]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for County of Harris, Tex.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the County of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Harris, Tex., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** January 24, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 480287B Panels 78 and 84, published on June 29, 1977 in 42 FR 33233, indicate that Sections One, Two, Three, and Four, Westwood Center, Harris County, Tex., as recorded in Volume 221, Page 19; Volume 221, Page 26; Volume 243, Page 89; and Volume 226, Page 77, respectively, and Sundance, Harris County, as recorded in Volume 234, Page 108; in the Office of Map Records for Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H & I 480287B Panels 78 and 84 are hereby corrected to reflect that the above properties, with the exception of a portion in Sections Three and Four Westwood Center and Sundance, as measured approximately 100 feet from the centerline of Brays Bayou, are not within the Special Flood Hazard Area identified on July 30, 1976. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1648 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-71-17788]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for New Castle County, Del.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included New Castle County, Del. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for New Castle County, Del., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** January 24, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or Federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property

owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, Phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 105085A Panel 39, published on June 29, 1977, in 42 FR 33207, indicates that the Delaware Reclamation Project, New Castle County, Del., as recorded in Record Book K-84, Pages 711 through 718, in the office of the Recorder of New Castle County, Del., is within the Special Flood Hazard Area.

Map No. H&I 105085A Panel 39 is hereby corrected to reflect that all of the land of the Delaware Reclamation Project at an elevation higher than 9 feet mean sea level (msl) is within Zone B and Zone C, and is not within the Special Flood Hazard Area identified on December 7, 1971 and December 26, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1639 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for City of Savannah, Ga.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Savannah, Ga. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Savannah, Ga., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase

flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** January 24, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 135163 Panel 03, published on June 29, 1977, in 42 FR 33211, indicates that Lot 2, John G. Butler Co. Tract, DeWitt Ward, Savannah, Chatham County, Ga., as recorded in Record Book 105-C, Folio 233, in the office of the Clerk of Chatham County, Ga., is within the Special Flood Hazard Area.

Map No. H&I 135163 Panel 03 is hereby corrected to reflect the above property is in Zone C and is not within the Special Flood Hazard Area identified on May 21, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968, as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1641 Filed 1-23-78; 8:45 am]

[4210-01]

[Docket No. FI-71-15866]

**PART 1920—PROCEDURE FOR MAP CORRECTION**

**Letter of Map Amendment for Fulton County, Ga.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Fulton County, Ga. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Fulton County, Ga., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** January 24, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP), at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 135160A Panel 10, published on June 29, 1977, in 42 FR 33211, indicates that part of Lot 94, Block C, Unit 4, Huntcliff, located at 120 River Landing, 17th District, Fulton County, Ga., as shown on a survey by A. W. Browning dated October 2, 1974, is within the Special Flood Hazard Area. This property is recorded in Deed Book 5148, Page 170, in the office of the Clerk of the Superior Court of Fulton County, Ga.

Map No. H&I 135180A Panel 10 is hereby corrected to reflect the existing structure on the above property is in Zone C and is not within the Special Flood Hazard Area identified on November 2, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,  
*Secretary.*

[FR Doc. 78-1640 Filed 1-23-78; 8:45 am]

[3810-70]

Title 32—National Defense

**CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE**

[DIA Reg. No. 12-12]

**PART 292a—PRIVACY ACT OF 1974**

Final Rule Amendment

**AGENCY:** Defense Intelligence Agency (DIA).

**ACTION:** Amended final rule.

**SUMMARY:** This rule amendment is intended to improve the clarity of existing exemption rules under the Privacy Act of 1974. The present rules are duplicative as to the specific exemption authority. The present general exemption rule, as written, is not applicable to any particular identifiable system of records. Certain deletions and changes will eliminate the obscurity.

**EFFECTIVE DATE:** This final rule was effective as of August 30, 1977. See supplementary information for more details.

**FOR FURTHER INFORMATION CONTACT:**

Mr. John B. Brock, Office of the General Counsel, Defense Intelligence Agency, Room 5C-323, The Pentagon, Washington, D.C. 20301.

**SUPPLEMENTARY INFORMATION:** In 42 FR 38604 of the FEDERAL REGISTER of July 29, 1977 (FR Doc. 77-21940), a proposed rule amendment to the Defense Intelligence Agency (DIA) Privacy Act rules was published to clarify the exemption rules. No comments were received. Through administrative oversight, the final rule was inadvertently not published and adopted by DIA. This action rectifies the situation by republishing again the proposed rule amendment as a final rule amendment. Therefore the amendment is effective as of August 30, 1977.

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

JANUARY 17, 1978.

Section 292a.22 and § 292a.23 is revised to read as follows:

## § 292a.22 General information.

(a) The Director, Defense Intelligence Agency designates the following systems of records listed in § 292a.23 which are maintained by the DIA for exemptions under the specified provisions of the Privacy Act of 1974 (Pub. L. 93-579).

(b) All systems of records maintained by the DIA will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," 8 March 1972 (37 FR 10053, 19 May 1972), and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain isolated items of information which have been properly classified.

## § 292a.23 Specific exemptions.

(a) ID: L DIA 0271.

(1) *System name:* Investigations.

(2) *Exemption:* This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) *Authority:* 5 U.S.C. 552a(k)(2).

(4) *Reasons:* Granting individuals access to information collected and maintained by this Component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction, or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation. The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. The files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense.

(b) ID: L DIA 0272.

(1) *System name:* Complaints.

(2) *Exemption:* This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) *Authority:* 5 U.S.C. 552a(k)(2).

(4) *Reasons:* Granting individuals access to information collected and maintained by this Component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffective investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation. The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. The files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense.

[FR Doc. 78-1957 Filed 1-23-78; 8:45 am]

## [3710-92]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS,  
DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Los Angeles and Long Beach Harbors, Calif.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This rule revokes regulations which establish naval restricted areas in Los Angeles and Long Beach Harbors, Calif. The Commanding Officer, Naval Support Activity, Long Beach, Calif., has advised that the restricted areas are no longer needed.

EFFECTIVE DATE: January 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard, 202-693-5070, or write Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attn.: DAEN-CWO-N.

**SUPPLEMENTARY INFORMATION:** Regulations were established by the Secretary of the Army under 33 CFR Part 207.616 governing the use, administration, and navigation of two areas designated as naval restricted areas in Los Angeles and Long Beach Harbors, Calif. The restricted areas are no longer needed by the Naval Support Activity, Long Beach, Calif., and accordingly, are hereby revoked as set forth below:

The Department of the Army has determined that publication of this revocation in the proposed rulemaking section of the FEDERAL REGISTER is unnecessary since this will result in the removal of a restriction on a waterway.

§ 207.616 [Revoked]

(40 Stat. 266; 33 U.S.C. 1.)

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

Dated: January 6, 1978.

CHARLES R. FORD,  
Acting Assistant Secretary  
of the Army (Civil Works).

[FR Doc. 78-1986 Filed 1-23-78; 8:45 am]

## [6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION  
AGENCY

SUBCHAPTER C—AIR PROGRAMS  
[FRL 846-4]

PART 52—APPROVAL AND PROMULGATION  
OF IMPLEMENTATION PLANS

California Plan Revision: Malfunction  
Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to disapprove the malfunction rules and regulations of twenty-seven Air Pollution Control Districts (APCDs) in California. These regulations were submitted by the Governor's designee for inclusion in the California State Implementation Plan (SIP). The intended effect of this action is to correct deficiencies in the SIP.

EFFECTIVE DATE: February 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn Davis, Acting Director, Air and Hazardous Materials Division, Envi-

ronmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: David R. Souten, 415-556-7288.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions. It is the purpose of this notice to take final disapproval action on the following APCD rules and regulations concerning malfunction:

1. Amador County APCD Rule 404, Upset Conditions and Breakdown submitted on April 21, 1976. EPA proposed to take action on this rule on May 31, 1977 (42 FR 27616);
2. Bay Area APCD Regulation 2, Section 3212, Upset Conditions, Breakdown or Scheduled Maintenance and Regulation 3, Section 3203, Upset Conditions, Breakdown or Scheduled Maintenance submitted on April 21, 1976. EPA proposed to take action on these rules on September 7, 1977 (42 FR 44822);
3. Del Norte County APCD Rule 540, Equipment Breakdown submitted on November 10, 1976. EPA proposed to take action on this rule on June 14, 1977 (42 FR 30394);
4. Fresno County APCD Rule 110, Equipment Shutdown, Startup and Breakdown submitted on June 30, 1972 and previously approved under 40 CFR 52.223 (37 FR 19812). EPA proposed to disapprove this rule on November 1, 1976 (41 FR 47950);
5. Glenn County APCD Rules 95.2, Maintenance of Equipment and 95.3, Malfunction of Equipment submitted on January 10, 1975. EPA proposed to take action on these rules on September 16, 1977 (42 FR 46557);
6. Great Basin Unified APCD Rule 403, Upset/Breakdown submitted on June 6, 1977. EPA proposed to take action on this rule on September 7, 1977 (42 FR 44821);
7. Humboldt County APCD Rule 540, Equipment Breakdown submitted on November 10, 1976. EPA proposed to take action on this rule on June 14, 1977 (42 FR 30395);
8. Kern County APCD Rule 111, Equipment Shutdown, Startup and Breakdown submitted on July 19, 1974. EPA proposed to disapprove this rule on November 1, 1976 (41 FR 47950);
9. Kings County APCD Rule 111, Shutdown, Startup and Breakdown submitted on July 25, 1973 and Rule 111, Shutdown, Startup and Breakdown submitted on June 30, 1972 and previously approved under 40 CFR 52.223 (37 FR 19812). EPA proposed to disapprove these rules on November 23, 1976 (41 FR 51619);
10. Lake County APCD Section 1, Maintenance and Section 2, Malfunction of Equipment of Part VI, Maintenance, Malfunction, Evasion and Inspection submitted on June 30, 1972 and previously approved under 40 CFR 52.223 (37 FR 19812). EPA proposed to disapprove these rules on November 1, 1976 (41 FR 47951);
11. Lake County APCD Rules 500 (Not Titled), 510 (Not Titled) and 511 (Not Titled) submitted on February 10, 1977. EPA proposed to take action on these rules on May 31, 1977 (42 FR 27616);
12. Madera County APCD Rule 402(f), Exceptions submitted on January 10, 1975, and Rule 110, Equipment Shutdown, Startup and Breakdown submitted on June 30, 1972

and previously approved under 40 CFR 52.223 (37 FR 19812). EPA proposed to disapprove these rules on November 23, 1976 (41 FR 51620);

13. Mariposa County APCD Rule 203(j), Exceptions submitted on January 10, 1975 and Rule 4.3(g), Exceptions submitted on February 21, 1972 and previously approved under 40 CFR 52.223 (37 FR 10842). EPA proposed to disapprove these rules on November 1, 1976 (41 FR 17952);

14. Mendocino County APCD Rule 540, Equipment Breakdown submitted on November 10, 1976. EPA proposed to take action on this rule on June 14, 1977 (42 FR 30396);

15. Merced County APCD Rule 109, Equipment Shutdown, Startup and Breakdown submitted on August 2, 1976. EPA proposed to take action on this rule on June 14, 1977 (42 FR 30396);

16. Northern Sonoma County APCD Rule 540, Equipment Breakdown submitted on November 10, 1976. EPA proposed to take action on this rule on June 14, 1977 (42 FR 30397);

17. Plumas County APCD Rule 203(j), Exceptions submitted on January 10, 1975. EPA proposed to take action on this rule on May 26, 1977 (42 FR 27000);

18. San Luis Obispo County APCD Rule 107, Breakdown or Upset Conditions and Emergency Variances submitted on November 10, 1976. EPA proposed to take action on this rule on June 22, 1977 (42 FR 31609);

19. Shasta County APCD Rule 3:10, Breakdown or Malfunction submitted on July 19, 1974. EPA proposed to disapprove this rule on November 1, 1976 (41 FR 47954);

20. San Bernardino County APCD Rule 430, Breakdown Provisions submitted on June 6, 1977. EPA proposed to take action on this rule on September 16, 1977 (42 FR 46554);

21. Los Angeles County APCD Rule 430, Breakdown Provisions submitted on June 6, 1977. EPA proposed to take action on this rule on September 16, 1977 (42 FR 46554);

22. Riverside County APCD Rule 430, Breakdown Provisions submitted on June 6, 1977. EPA proposed to take action on this rule on September 16, 1977 (42 FR 46554);

23. Southern California APCD Rule 430, Breakdown Provisions submitted on February 10, 1977. EPA proposed to take action on this rule on May 26, 1977 (42 FR 27000);

24. Tehama County APCD Rule 4:17, Upset or Breakdown Conditions submitted on July 19, 1974. EPA proposed to take action on this rule on September 16, 1977 (42 FR 46557);

25. Tulare County APCD Rules 111, Equipment Shutdown, Startup and Breakdown and 402(f), Exceptions submitted on November 10, 1976. EPA proposed to take action on these rules on June 14, 1977 (42 FR 30399);

26. Tuolumne County APCD Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance submitted on February 10, 1977. EPA proposed to take action on this rule on May 31, 1977 (42 FR 27618);

27. Tuolumne County APCD Rule 402(F), Exceptions submitted on June 30, 1972 and previously approved under 40 CFR 52.223 (37 FR 19812). EPA proposed to disapprove this rule on November 1, 1976 (41 FR 47956);

28. Trinity County APCD Rule 540, Equipment Breakdown submitted on November 10, 1976. EPA proposed to take action on this rule on June 14, 1977 (42 FR 30398);

29. Ventura County APCD Rule 32, Upset Conditions, Breakdown or Scheduled Maintenance submitted on July 19, 1974. EPA proposed to take action on this rule on April 29, 1977 (42 FR 21819).

The proposed rulemaking notices provided for a 30 day comment period. Comments were received from the following APCDs: Bay Area; Kern County; Kings County; Stanislaus County; Tulare County and from the South Coast Air Quality Management District (formerly the Southern California APCD). No other comments were received.

Four of the APCDs stated that they were working to revise their malfunction rules to correct deficiencies. EPA has not received any such modifications.

One APCD disagreed that the proposed rule is deficient, stating their rule revision provided adequate measures to prevent abuse of exemption provisions. Another APCD expressed confusion as to EPA's policy regarding Malfunction. EPA's policy as stated in the April 27, 1977 FEDERAL REGISTER (42 FR 21472) is that while it might be appropriate to refrain from enforcing where a malfunction is truly beyond the control of a source, any malfunction provision which allows a regulatory exemption is unacceptable.

EPA is disapproving the APCD malfunction rules previously identified because these rules would permit sources to be exempted from applicable emission limitations. These rules do not satisfy the enforcement imperatives of Section 110 of the Clean Air Act because they render emission limitations potentially unenforceable.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110 and 301(a), Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).)

Dated: January 17, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**Subpart F—California**

1. Section 52.220, is amended by adding paragraphs (c)(21)(ix)(B), (c)(24)(v)(B), (c)(24)(vi)(B), (c)(24)(vii)(B), (c)(24)(x)(B), (c)(26)(iv)(B), (c)(26)(viii)(B), (c)(26)(xiii)(B), (c)(26)(xvi)(A), (c)(31)(xvi)(A), (c)(31)(xvi)(B), (c)(31)(xviii)(A), (c)(32)(iii)(B), (c)(35)(vi)(B), (c)(35)(ix)(A), (c)(35)(xii)(B), (c)(35)(xiv)(A), (c)(35)(xv)(A), (c)(35)(xvi)(A), (c)(35)(xvii)(A), (c)(37)(i)(B), (c)(37)(iv)(A), (c)(37)(v)(A), (c)(39)(i)(A), (c)(39)(ii)(A), (c)(39)(iii)(A), and (c)(39)(iv)(A) as follows:

52.220 Identification of plan.

- (c) \* \* \*
  - (21) \* \* \*
  - (ix) \* \* \*
  - (B) Rule 111.
  - (24) \* \* \*
  - (v) \* \* \*
  - (B) Rule 4:17.
  - (vi) \* \* \*
  - (B) Rule 3:10.
  - (vii) \* \* \*
  - (B) Rule 111.
  - (x) \* \* \*
  - (B) Rule 32.
  - (26) \* \* \*
  - (iv) \* \* \*
  - (B) Rules 95.2 and 95.3.
  - (viii) \* \* \*
  - (B) Rule 203(j).
  - (xiii) \* \* \*
  - (B) Rule 402(f).
  - (xvi) Plumas County APCD.
  - (A) Rule 203(j).
  - (31) \* \* \*
  - (xvi) Bay Area APCD.
  - (A) Regulation 2, section 3212.
  - (B) Regulation 3, section 3203.
  - (xviii) Amador County APCD.
  - (A) Rule 404.
  - (32) \* \* \*
  - (iii) \* \* \*
  - (B) Rule 109.
  - (35) \* \* \*
  - (vi) \* \* \*
  - (B) Rules 111 and 402(f).
  - (ix) Del Norte County APCD.
  - (A) Rule 540.
  - (xii) San Luis Obispo County APCD.
  - (B) Rule 107.
  - (xiv) Humboldt County APCD.
  - (A) Rule 540.
  - (xv) Mendocino County APCD.
  - (A) Rule 540.
  - (xvi) Northern Sonoma County APCD.
  - (A) Rule 540.
  - (xvii) Trinity County APCD.
  - (A) Rule 540.
  - (37) Revised regulations for the following APCDs submitted on February 10, 1977, by the Governor's designee.
    - (i) Southern California APCD.
    - (B) Rule 430.
    - (iv) Lake County APCD.
    - (A) Rules 500, 510, and 511.
    - (v) Tuolumne County APCD.
    - (A) Rule 404.
  - (39) Revised regulations for the following APCDs submitted on June 6, 1977, by the Governor's designee.
    - (i) Great Basin Unified APCD.
    - (A) Rule 403.
    - (ii) San Bernardino County APCD.
    - (A) Rule 430.
    - (iii) Los Angeles County APCD.
    - (A) Rule 430.
2. Section 52.271 is added to read as follows:
- § 52.271 Malfunction regulations.
- (a) The following regulations are disapproved because they would permit the exemption of sources from the applicable emission limitations and therefore do not satisfy the enforcement imperatives of section 110 of the Clean Air Act.
- (1) North Coast Intrastate AQCR:
    - (i) Del Norte County APCD.
    - (A) Rule 540, submitted on November 10, 1976, is disapproved.
    - (ii) Humboldt County APCD.
    - (A) Rule 540, submitted on November 10, 1976, is disapproved.
    - (iii) Lake County APCD.
    - (A) Chapter III, article I, section 500, and article II, sections 510 and 511, submitted on February 10, 1977, are disapproved; and part VI, sections 1 and 2, submitted on June 30, 1972, and previously approved under 40 CFR 52.223, are disapproved.
    - (iv) Mendocino County APCD.
    - (A) Rule 540, submitted on November 10, 1976, is disapproved.
    - (v) Trinity County APCD.
    - (A) Rule 540, submitted on November 10, 1976, is disapproved.
  - (2) Sacramento Valley Intrastate AQCR:
    - (i) Glenn County APCD.
    - (A) Rules 95.2 and 95.3, submitted on January 10, 1975, are disapproved.
    - (ii) Plumas County APCD.
    - (A) Rule 203(j), submitted on January 10, 1975, is disapproved.
  - (iii) Shasta County APCD.
    - (A) Rule 3:10, submitted on July 19, 1974, is disapproved.
    - (iv) Tehama County APCD.
    - (A) Rule 4:17, submitted on July 19, 1974, is disapproved.
    - (3) San Francisco Bay Area Intrastate AQCR:
      - (i) Bay Area APCD.
      - (A) Regulation 2, section 3212, and regulation 3, section 3203, submitted on April 21, 1976, are disapproved.
      - (ii) Northern Sonoma County APCD.
      - (A) Rule 540, submitted on November 10, 1976, is disapproved.
      - (4) San Joaquin Valley Intrastate AQCR:
        - (i) Amador County APCD.
        - (A) Rule 404, submitted on April 21, 1976, is disapproved.
        - (ii) Fresno County APCD.
        - (A) Rule 110, submitted on June 30, 1972 and previously approved under 40 CFR 52.223, is disapproved.
        - (iii) Kern County APCD.
        - (A) Rule 111, submitted on July 19, 1974, is disapproved.
        - (iv) Kings County APCD.
        - (A) Rule 111, submitted on July 25, 1973, and rule 111, submitted on July 30, 1972, and previously approved under 40 CFR 52.223, are disapproved.
        - (v) Madera County APCD.
        - (A) Rule 402(f), submitted on January 10, 1975, and rule 110, submitted on June 30, 1972, and previously approved under 40 CFR 52.223, are disapproved.
        - (vi) Mariposa County APCD.
        - (A) Rule 203(j), submitted on January 10, 1975, and rule 4.3(g), submitted on February 21, 1972, and previously approved under 40 CFR 52.223, are disapproved.
        - (vii) Merced County APCD.
        - (A) Rule 109, submitted on August 2, 1976, is disapproved.
        - (viii) Tulare County APCD.
        - (A) Rules 111 and 402(f), submitted on November 10, 1976, are disapproved.
        - (ix) Tuolumne County APCD.
        - (A) Rule 404, submitted on February 10, 1977, and rule 402(f), submitted on June 30, 1972, and previously approved under 40 CFR 52.223, are disapproved.
      - (5) Great Basin Valleys Intrastate AQCR:
        - (i) Great Basin Unified APCD.
        - (A) Rule 403, submitted on June 6, 1977, is disapproved.
        - (6) South Central Coast Intrastate AQCR:
          - (i) San Luis Obispo County APCD.
          - (A) Rule 107, submitted on November 10, 1976, is disapproved.
          - (7) Metropolitan Los Angeles Intrastate AQCR:
            - (i) Southern California APCD.
            - (A) Rule 430, submitted on February 10, 1977, is disapproved.
            - (ii) Ventura County APCD.
            - (A) Rule 32, submitted on July 19, 1974, is disapproved.

(8) Southeast Desert Intrastate AQCR:

(i) San Bernardino County APCD.  
(A) Rule 430, submitted on June 6, 1977, is disapproved.

(ii) Los Angeles County APCD.  
(A) Rule 430, submitted on June 6, 1977, is disapproved.

(iii) Riverside County APCD.  
(A) Rule 430, submitted on June 6, 1977, is disapproved.

[FR Doc. 78-1927 Filed 1-23-78; 8:45 am]

[6560-01]

[FRL 6560.01]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

**Air Pollution Control State Statutes, State of Nevada**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: It is the purpose of this action to approve amendments to the Nevada Revised Statutes (NRS) submitted to EPA by the governor on September 10, 1975 as revisions to the Air Quality Implementation Plan for the State of Nevada. The amendments pertain to motor vehicle inspection and testing, public availability of emission data, stack testing and other miscellaneous items. Action was proposed in the FEDERAL REGISTER on May 20, 1977.

EFFECTIVE DATE: February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division; Attention Morris I. Goldberg, Air Programs Branch, EPA Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-7473.

SUPPLEMENTARY INFORMATION:

**BACKGROUND**

On September 10, 1975 the governor of Nevada submitted legislative amendments to EPA as revisions to the State implementation plan (SIP). On May 20, 1977 (42 FR 25878) EPA proposed approval, with exceptions, of the items submitted in five plan revisions including the September 10, 1975 revision. At this time final action is being taken on only the legislative revisions submitted on September 10, 1975 which were proposed for approval on May 20, 1977. The other revisions proposed for approval/disapproval on May 20, 1977 will be the subject of a separate FEDERAL REGISTER document.

The proposed rulemaking notice provided for a 30-day public comment

period. Copies of the statutes proposed for approval and disapproval, the EPA evaluation report, and the proposed rulemaking notice were made available during the public comment period at Carson City, Reno, and Las Vegas, Nevada and at the EPA offices in San Francisco, California and Washington, D.C.

**DISCUSSION OF ACTION**

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP.

**DIFFERENCES FROM THE PROPOSED ACTIONS**

Final rulemaking on legislative revisions differs from that proposed on May 20, 1977 because of public comment and statutory revisions enacted by the 1977 State legislature.

One comment with respect to the statutory revisions of the "Power Plant Enforcement Moratorium" was received from the Southern California Edison Co. In response to the proposed disapproval of NRS 445.546(7), the company recommended that no action be taken since the moratorium expired on July 1, 1977. EPA concurs with the comment and is taking no action on the statute.

The other difference from the action proposed by EPA relates to the "Motor Vehicle Inspection and Testing Program Limitation." The Nevada legislature, in its 1975 session, adopted NRS 445.635 which limited the State authority on the inspection and testing of motor vehicle emissions to used vehicles upon their sale or transfer. This limitation of authority was not consistent with the approved control strategy portion of the SIP. The Nevada legislature, in its 1977 session, revised NRS 445.635 to provide the State with authority to inspect, test, and require emission control compliance of all used motor vehicles prior to their registration. The authority is being phased-in under the statute, with full authority in all applicable areas of the State, effective on July 1, 1979. EPA has been informed that the Governor will be submitting the revised statute as an SIP revision in the near future. Accordingly, no action is now being taken on the proposed disapproval of the 1975 version of NRS 445.635, pending receipt of the revised statute.

**APPROVALS, AND RESCISSIONS, AS PROPOSED.**

Final rulemaking on the September 10, 1975 plan revision is identical to that proposed on May 20, 1977 with the exception of those items discussed above. Approval is being promulgated for the following:

- a. NRS 169.125—Peace officer powers authorized,
- b. NRS 445.477—Source stack emission testing,
- c. NRS 445.481—Hearing board make-up,
- d. NRS 445.526—Actions on alleged violations,
- e. NRS 445.576—Confidential information,
- f. NRS 445.640—Prerequisite to motor vehicle registration,
- g. NRS 445.700—Motor vehicle emission control program fees,
- h. NRS 481.—(new statute)—Creation of motor vehicle emission control section, (Section 1 of 1975 Assembly Bill 326) and,
- i. NRS 482.640—Motor vehicle seller's requirements.

EPA is rescinding its disapproval of NRS 445.576, on confidential information (public availability of emission data), as proposed on May 20, 1977. The disapproval is at 40 CFR 52.1474(a).

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 1857c-5, 1857g(a), respectively).)

Dated: January 18, 1978.

DOUGLAS M. COSTLE,  
*Administrator.*

Subpart DD of Part 52 of Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

**Subpart DD—Nevada**

1. In § 52.1470, paragraph (c) is amended by the addition of subparagraph (10) as follows:

§ 52.1470 Identification of plan.

(c) \* \* \*

(10) Amendments to the Nevada Revised Statutes (NRS) (1975 Legislative Session) on motor vehicle inspection and testing (NRS 445.640, 445.700, 482.640 and 169.125), public availability of emission data (NRS 445.576), organization (NRS 445.481 and 481.—). (Section 1 of 1975 Assembly Bill 326), stack testing (NRS 445.477), and alleged violations (NRS 445.526) submitted on September 10, 1975 by the Governor.

2. In § 52.1474, paragraph (a) is revoked as follows:

§ 52.1474 Legal authority.

(a) [Revoked]

[FR Doc. 78-2028 Filed 1-23-78; 8:45 am]

[6560-01]

[FRL 844-6]

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

California Plan Revision: Fresno County APCD

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

**SUMMARY:** The Environmental Protection Agency (EPA) takes final action to approve and disapprove changes to the Fresno County APCD portion of the California State Implementation Plan (SIP). The changes were submitted by the Governor's designee to update rules and regulations and to correct certain deficiencies in the SIP. The intended effect of this action is to ensure the attainment and maintenance of the National Ambient Air Quality Standards.

**EFFECTIVE DATE:** February 23, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Frank M. Covington, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco Calif. 94105; Attention David R. Souten, 415-556-7288.

**SUPPLEMENTARY INFORMATION:** On May 26, 1977, in 42 FR 26997, EPA published a notice of proposed rulemaking for revisions to the Fresno County Air Pollution Control District Rules and Regulations submitted on November 10, 1976, by the California Air Resources Board for inclusion in the California SIP.

The changes contained in the above mentioned submittal and being acted upon by this notice include the following: addition of metric limits to the emission limitation for disposal of solid and liquid wastes in incinerators and relaxation of the emission limitation for disposal of solid and liquid wastes for incinerators burning less than 100 pounds per hour; and combination of two existing limitations for fuel burning equipment into one regulation to which metric units have been added. A list of Rules considered by this action was published as part of the notice of proposed rulemaking and can be found in 42 FR 26997 (May 26, 1977).

Public comments on this proposed rulemaking have been received from the Fresno County APCD which stated that the emissions from small incinerators are insignificant and that the relaxed Rule 407 requires Reasonably Available Control Technology (RACT). However, insufficient data

have been supplied to demonstrate that the less stringent emission standard will not interfere with the attainment and maintenance of NAAQS.

It is the purpose of this notice to approve all changes contained in the November 10, 1976 submittal and incorporate them into the California SIP with the exception of the rule discussed below.

EPA is disapproving Rule 407, Disposal of Solid and Liquid Wastes. This rule provides less stringent controls for incinerators burning less than 100 pounds per hour. No data was submitted which adequately demonstrate that the new standard will not interfere with attainment/maintenance of NAAQS. Without a control strategy demonstration, EPA cannot approve this SIP revision (40 CFR 51.8, 51.13(e), and 51.14(c)).

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as State Implementation Plan revisions.

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a).)

Dated: January 18, 1978.

DOUGLAS M. COSTLE,  
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

1. Section 52.220, paragraph (c)(35)(vii) is added as follows:

§ 52.220 Identification of plan.

- \* \* \* \* \*
- (c) \* \* \*
- (35) \* \* \*
- (vii) Fresno County APCD.
- (A) Rules 407 and 408.
- \* \* \* \* \*

2. Section 52.226, paragraph (b)(4)(ii) is added as follows:

§ 52.226 Control strategy and regulations:  
Particulate matter, San Joaquin Valley  
Intrastate Region.

- \* \* \* \* \*
- (b) \* \* \*
- (4) \* \* \*
- (ii) Rule 407, Disposal of Solid or Liquid Wastes, submitted on November 10, 1976, is disapproved; and Rule 407.1, submitted on June 30, 1972 and

previously approved in 40 CFR 52.223 is retained.

[FR Doc. 78-2027 Filed 1-23-78; 8:45 am]

[4410-01]

Title 41—Public Contracts and Property Management

**CHAPTER 128—JUSTICE PROPERTY MANAGEMENT REGULATIONS**

**PART 128-48—UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY**

**PART 128-50—SEIZED PERSONAL PROPERTY**

AGENCY: U.S. Department of Justice, Office of Management and Finance.

ACTION: Final rule.

**SUMMARY:** This rule supplements and implements the policies contained in Part 101-48 of the Federal Property Management Regulations. It establishes the policies concerning the storage and care of seized personal property in the Department. The following regulations are being published to eliminate possible ambiguities resulting from the lack of clearly defined procedures.

**EFFECTIVE DATE:** January 6, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Robert L. Dennis, Director, Administrative Programs Management Staff, Office of Management and Finance, U.S. Department of Justice, Washington, D.C. 20530, 202-739-3217.

Part 128-48 is added to read as follows:

- Sec.
- 128-48.001 Definitions.
- 128-48.001-5 Forfeited property.
- 128-48.001-50 Administrative or summary process.
- Subpart 128-48.1—Utilization of Abandoned and Forfeited Personal Property
- 128-48.102-1 Vesting of title in the United States.
- 128-48.102-4 Proceeds.
- 128-48.150 Determination of type of property.
- Subpart 128-48.3—Disposal of Abandoned and Forfeited Personal Property
- 128-48.305-1 Abandoned or other unclaimed property.
- Subpart 128-48.50—Proper Claims for Abandoned or Other Unclaimed Personal Property
- 128-48.500 Scope of subpart.
- 128-48.501 Definitions.
- 128-48.501-1 Determining Official.
- 128-48.501-2 Claimant.
- 128-48.501-3 Owner.
- 128-48.501-4 Person.
- 128-48.502 Procedures relating to claims.
- 128-48.503 General procedures.

**AUTHORITY:** 41 CFR 128-1.105.

§ 128-48.001 Definitions.

§ 128-48.001-5 Forfeited property.

Personal property acquired by a bureau, either by administrative process or by order of a court of competent jurisdiction pursuant to any law of the United States.

§ 128-48.001-50 Administrative or summary process.

Forfeiture is achieved by direction of the seizing bureau in lieu of the courts.

The phrase shall be interpreted to mean by administrative process.

Subpart 128-48.1—Utilization of Abandoned and Forfeited Personal Property

§ 128-48.102-1 Vesting of title in the United States.

(a) Abandoned or other unclaimed property, subject to the provisions of section 203(m) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m)), shall remain in the custody of and be the responsibility of the bureau finding such property.

(b) If the owner of such property is known, the owner shall be notified within 20 days of finding such property by certified mail at the owner's address of record that the property may be claimed by the owner or his designee and that if the property is not claimed within 30 days from the date the letter of notification is post-marked, the title of the property will vest in the United States.

(c) If the owner of such property is not known and the estimated value of the property exceeds \$100, the bureau shall post notice within 20 days of finding such property, which contains the following information:

(1) A description of the property including model or serial numbers, if known.

(2) A statement of the location where the property was found and the office that has custody of it.

(3) A statement that any person desiring to claim the property must file with the bureau within 30 days from the date of first publication a claim for said property.

(4) A complete mailing address is to be provided as a point of contact within the bureau for any person to obtain additional information concerning the property or the procedures involved in filing a claim.

Notice must be published once a week for at least three successive weeks. Sound judgment and discretion must be used in selecting the publication medium. Advertisements should be placed in a publication of general circulation within the judicial district where the property was found.

(d) Property, as described in (b) and (c) above, shall be held for a period of

30 days from the date of the first publication of notice. Upon the expiration of this 30-day period, title to such property vests in the United States, except that title reverts to the owner where a proper claim is filed within three years from the date of vesting of title in the United States, but if the property has been in official use, transferred for official use, or sold at the time the proper claim is approved, title shall not revert back to the former owner. The former owner shall instead obtain reimbursement in accordance with 41 CFR 101-48.102-4 or 101-48.305-1.

(e) If the owner of such property is unknown and the estimated value of the property is \$100 or less, no notice is required, and the property shall be held for a period of 30 days from the date of finding the property. Upon expiration of this 30-day period, title to such property vests in the United States.

§ 128-48.102-4 Proceeds.

(a) Records of abandoned or other unclaimed property will be maintained in such a manner as to permit identification of the property with the original owner, if known, when such property is put into official use or transferred for official use by the finding bureau. Records will be maintained until the three-year period for filing claims has elapsed to enable the bureau to determine the amount of reimbursement due to a former owner who has filed a proper claim for abandoned or other unclaimed property.

(b) Reimbursement for official use by the finding bureau or transfer for official use of abandoned or other unclaimed property that has been placed in a special fund by the bureau for more than three years shall be deposited in the Treasury of the United States as miscellaneous receipts, or in such other bureau accounts as provided by law.

§ 128-48.150 Determination of type of property.

If a bureau is unable to determine whether the personal property in its custody is abandoned or voluntarily abandoned, the bureau shall contact the regional office of the General Services Administration for the region in which the property is located for such a determination.

Subpart 128-48.3—Disposal of Abandoned and Forfeited Personal Property

§ 128-48.305-1 Abandoned or other unclaimed property

Proceeds from the sale of abandoned or other unclaimed property that have been placed in a special fund by a bureau for more than three years shall be deposited in the Treasury of the United States as miscellaneous re-

ceipts, or in such other bureau accounts as provided by law.

Subpart 128-48.50—Proper Claims for Abandoned or Other Unclaimed Personal Property

§ 128-48.500 Scope of subpart.

This subpart sets forth the policies in regard to proper claims for abandoned or other unclaimed property.

§ 128-48.501 Definitions.

§ 128-48.501-1 Determining official.

The official who has the authority to grant or deny the claim for the abandoned or other unclaimed property.

§ 128-48.501-2 Claimant.

The person who submitted the claim for the abandoned or other unclaimed property.

§ 128-48.501-3 Owner.

The person who has primary and direct title to property (see 28 CFR 9.2(e)).

§ 128-48.501-4 Person.

An individual, partnership, corporation, joint venture, or other entity capable of owning property (see 28 CFR 9.2(f)).

§ 128-48.502 Procedures relating to claims.

(a) Upon receipt of a claim, an investigation shall be conducted to determine the merits of the claim, and the investigation's report shall be submitted to the determining official.

(b) The determining official shall be designated by the head of a bureau.

(c) Upon receipt of a claim and the report thereon by the determining official, he shall make a ruling based upon the claim and the investigation's report.

(d) Notice of the granting or denial of a claim for abandoned or other unclaimed property shall be mailed to the claimant or his attorney. If the claim is granted, the conditions of relief and the procedures to be followed to obtain the relief shall be set forth. If the claim is denied, the claimant shall be advised of the reason for such denial.

(e) A request for reconsideration of the claim may be submitted within 10 days from the date of the letter denying the claim. Such request shall be addressed to the head of the bureau and shall be based on evidence recently developed or not previously considered.

§ 128-48.503 General procedures.

(a) Claims shall be sworn and shall include the following information in clear and concise terms:

(1) A complete description of the property including serial numbers, if any.



(2) The interest of the claimant in the property, as owner, mortgagee, or otherwise, to be supported by bills of sale, contracts, mortgages, or other satisfactory documentary evidence.

(3) The facts and circumstances, to be established by satisfactory proof, relied upon by the claimant to justify the granting of the claim.

(b) If the claim is filed before title has vested in the United States, the determining official shall not grant the claim for the abandoned or other unclaimed property unless the claimant establishes a valid, good faith interest in the property.

(c) If the claim is filed after title has vested in the United States, the determining official shall not grant the claim for abandoned or other unclaimed property unless the claimant:

(1) Establishes that he would have a valid, good faith interest in the property had not title vested in the United States; and

(2) Establishes that he had no actual or constructive notice, prior to the vesting of title in the United States, that the property was in the custody of a bureau and that title, after the appropriate time period, would vest in the United States. A claimant shall be presumed to have constructive notice upon publication in a suitable medium concerning the property unless he was in such circumstances as to prevent him from knowing of the status of the property or having the opportunity to see the notice.

Part 128-50 is added to read as follows:

- Sec.
- 128-50.000 Scope of part.
- 128-50.001 Definitions.
- 128-50.001-1 Seized personal property.

**Subpart 128-50.1—Storage and Care of Seized Personal Property**

- 128-50.100 Storage and care.
- 128-50.101 Inventory records.
- 128-50.102 Periodic reviews.
- 128-50.103 Investigation of any discrepancy.

AUTHORITY: 41 CFR 128-1.105.

**§ 128-50.000 Scope of part.**

This part prescribes the policies for the storage and care of seized personal property; the preparation and maintenance of inventory records of its seized personal property; the conducting of periodic internal reviews; and the investigation of any discrepancy between the inventory records and the actual amount of its seized personal property.

**§ 128-50.001 Definitions.**

**§ 128-50.001-1 Seized personal property.**

Personal property for which the Government does not have title but which the Government has obtained

custody or control of in accordance with 15 U.S.C. 1177; 18 U.S.C. 924(d), 1955(d), 2513, 3611, 3612, 3615; 19 U.S.C. 1595a; 21 U.S.C. 881; 22 U.S.C. 401; Fed. R. Crim. P. 41(b); 28 CFR 0.86, 0.89, 0.111(j), 3.5, 3.6, 8.1, 8.2, 9a.1, 9a.2; or other statutory authority.

**Subpart 128-50.1—Storage and Care of Seized Personal Property**

**§ 128-50.100 Storage and care.**

(a) Each bureau shall be responsible for providing that its seized personal property storage facilities meet the safeguarding standards applicable to the type of property being stored.

(b) Each bureau shall be responsible for performing care on its seized personal property to prevent the unnecessary deterioration of such property. In particular, a bureau preparing a seized vehicle for storage should be at a minimum;

(1) Protect the cooling system from freezing;

(2) Protect the battery by assuring it is properly watered;

(3) Protect the tires by inflating to correct pressure;

(4) Remove all articles found in the vehicle's interior (for example, easily removable radios, tape players, and speakers) and all exterior accessories (for example, wheel covers) that are subject to pilferage and properly store them; and

(5) Shut all windows and lock all doors and compartments that have locks.

**§ 128-50.101 Inventory records.**

Each bureau shall be responsible for establishing and maintaining inventory records of its seized personal property to ensure that:

(a) The date the property was seized is recorded;

(b) All of the property associated with a case is recorded together under the case name and number;

(c) The location of storage of the property is recorded;

(d) A well documented chain of custody is kept; and

(e) All information in the inventory records is accurate and current.

**§ 128-50.102 Periodic reviews.**

Each bureau shall be responsible for performing an independent accountability review at least once a year to ensure compliance with this subpart and with the bureau's procedures for the handling, storage, and disposal of its seized personal property. In particular, a bureau conducting a review shall verify that the inventory records are accurate, current, and are being kept in accordance with established inventory procedures.

**§ 128-50.103 Investigation of any discrepancy.**

(a) Upon discovery of any discrepancy between the inventory records and the bureau's actual amount of seized personal property, a board of survey shall conduct an investigation in accordance with 41 CFR 128-51.1.

(b) If the discrepancy cannot be eliminated and involves a shortage, the bureau shall notify the U.S. attorney in charge of the litigation involving the missing property of the shortage as soon as possible.

(c) If the discrepancy cannot be eliminated and involves an overage, the bureau shall determine if the property has any evidentiary value. If the property does have evidentiary value, the property shall be properly stored and inventoried. If the property does not have any evidentiary value, the bureau shall determine whether the property is forfeitable to the United States, voluntarily abandoned, or abandoned. Proper proceedings shall be commenced as soon as possible to vest title of the forfeitable property in the United States. The voluntarily abandoned and abandoned property shall be kept in custody in accordance with 41 CFR 101-48 and any applicable Justice property management regulations.

Effective date: This regulation is effective January 6, 1978.

KEVIN D. ROONEY,  
Assistant Attorney General  
for Administration.

[FR Doc. 78-2030 Filed 1-23-78; 8:45 am]

**[7035-01]**

**Title 49—Transportation**

**CHAPTER X—INTERSTATE COMMERCE COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

**PART 1033—CAR SERVICE**

[Service Order No. 1295]

Erie Western Railway Co. Authorized To Operate Over Tracks of Chicago & Western Indiana Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1295).

SUMMARY: Operations of the Erie Western (EW) line between Hammond, Ind., and North Judson, Ind., commenced October 15, 1977. To affect interchange of cars between the EW and the Belt Railway of Chicago and its connections, it is necessary for the EW to operate over tracks of the Chicago & Western Indiana between State Line Tower at Hammond and Pullman Junction, Ill., where connec-

tions are made with the Belt Railway of Chicago. Service Order No. 1295 authorizes the EW to operate over the Chicago & Western Indiana between these points.

DATES: Effective 11:59 p.m., January 12, 1978. Expires 11:59 p.m., July 15, 1978.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:**  
The order is printed in full below.

At a session of the Interstate Commerce Commission, in Washington, D.C., on January 11, 1978.

By Service Order No. 1275 the Erie Western Railway Co. (EW) was authorized to operate over the lines of the former Erie Lackawanna Railroad Co. (EL) between North Judson, Ind., and EL milepost 249.6 at State Line Tower (Hammond), Ind. From State Line Tower the EL operated into its terminal in Chicago, Ill., over tracks of the Chicago & Western Indiana Railroad Co. (CWI), and affiliated terminal company. At Hammond, Ind., the EL had a track connection with the Louisville & Nashville Railroad Co. (LN) thence via a connection with that line with the Indiana Harbor Belt Railway (IHB), a switching carrier operating in the Chicago switching district. After the EL ceased operation on March 31, 1976, the track connection and remote controlled switches connecting the EL and the LN were removed as excess facilities, thus severing the connection with the IHB. These switches have not been restored. At State Line Tower, the EL used a portion of the CWI tracks for access to the Baltimore & Ohio Chicago Terminal Railroad Co. (BOCT), another Chicago district switching carrier. The EL operated over tracks of the CWI between State Line Tower and Pullman Junction at which point certain of the EL's trains entered the tracks of the Belt Railway of Chicago (BRC), also a major Chicago district switching carrier. Other EL trains operated over CWI tracks beyond Pullman Junction en route to their terminals. The trustees of the EL have leased to the EW their line between North Judson, Ind., and State Line Tower. The EL's stock ownership in the CWI was transferred to the Consolidated Rail Corporation. Consequently, no arrangements could be made with the trustees of the EL to transfer to the EW the EL's right to use the tracks of the CWI.

The only direct physical access to the Chicago district switching carriers available to the EW is by partial restoration of the operations of its predecessor, the EL, over tracks of the CWI,

but limited to movements between State Line Tower and a connection with the BRC at Pullman Junction and to necessary use of CWI tracks at State Line Tower for entry to the BOCT and entry into the former Burnham Yard of the Chesapeake & Ohio Railway Co. All of the operations described above are within the Chicago switching district.

The EW operates additional trackage as designated operator for the State of Indiana extending its line eastward from North Judson to Decatur, Ind. Its combined line segments extend 153 miles eastward from State Line Tower. There are numerous shippers served by the EW who require direct single-line service to Chicago. In excess of one million bushels of grain are held at various elevators along the lines of the EW. This grain is intended for marketing in Chicago provided the single-line rates formerly in effect via the EL can be reestablished via the EW. The two-line rates required to be used if the EW does not have direct access to the Chicago switching carriers effectively close the Chicago grain markets to these shippers resulting in substantial economic loss to these shippers and to the producers. Substantial carload movements to western carriers are available which require direct movement to the western carriers in lieu of the circuitous movements now required which add from two to five days to transit times and contribute to loss of utilization of freight cars and to existing shortages of boxcars now prevalent throughout the country. TOFC service is not presently available at any point served by the EW, although certain shippers located on its lines are in need of such services on traffic routed via the western lines at Chicago. The necessary TOFC facilities are available on the EW at Huntington, Ind., and will be used by the EW to provide such service as quickly as direct rail deliveries to connections at Chicago can be made. Tariff restrictions limit such intermediate handling of TOFC traffic to movements via the BRC. Although the EW intersects numerous other railroads between Decatur and Hammond, use of these lines for movement of traffic destined to or routed via Chicago is impracticable because of circuitry, excessive car delay, nonapplication of single-line rates, and nonapplication of through routes.

The United Transportation Union oppose operation by the EW over the CWI on the grounds that the EW will take traffic away from railroads employing full crews under contracts with the Union. It also questions the qualifications of the EW's employees and the safety of operations under the EW's reduced crew consists.

With respect to the issues raised by the United Transportation Union, the

EW states that its operations in Indiana were approved as being safe by the Indiana Public Service Commission in Docket No. 35098. It states that it will at all times comply with Illinois and Federal Railroad Administration safety regulations and will use cabooses while operating over CWI tracks.

Section 1(15)(c) of the Interstate Commerce Act clearly authorizes the Commission to require the joint use of terminals, including main tracks for a reasonable distance outside of such terminals. This provision of the Act is subject to the Commission's emergency powers and can be invoked upon a showing of an emergency condition justifying such action. The entire line of the CWI lies within the Chicago switching district and constitutes a portion of the Chicago terminal. Hence its use by the EW may be required by the Commission upon a finding that such operation is necessary in the interest of the public.

Accordingly, the Commission finds that the lines of the CWI between State Line Tower, Hammond, Ind., and Pullman Junction, Ill., are mainline tracks within the Chicago terminal; that an emergency exists requiring the immediate use of these tracks by the EW in order to prevent irreparable harm and great economic loss to shippers served by the EW; that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered, That:*

**§ 1033.1295 Car Service Order 1295.**

(a) *The Erie Western Railway Co. authorized to operate over tracks of Chicago & Western Indiana Railroad Co. The Erie Western Railway Co. (EW) is hereby authorized to operate over tracks of the Chicago & Western Indiana Railroad Co. (CWI) between its connection with that line at State Line Tower, Hammond, Ind., and a connection between the CWI and the Belt Railway Co. of Chicago at Pullman Junction, Ill., including the use of track connections with the Baltimore & Ohio Chicago Terminal Railroad Co. and with the Burnham Yard of the Chesapeake & Ohio Railway Co., both located in the vicinity of State Line Tower.*

(b) *The CWI is hereby ordered to permit use by the EW of the tracks described in section (a) of this order.*

(c) *Compensation to be paid to the CWI by the EW for the use of its tracks shall be that mutually agreed upon by negotiations between the carriers, or if unable to agree, that determined by the Commission upon request of either carrier.*

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

(e) *Effective date.* This order shall become effective at 11:59 p.m., January 12, 1978.

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

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

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

By the Commission, Commissioners Brown and Christian dissenting.

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

[FR Doc. 78-2021 Filed 1-23-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Arapaho National Wildlife Refuge, Colorado, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Arapaho National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural

resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through May 31 and August 1 through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

William J. Wilson, Acting Refuge Manager, Arapaho National Wildlife Refuge, Box 457, Walden, Colo. 80480, telephone 303-723-4717.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Arapaho National Wildlife Refuge, Colorado, only on the areas designated by signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and from the office of Area Manager, 1426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

WILLIAM J. WILSON,  
*Acting Refuge Manager.*

JANUARY 13, 1978.

[FR Doc. 78-1985 Filed 1-23-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Pathfinder National Wildlife Refuge, Wyoming, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Pathfinder National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

William J. Wilson, Acting Refuge Manager, Arapaho National Wildlife Refuge, Box 457, Walden, Colo. 80480, telephone 303-723-4717.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on all areas of the Pathfinder National Wildlife Refuge, Wyoming. These areas comprising 16,807 acres are delineated on maps available at the refuge headquarters and from the office of Area Manager, 1426 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

WILLIAM J. WILSON,  
*Acting Refuge Manager.*

JANUARY 13, 1978.

[FR Doc. 78-1984 Filed 1-23-78; 8:45 am]

# proposed rules

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

[3410-15]

## DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

### RURAL TELEPHONE PROGRAM

Proposed Revisions of REA Specification PE-71 for Inside Wiring Cable and REA Specification PE-72 for Switchboard Cable

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue a File With for REA Bulletin 345-59 to announce a revision of REA Specification PE-71 for Inside Wiring Cable and a File With for REA Bulletin 345-61 to announce a revision of REA Specification PE-72 for Switchboard Cable. These revisions are needed to require the use of materials which will not adversely affect the long-term electrical stability of cables manufactured to these specifications. The effect of this action will be to provide for improved long-term electrical performance under adverse temperature and humidity conditions. On issuance of these File Withs, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than: February 23, 1978.

ADDRESS: Persons interested in the revisions of REA Specifications PE-71 and PE-72 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Warner T. Smith, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as

amended (7 U.S.C. 901 et seq.), REA proposes to issue a File With for REA Bulletins 345-59 and 345-61. Copies of the proposed revisions to REA Specifications PE-71 and PE-72 may be secured in person or by written request from the Director, Telephone Operations and Standards Division. The texts of the File Withs are as follows:

#### FILE WITH REA BULLETIN 345-59

REA Specification PE-71 for Inside Wiring Cable is being revised to include requirements which will provide for improved long-term electrical stability for cables subjected to adverse temperature and humidity conditions. The revisions are contained on revised pages 6, 10a, and 10b bearing a revision date of February 1978. The attached sheet containing pages 5 and 6 should be used to replace the present specification sheet containing these page numbers. The attached sheet containing pages 10a and 10b should be inserted after page 10 in the present specification.

These requirements become effective on July 1, 1978. All Inside Wiring Cables manufactured after July 1, 1978, must comply with REA Specification PE-71 as revised February 1978. This does not preclude adoption of the revised requirements prior to the effective date.

Copies of the revised sheets will be furnished by REA upon request. Questions concerning the revisions may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

#### FILE WITH REA BULLETIN 345-61

REA Specification PE-72 for Switchboard Cable is being revised to include requirements which will provide for improved long-term electrical stability for cables subjected to adverse temperature and humidity conditions.

The revisions are contained on revised pages 5, 6, 10a and 10b bearing a revision date of February 1978. The attached sheet containing pages 5 and 6 should be used to replace the present specification sheet containing these page numbers. The attached sheet containing pages 10a and 10b should be inserted after page 10 in the present specification.

These requirements become effective on July 1, 1978. All Switchboard Cables manufactured after July 1, 1978, must comply with REA Specification PE-72 as revised February 1978. This does not preclude adoption of the revised requirements prior to the effective date.

Copies of the revised sheets will be furnished by REA upon request. Questions concerning the revisions may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

Dated: January 18, 1978.

C. R. BALLARD,  
Assistant Administrator—  
Telephone.

[FR Doc. 78-1997 Filed 1-23-78; 8:45 am]

[3410-37]

## Food Safety and Quality Service

[9 CFR Parts 317, 319]

### TISSUE FROM GROUND BONE

Extension of Time for Comment; Public Hearing

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of reopening and extension of comment period and of public hearing.

SUMMARY: This document announces a reopening and extension of time for comment and a public hearing to be held concerning proposed standards and labeling requirements for tissue from ground bone.

DATE: Comments must be received on or before March 20, 1978. Public hearing to be held on February 14, 1978, beginning at 10 a.m.

ADDRESSES: Written comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Agriculture Building, Washington, D.C. 20250. Public hearing: Conference Room B, Interdepartmental Auditorium, 1301 Constitution Avenue NW., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

Dr. W. J. Minor, Chief Staff Officer, Issuance Coordination Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6189.

#### SUPPLEMENTARY INFORMATION:

On October 6, 1977, there appeared in the FEDERAL REGISTER (42 FR 54437-54442) a notice that the Food Safety and Quality Service is considering amending Parts 317 and 319 of the Federal meat inspection regulations (9 CFR Parts 317 and 319) by setting forth a standard, permitted uses, and labeling requirements for a meat food product prepared by the mechanical processing of tissue from ground bone (TFGB). Interested persons were given until December 5, 1977, to comment.

Comments and views expressed on the proposed amendments to the regulations indicate wide public interest with opinions differing on the desirability of the proposal's provisions and their effects on products and consumers if implemented.

Therefore, the Administrator has concluded that these circumstances require that further information and data be available to the fullest extent possible on the subject matter for consideration prior to decisions with respect to these proposed regulations.

Accordingly, the Administrator has determined to reopen and extend the period of time within which written data, views, or arguments may be submitted.

Those interested in preparing such comments may wish to obtain a copy of Volume II, "Background Materials and Details of Data, Health, and Safety Aspects of the Use of Mechanically Deboned Meat," the availability of which was announced in the December 30, 1977, FEDERAL REGISTER (42 FR 65224). Any person who wishes to submit data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Agriculture Building, Washington, D.C. 20250, by March 20, 1978. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business. Comments on this notice should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

The Administrator has further determined that it is in the public interest to hold a public hearing at which nongovernmental scientists will have the opportunity to comment on the analytical findings and methods of the panel of Government scientists concerning health and safety aspects of "mechanically deboned meat" and related products. These issues are directly related to the proposal concerning tissue from ground bone. Therefore, the Administrator has scheduled a public hearing to be held on February 14, 1978, beginning at 10 a.m., in Conference Room B, Interdepartmental Auditorium, 1301 Constitution Avenue NW., Washington, D.C. At the hearing, the Administrator of the Food Safety and Quality Service will preside. Any interested person who wishes to comment on the panel's analytic results or methods may appear and be heard either in person or by a representative. Individual presentations should be scheduled in advance. To make a reservation to speak at the hearing or to receive, without charge, a copy of the TFGB proposal or Volume II, "Background Materials and Details of Data, Health, and Safety

Aspects of the Use of Mechanically Deboned Meat," contact Dr. W. J. Minor, Chief Staff Officer, Issuance Coordination Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6189. A written copy of a speaker's comments should be given to the chairman prior to the speaker's oral presentation but is not required to be read into the record. Individuals making presentations may verbally summarize or emphasize certain points of their written comments. Opportunity will be provided for the chairman or other Government officials at the hearing to comment upon or ask questions about each presentation made. The time for oral presentations and questions may be limited at the discretion of the chairman in order to give all persons at the hearing an opportunity to be heard. Transcripts of the oral hearing will be made, and copies of the transcripts and any written comments submitted at the hearing will be made part of the record in this rulemaking proceeding and will be available for public inspection together with all other comments received in this proceeding.

After consideration of all information presented at the hearing and submitted pursuant to this notice and the notice of October 6, 1977, and any other information available to the Department, a determination will be made as to whether the regulations will be amended as proposed.

Done at Washington, D.C., on January 20, 1978.

ROBERT ANGELOTTI,  
Administrator,  
Food Safety and Quality Service.

[FR Doc. 78-2087 Filed 1-23-78; 8:45 am]

[6320-01]

### CIVIL AERONAUTICS BOARD

[14 CFR Part 369]

[SPDR-62A, SPDR-63A; Docket No. 31735;  
Dated: January 19, 1978]

#### PROTECTION OF CHARTER PARTICIPANTS' FUNDS

##### Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice extends for 90 days the filing date for comments in a rulemaking proceeding that proposes a new part to the Board's Special Regulations establishing uniform procedures for the protection of charter participants' funds. The extension was requested by attorneys for

several charter tour operators and carriers.<sup>1</sup>

DATES: Comments by: May 1, 1978.  
Reply Comments by: May 29, 1978.

ADDRESSES: Comments should be sent to: Docket 31735, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

#### FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Office of the General Counsel, Rules Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5442.

#### SUPPLEMENTARY INFORMATION:

By Notice of proposed Rulemaking SPDR-63 and SPDR-62, dated November 22, 1977 (42 FR 61408 and 42 FR 61420, December 2, 1977), the Board stated that it might be changing its Special Regulations to establish a new scheme for the protection of charter participants' funds. The new Part 369 would require a depository escrow account and one of three forms of additional security agreements. Comments in response to the notice are due January 31, 1978.

The Board received letters from the attorneys for several charter operators and carriers requesting an extension of 90 days for the filing of comments in response to SPDR-63 and SPDR-62. In support of the requests they stated that additional time is required to collect data and to study the impact of the proposed rule on the charter industry, and particularly those operators who are small businesses.

Upon consideration of the above, the undersigned finds good cause to grant these requests for a reasonable extension of time for the preparation of views on the proposed rule.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing of comments is extended to May 1, 1978, and the time for filing reply comments is concomitantly extended to May 29, 1978.

<sup>1</sup>Letters were received from attorneys representing Unitours and Pleasant Hawaiian Holidays Inc. (letter dated January 12, 1978); Evergreen International Airlines, Inc.; Trans International Airlines, Inc. and World Airways, Inc. (January 12, 1978); American Institute for Foreign Study, Inc. (January 13, 1978); Air Charter Tour Operators of America (January 13, 1978); ASTI Tours, Inc.; The American Leadership Study Groups and Charter Travel Corp. (January 13, 1978); Davis Agency, Inc. and Shoftours, Inc. (January 13, 1978); and Southern Airways, Inc. (January 16, 1978).

(Sec. 204(a), Federal Aviation Act of 1958, as amended 72 Stat. 743 (49 U.S.C. 1324).)

SIMON J. EILLENBERG,  
Associate General Counsel,  
Rules Division.

[FR Doc. 78-2024 Filed 1-23-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

U.S. Customs Service

[19 CFR Part 22]

DRAWBACK RATES

Proposed Amendments to the Customs  
Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes that the Customs Regulations be amended to provide that drawback rates shall expire 15 years after issuance or approval unless renewed by the rate holder. Also proposed is that applications for drawback rates will be considered abandoned if supporting drawback statements are not filed within one year of receipt of the application. Customs is currently required to maintain files consisting of obsolete rates and/or applications. The changes are proposed so that Customs may dispose of these obsolete files.

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

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Donald Beach, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5856.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The term "drawback" refers to a situation in which a duty or tax, lawfully collected, is refunded because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of claims for drawback is when articles manufactured or produced in the United States with the use of imported merchandise are exported (section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a))). Part 22 of the Customs Regulations (19 CFR Part 22) contains the provisions regarding drawback claims.

Section 22.3 of the Customs Regulations provides that each manufacturer

or producer of articles intended for exportation with benefit of drawback shall make application for the establishment of a rate of drawback prior to the exportation of these articles. Section 22.3(c) provides that the manufacturer or producer may abandon his application for the establishment of a rate of drawback by filing a written statement to that effect addressed to the district director with whom the application was filed or to the Customs investigating officer. In practice, however, applicants who have abandoned applications for drawback rates rarely file such a statement. As a result, many abandoned applications are still on file with Customs. Therefore, for Customs to remove obsolete applications from its files, it is proposed to amend § 22.3(c) to provide that applications shall be considered abandoned if supporting drawback statements, required by § 22.4(h) of the Customs Regulations, are not filed within one year of receipt of the application.

Section 22.4 of the Customs Regulations also provides for the establishment of drawback rates. Currently, established drawback rates remain in effect indefinitely. As a result, Customs maintains files of established drawback rates which frequently have become obsolete. It is proposed to amend section 22.4 to provide that drawback rates will expire after a period of 15 years, unless they are renewed by the rate holder.

If the proposed amendments are adopted, Customs will notify holders of drawback rates of this new procedure. Holders of rates less than 15 years old will be advised that they may renew the rates merely by submitting a request to do so, prior to the expiration of the 15-year period, to the regional commissioner where their drawback entries have been liquidated. Holders of drawback rates now more than 15 years old will be given 30 days from the date of the notice to renew their rates.

This document also proposes to amend §§ 22.4(o) and 22.6 (a) and (c) to conform the language in those sections to the other amended sections, and to simplify the language. No substantive changes to §§ 22.4(o) and 22.6 (a) and (c) are intended.

COMMENTS

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this document was Richard M. Belanger, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in developing this document, both on matters of substance and style.

PROPOSED AMENDMENTS

It is proposed to amend Part 22 of the Customs Regulations (19 CFR Part 22) in the following manner:

PART 22—DRAWBACK

It is proposed to revise § 22.3(c) to read as follows:

§ 22.3 Application for establishment of drawback rate.

\* \* \* \* \*

(c) *Abandonment of rates.* The manufacturer or producer may abandon his application for the establishment of a rate of drawback by filing a written statement to that effect with the Customs officer with whom the application was filed. An application shall be considered abandoned if supporting drawback statements are not filed within one year of receipt of the application. An abandoned application may not be revived to give an earlier effective date to a rate of drawback established as the result of a subsequent application.

It is proposed to revise paragraph (o) of § 22.4 and add a new paragraph (r) as set forth below:

§ 22.4 Identification of imported merchandise and ascertainment of quantities for allowance of drawback; establishment of drawback rates; expiration of drawback rates.

\* \* \* \* \*

(o)(1) *Amendment of rates.* When a manufacturer or producer having a drawback rate desires to have the rate amended under section 313(a), Tariff Act of 1930, or to change a drawback statement filed under § 22.6, he shall submit a revised drawback statement to the regional commissioner who issued the rate. If warranted, the regional commissioner shall issue an amended rate and revoke the superseded rate in the same action. This procedure also shall apply to amendments of the other rates set forth in paragraph (h) of this section. The revised drawback statement shall be submitted to Headquarters, U.S. Customs Service, except as provided in paragraph (o)(2). No drawback shall be allowed on articles exported before the date on which the applicant's first application still in effect was received by the appropriate Customs officer.

(2) A revised drawback statement requesting an amendment under section 313 (b), (d), or (g), Tariff Act of 1930, as amended, shall be submitted to the regional commissioner for action in accordance with paragraph (c)(1), provided the changes covered by the amendment are limited to—

- (i) A change in location of the factory of the manufacturer or producer;
- (ii) An additional factory at which the methods followed and the records maintained are the same as those at another factory operating under an existing drawback rate of the manufacturer or producer;
- (iii) A change in name of the manufacturer or producer;
- (iv) The succession of a sole proprietorship, partnership, or corporation to the operations of the manufacturer or producer; or
- (v) Any combination of the foregoing changes.

(r) *Expiration, revocation, or renewal of rates.* (1) Unless renewed by the rate holder in accordance with paragraph (r)(3), drawback rates issued under this section, or contained in statements approved under section 22.6, shall expire 15 years from the date of issuance or approval, as applicable, provided such date is on or after [effective date of this rule].

(2) If the dates of issuance or approval are before [effective date of this rule], an appropriate Customs officer shall notify the rate holder in writing of the provisions of this paragraph. Unless renewed by the rate holder in accordance with paragraph (r)(3), such rate shall expire the later of:

- (i) 15 years from the date of issuance or approval, as applicable, or
- (ii) 30 days from the date of the notice to the rate holder.

(3) A rate holder may renew its rate by submitting a request in writing, prior to the expiration of the rate, to each regional commissioner where drawback entries filed under the rate have been liquidated. The rate shall be renewed for a succeeding 15-year period upon receipt of the request.

(4) A rate will be revoked if the rate holder specifically requests revocation in writing to the appropriate Customs officer.

It is proposed to revise paragraphs (a) and (c) of § 22.6 to read as follows:

§ 22.6 General drawback rates in effect; approval of drawback statements by Headquarters, U.S. Customs Service, and by regional commissioners.

(a) *Drawback statements; filing and approval by one regional commissioner.* Each manufacturer or producer of articles covered by a drawback rate in this section, except under paragraph (g-1), shall submit to the regional

commissioner where drawback entries will be filed a drawback statement, in duplicate, describing the methods used in the manufacture or production of the products involved. The statement also shall set forth the records it agrees to keep for the purpose of complying with the drawback law and regulations and for providing all the data required for the proper liquidation of entries. If the statement provides for compliance with the rate, the regional commissioner shall approve the drawback statement and promptly notify the applicant in writing of the action. Drawback statements, in triplicate, relating to products covered by paragraph (g)(1) shall be forwarded to Headquarters, U.S. Customs Service for approval.

(c) *Drawback statements; revised.* Revised drawback statements covering changes in drawback statements filed under this section shall be handled in accordance with the provisions of paragraphs (a) and (b) of this section.

LEONARD LEHMAN,  
*Acting Commissioner of  
Customs.*

Approved: January 3, 1978.

BETTE B. ANDERSON,  
*Under Secretary of the Treasury.*  
[FR Doc. 78-1959 Filed 1-23-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 81]

[Docket No. 76N-0366]

PROVISIONALLY LISTED COLOR ADDITIVES

Postponement of Closing Dates; Restatement of Conditions for Continued Provisional Listing

Correction

In FR Doc. 77-35322 appearing at page 62497 in the issue for Tuesday, December 13, 1977, in the last paragraph in the second column of page 62499, 18th and 19th lines, the words " \* \* \* on or before publication of a final order in the FEDERAL REGISTER \* \* \* " should have read "on or before (insert date 72 days after date of publication of a final order in the FEDERAL REGISTER)."

[1505-01]

[21 CFR Part 101]

[Docket No. 77N-0404]

PROTEIN SUPPLEMENTS

Warning Labeling

Correction

In FR Doc. 77-34694 appearing at page 61285 in the issue for Friday, December 2, 1977, in the first column of page 61286, seven lines from the bottom of the first full paragraph, " \* \* \* be used \* \* \* " should have read " \* \* \* be used by patients \* \* \* ".

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 206]

FISHING AND HUNTING REGULATIONS

Revocation

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps of Engineers proposes to revoke 33 CFR Part 206—Fishing and Hunting Regulations in its entirety. The regulations are obsolete and activities governed therein are subject to the requirements of recently published Corps permit regulations and adequate state and local controls.

DATE: Written comments will be received until 1 March 1978.

ADDRESS: Office of the Chief of Engineers, ATTN: DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard, 202-693-5070.

SUPPLEMENTARY INFORMATION: In accordance with the President's Reorganization Project (Sunset Actions), the Corps has established a continuing program to review all regulations published under Chapter II, Title 33 of the Code of Federal Regulations, for possible elimination or consolidation. Fishing and hunting regulations were promulgated by the Department of the Army in 33 CFR Part 206 to control the erection and maintenance of fishing and hunting structures in the navigable waters of the United States. The primary purpose of the regulations was to prevent the obstruction or interference with navigation.

On 19 July 1977 the Corps promulgated regulations in 33 CFR Parts 320-329 revising and reorganizing regulations governing the regulatory program of the Corps of Engineers. Sec-

tion 322.4 concerns the issuance of a nationwide permit for marine life harvesting devices such as pound nets, crab traps, eel pots, and lobster traps, provided there is no interference with navigation. Though hunting structures have been omitted from the nationwide permit, the District Engineers may where necessary issue general permits or determine permit requirements on a case-by-case basis.

Lighting and marking requirements for the fishing and hunting structures are under the purview of the Coast Guard and, accordingly, would not normally be a part of a Department of the Army permit. We propose to amend 33 CFR by revoking and reserving Part 206—Fishing and Hunting Regulations as set forth below:

**PART 206—FISHING AND HUNTING REGULATIONS [REVOKED AND RESERVED]**

NOTE.—The Corps of Engineers 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. (33 U.S.C. 403)

Dated: 10 January 1978.

Approved:

C. A. SELLECK, Jr.,  
Colonel, Corps of Engineers,  
Executive Director of Civil Works.  
[FR Doc. 78-1987 Filed 1-23-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY COMMISSION**

[41 CFR Chapter 20]

**CONTRACTOR ORGANIZATIONAL CONFLICTS OF INTEREST**

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation would establish policies and procedures for the Nuclear Regulatory Commission (NRC) with respect to the avoidance of contractor organizational conflicts of interest. The regulation is intended to avoid, eliminate, or neutralize contractual relationships which might lead NRC contractors to give advice and assistance that is not unbiased, impartial, objective, and technically sound. Additionally, it seeks to reduce the opportunities for an unfair competitive advantage that might accrue to an NRC contractor.

These objectives are sought to be attained by requiring prospective NRC contractors to disclose pertinent information bearing upon potential organizational conflicts of interest and by requiring the inclusion of specified contract clauses designed to prevent such conflicts during performance.

DATES: Comments must be received by February 23, 1978.

ADDRESS: Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

**FOR FURTHER INFORMATION CONTACT:**

Edward L. Halman, Director, Division of Contracts, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4460.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

On April 28, 1977, the U.S. Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (42 FR 21673) a general statement of policy on the avoidance of contractor organizational conflicts of interest.

The proposed regulation supersedes the Commission policy statement and reflects the Commission's compliance with Pub. L. 95-209, December 13, 1977, which requires the NRC to promulgate guidelines by December 31, 1977, governing the avoidance of organizational conflicts of interest.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, notice is hereby given that the Commission proposes to adopt the following new Subpart 20-1.54 entitled "Contractor Organizational Conflicts of Interest," to Title 41, Code of Federal Regulations. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed regulations should send them by February 23, 1978, to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on the proposed new Subpart 20-1.54 may be examined and copied at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555.

Title 41, Code of Federal Regulations is amended by adding a new "Chapter 20—Nuclear Regulatory Commission" and a new "Part 20-1—General" to read as follows:

**PART 20-1—GENERAL**

**Subpart 20-1.54—Contractor Organizational Conflicts of Interest**

Sec.

- 20-1.5401 Scope and policy.
- 20-1.5402 Definitions.
- 20-1.5403 Criteria for recognizing contractor organizational conflicts of interest.
- 20-1.5404 Representation.
- 20-1.5405 Contract clauses.
- 20-1.5405-1 General contract clause.
- 20-1.5405-2 Special contract provisions.
- 20-1.5406 Evaluation, findings, and contract award.

Sec.

- 20-1.5407 Conflicts identified after award.
- 20-1.5408 [Reserved]
- 20-1.5409 [Reserved]
- 20-1.5410 Subcontracts.
- 20-1.5411 Waiver.
- 20-1.5412 Remedies.

AUTHORITY: Pub. L. 95-209, December 13, 1977, 91 Stat. 1481.

**§ 20-1.5401 Scope and Policy**

(a) It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to avoid, eliminate or neutralize potential contractor organizational conflicts of interest. The NRC achieves this objective by requiring all prospective contractors to submit information describing relationships, if any, with organizations or persons regulated by NRC which might give rise to actual or potential conflicts of interest in the event of contract award.

(b) Contractor conflict of interest determinations cannot be made automatically or routinely; the application of sound judgment on virtually a case-by-case basis is necessary if the policy is to be applied so as to satisfy the overall public interest. It is not possible to prescribe in advance a specific method or set of criteria which would serve to identify and resolve all of the contractor conflict of interest situations which might arise; however, examples are provided in these regulations to guide application of the policy. NRC contracting and program officials must be alert to other situations which may warrant application of this policy guidance. The ultimate test is: Might the contractor, if awarded the contract, be placed in a position where its judgment would be biased, or where it would have an unfair competitive advantage?

**§ 20-1.5402 Definitions**

(a) "Organizational conflicts of interest" means that a relationship exists whereby a prospective contractor has present or planned interests related to the work to be performed under a NRC contract which: (1) May diminish its capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product, or (2) may result in its being given an unfair competitive advantage.

(b) "Research" means any scientific or technical work involving theoretical analysis, exploration, or experimentation.

(c) "Evaluation activities" means any effort involving the appraisal of a technology, process, product, or policy.

(d) "Technical consulting and management support services" means internal assistance to a component of the NRC in the formulation or administration of its programs, projects, or policies which normally requires the contractor to be given access to information which has not been made



available to the public or proprietary information. Such services typically include assistance in the preparation of program plans; and preparation of preliminary designs, specifications, or statements of work.

(e) For the purpose of this policy "contract" means any contract, agreement, or other arrangement with the NRC, including NRC agreements with other Governmental agencies.

(f) "Contractor" means any person, firm, unincorporated association, joint venture, partnership, corporation, or affiliates thereof, including its chief executive, directors, key personnel (identified in the contract), proposed consultants or subcontractors, which is a party to a contract with the United States of America.

(g) "Affiliates" means business concerns which are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both (41 CFR § 1-1.601-1(e)).

(h) "Subcontractor" means any subcontractor of any tier which performs work under a contract with the NRC except subcontracts for supplies.

(i) "Prospective contractor" or "Offeror" means any person, firm, unincorporated association, joint venture, partnership, corporation, or affiliates thereof, including its chief executive, directors, key personnel (identified in the proposal), proposed consultants, or subcontractors, submitting a bid or proposal, solicited or unsolicited, to the NRC to obtain a contract.

§ 20-1.5403 Criteria for recognizing contractor organizational conflicts of interest.

(a) *General.* Two questions will be asked in determining whether organizational conflicts of interest exist: (1) Are there conflicting roles which might bias a contractor's judgment in relation to its work for the NRC? (2) Is the contractor being given an unfair competitive advantage based on the performance of the contract? The ultimate determination by NRC as to whether organizational conflicts of interest exist will be made in light of common sense and good business judgment based upon the relevant facts disclosed and the work to be performed. While it is difficult to identify and to prescribe in advance a specific method for avoiding all of the various situations or relationships which might involve potential organizational conflicts of interest, NRC personnel will pay particular attention to proposed contractual requirements which call for the rendering of advice, consultation or evaluation services, or similar activities that lay direct groundwork for the NRC's decisions on regulatory activities, future procurements, and research programs.

(b) *Situation or relationships which might give rise to organizational conflicts of interest.* The offeror or contractor shall disclose information concerning relationships under the following circumstances:

(1) Where the offeror or contractor provides advice and recommendations to the NRC in a technical area in which it is also providing consulting assistance in the same area to any organization regulated by the NRC.

(2) Where the offeror or contractor provides advice to the NRC on the same or similar matter in which it is also providing assistance to any organization regulated by the NRC.

(3) Where the offeror or contractor evaluates its own products or services, or the products or services of another entity where the offeror or contractor has been substantially involved in their development or marketing.

(4) Where the offeror or contractor prepares specifications which are to be used in future competitive procurements of products or services covered by such specifications.

(5) Where the offeror or contractor prepares plans for specific approaches or methodologies that are to be incorporated into future competitive procurements using such approaches or methodologies.

(6) Where the offeror or contractor is granted access to information not available to the public concerning NRC plans, policies, or programs which are integral to a future competitive procurement with NRC.

(7) Where the offeror or contractor is granted access to proprietary information of its competitors.

(8) Where the contract would result in benefits to a particular industry even though the offeror or contractor, as a part of the industry, would receive no more benefits than any other member of the industry.

(9) Where the award of a contract would otherwise result in placing the offeror or contractor in a conflicting role in which its judgment might be biased in relation to its work for the NRC or would otherwise result in an unfair competitive advantage for the offeror or contractor.

(c) *Policy application guidance.*—(1) *Example.* The XYZ Corp., in response to a request for proposal (RFP), proposes to undertake certain analyses of a reactor component as called for in the RFP. The XYZ Corp. is one of several companies considered to be technically well qualified. In response to the inquiry in the RFP, the XYZ Corp. advises that it is currently performing similar analyses for the reactor manufacturer.

*Guidance.* An NRC contract for that particular work normally would not be awarded to the XYZ Corp. because it would be placed in a position in which its judgment could be biased in rela-

tionship to its work for NRC. Since there are other well-qualified companies available, there would be no reason for considering a waiver of the policy.

(2) *Example.* The ABC Corp., in response to a RFP, proposes to perform certain analyses of a reactor component which are unique to one type of advanced reactor. As is the case with other technically qualified companies responding to the RFP, the ABC Corp. is performing various projects for several different utility clients. None of the ABC Corp. projects have any relationship to the work called for in the RFP. Based on the NRC evaluation, the ABC Corp. is considered to be the best qualified company to perform the work outlined in the RFP.

*Guidance.* An NRC contract normally could be awarded to the ABC Corp. because no conflict of interest exists which would motivate bias with respect to the work. An appropriate clause would be included in the contract to preclude the ABC Corp. from subsequently contracting for work during the performance of the NRC contract with the private sector which could create a conflict. For example, ABC Corp. would be precluded from the performance of similar work for the company developing the advanced reactor mentioned in the example.

(3) *Example.* As a result of operating problems in a certain type of commercial nuclear facility, it is imperative that NRC secure specific data on various operational aspects of that type of plant so as to assure adequate safety protection of the public. Only one manufacturer has extensive experience with that type of plant. Consequently, that company is the only one with whom NRC can contract which can develop and conduct the testing programs required to obtain the data in reasonable time. That company has a definite interest in any NRC decisions that might result from the data produced because those decisions affect the reactor's design and thus the company's costs.

*Guidance.* This situation would place the manufacturer in a role in which its judgment could be biased in relationship to its work for NRC. Since the nature of the work required is vitally important in terms of NRC's responsibilities and no reasonable alternative exists, a waiver of the policy may be warranted. Any such waiver shall be fully documented and coordinated in accordance with the waiver provisions of this policy with particular attention to the establishment of protective mechanisms to guard against bias.

(4) *Example.* The ABC Co. submits a proposal for a new system for evaluating a specific reactor component's performance for the purpose of developing standards that are important to

the NRC program. The ABC Co. has advised NRC that it intends to sell the new system to industry once its practicability has been demonstrated. Other companies in this business are using older systems for evaluation of the specific reactor component.

**Guidance.** A contract could be awarded to the ABC Co. provided that the contract stipulates that no information produced under the contract will be used in the contractor's private activities unless such information has been reported to NRC. Information which is reported to NRC by contractors will normally be disseminated by NRC to others so as to preclude an unfair competitive advantage that might otherwise accrue. When NRC furnishes information to the contractor for the performance of contract work, it shall not be used in the contractor's private activities unless such information is generally available to others. Further, the contract will stipulate that the contractor will inform the NRC contracting officer of all situations in which the information developed under the contract is proposed to be used.

(d) **Other considerations.** (1) The fact that the NRC can identify and later avoid, eliminate, or neutralize any potential organizational conflicts arising from the performance of a contract is not relevant to a determination of the existence of such conflicts prior to the award of a contract.

(2) It is not relevant that the contractor has the professional reputation of being able to resist temptations which arise from organizational conflicts of interest, or that a follow-on procurement is not involved, or that a contract is awarded on a competitive or a sole source basis.

#### § 20-1.5404 Representation.

(a) The following procedures are designed to assist the NRC contracting officer in determining whether situations or relationships exist which may constitute organizational conflicts of interest with respect to a particular offeror or contractor.

(b) **Representation procedure.** The following organizational conflicts of interest representation provision shall be included in all solicitations and unsolicited proposals for: (1) Evaluation services or activities; (2) technical consulting and management support services; (3) research; and (4) other contractual situations where special organizational conflicts of interest provisions are noted in the solicitation and would be included in the resulting contract. This representation requirement shall also apply to all modifications for additional effort under the contract except those issued under the "changes" clause. Where, however, a statement of the type required by the organizational conflicts of interest rep-

resentation provision has previously been submitted with regard to the contract being modified, only an updating of such statement shall be required.

#### ORGANIZATIONAL CONFLICTS OF INTEREST REPRESENTATION

I represent to the best of my knowledge and belief that:

The award of \_\_\_\_\_ of a contract or the modification of an existing contract does ( ) or does not ( ) involve situations or relationships of the type set forth in 41 CFR § 20-1.5403(b).

(c) **Instructions to offerors.** The following shall be included in all NRC solicitations: (1) If the representation as completed indicates that potential organizational conflicts of interest exist, or the contracting officer otherwise determines that potential organizational conflicts exist, the offeror shall provide a statement in writing which describes in a concise manner all relevant facts bearing on his representation to the contracting officer. If the contracting officer determines that organizational conflicts exist, the following actions may be taken: (i) Impose appropriate conditions which avoid such conflicts, (ii) disqualify the offeror, or (iii) determine that it is otherwise in the best interests of the United States to seek award of the contract under the waiver provisions of section 20-1.5411.

(2) The refusal to provide the representation provided in subsection 20-1.5404(b) or upon request of the contracting officer the facts required by subsection 20-1.5404(c), shall result in disqualification of the offeror for award. The nondisclosure or misrepresentation of any relevant interest may also result in the disqualification of the offeror for award; or if such nondisclosure or misrepresentation is discovered after award, the resulting contract may be terminated. The offeror may also be disqualified from subsequent related NRC contracts and be subject to such other remedial actions provided by law or the resulting contract.

(d) The offeror may, because of potential organizational conflicts of interest, propose to exclude specific kinds of work from the statements of work contained in a RFP unless the RFP specifically prohibits such exclusion. Any such proposed exclusion by an offeror will be considered by the NRC in the evaluation of proposals. If the NRC considers the proposed excluded work to be an essential or integral part of the required work and its exclusion would work to the detriment of the competitive posture of the other offerors, the proposal must be rejected as unacceptable.

(e) The offeror's failure to execute the representation required by subsection (b) above with respect to invitation for bids will be considered to be a minor informality, and the offeror will be permitted to correct omission.

#### § 20-1.5405 Contract clauses.

##### § 20-1.5405-1 General contract clause.

All contracts shall include the following clause:

#### ORGANIZATIONAL CONFLICTS OF INTEREST

(a) **Purpose.** The primary purpose of this clause is to aid in ensuring that the contractor: (1) Is not biased because of its current or planned interest (financial, contractual, organizational, or otherwise) which relates to the work under this contract, and (2) does not obtain an unfair competitive advantage over other parties by virtue of its performance of this contract.

(b) **Scope.** The restrictions described herein shall apply to performance or participation by the contractor and its affiliates or their successors in interest (hereinafter collectively referred to as the "contractor") in the activities covered by this clause as a prime contractor, subcontractor, cosponsor, joint venture, consultant, or in any similar capacity.

(c) **Work for others.** Notwithstanding any other provision of this contract, during the term of this contract, the contractor agrees to forego entering into consulting or other contractual arrangements with any firm or organization, the result of which may give rise to an actual or potential conflict of interest with respect to the work being performed under this contract. The contractor shall insure that all employees who are employed full time under this contract and employees designated as key personnel, if any, under this contract abide by the provision of this clause. If the contractor believes with respect to itself or any such employee that any proposed consultant or other contractual arrangement with any firm or organization may involve a possible conflict of interest, the contractor shall obtain the written approval of the contracting officer prior to execution of such contractual arrangement.

(d) **Disclosure after award.** (i) The contractor warrants that to the best of its knowledge and belief and except as otherwise set forth in this contract, it does not have any organizational conflicts of interest, as defined in 41 CFR § 20-1.5402(a).

(ii) The contractor agrees that if after award it discovers organizational conflicts of interest with respect to this contract, it shall make an immediate and full disclosure in writing to the contracting officer. This statement shall include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. The NRC may, however, terminate the contract for convenience if it deems such termination to be in the best interests of the Government.

(iii) In the event that the contractor was aware or should have been aware of organizational conflicts of interest prior to the award of this contract and did not disclose the conflicts to the contracting officer, the NRC may terminate the contract.

(iv) The provisions of this clause shall be included in all subcontracts and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the Government's rights.

(e) **Access to and use of information.** (i) If the contractor in the performance of this contract obtains access to information, such as NRC plans, policies, reports, studies, financial plans, internal data protected by the Privacy Act of 1974 (Pub. L. 93-579), or data which has not been released to the

public, the contractor agrees not to: (a) Use such information for any private purpose unless the information has been released to the public, (b) compete for work for the Commission based on such information for a period of six (6) months after either the completion of this contract or the release of such information to the public, whichever is first, (c) submit an unsolicited proposal to the Government based on such information until one year after the release of such information to the public, or (d) release the information without prior written approval by the contracting officer unless such information has previously been released to the public by the NRC.

(ii) In addition, the contractor agrees that to the extent it receives or is given access to proprietary data, data protected by the Privacy Act of 1974 (Pub. L. 93-579), or other confidential or privileged technical, business, or financial information under this contract, the contractor shall treat such information in accordance with restrictions placed on use of the information.

(iii) The contractor shall have, subject to patent and security provisions of this contract, the right to use technical data it produces under this contract for private purposes provided that all requirements of this contract have been met.

(f) *Subcontracts.* Except as provided in § 20-1.5410, the contractor shall include this clause, including this paragraph, in subcontracts of any tier. The terms "contract," "contractor," and "contracting officer," shall be appropriately modified to preserve the Government's rights.

(g) *Remedies.* For breach of any of the above proscriptions against nondisclosure or misrepresentation of any relevant interest required to be disclosed concerning this contract, the Government may terminate the contract for default, disqualify the contractor for subsequent related contractual efforts, and pursue other remedies as may be permitted by law or this contract.

(h) *Waiver.* A request for waiver under this clause shall be directed in writing through the contracting officer to the Executive Director for Operations (EDO) in accordance with the procedures outlined in section 20-1.5411. If it is determined to be in the best interest of the Government, the EDO shall grant such waiver.

#### § 20-1.5405-2 Special contract provisions.

(a) If it is determined from the nature of the proposed contract that potential organizational conflicts of interest may exist, the Contracting Officer may determine that such conflict can be avoided through the use of an appropriate special contract provision. These provisions include but are not limited to:

(1) Hardware exclusion clauses which prohibit the acceptance of production contracts following a related nonproduction contract previously performed by the contractor;

(2) Software exclusion clauses;

(3) Clauses which require the contractor (and certain of his key personnel) to avoid certain organizational conflicts of interest; and

(4) Clauses which provide for protection of confidential data and guard against its unauthorized use. If appropriate, the prospective contractor may

negotiate the terms and conditions of these clauses, including the extent and time period of any such restriction.

(b) The following additional contract clause may be included as section (i) in the clause set forth in section 20-1.5404-1 when it is determined that award of a follow on contract would constitute an organizational conflict of interest.

(i) *Follow on effort.* (i) The contractor shall be ineligible to participate in NRC contracts, subcontracts, or proposals therefor (solicited or unsolicited) which stem directly from the contractor's performance of work under this contract. Furthermore, unless so directed in writing by the contracting officer, the contractor shall not perform any technical consulting or management support services work under this contract on any of its products or services or the products or services of another firm if the contractor has been substantially involved in the development or marketing of such products or services.

(ii) If the contractor under this contract prepares a complete or essentially complete statement of work or specifications, the contractor shall be ineligible to perform or participate in any contractual effort which is based on such statement of work or specifications. The contractor shall not incorporate its products or services in such statement of work or specifications unless so directed in writing by the contracting officer, in which case the restriction in this subparagraph shall not apply.

(iii) Nothing in this paragraph shall preclude the contractor from offering or selling its standard commercial items to the Government.

#### § 20-1.5406 Evaluation, findings, and contract award.

(a) The contracting officer will evaluate all relevant facts submitted by an offeror pursuant to the representation requirements of § 20-1.5404(b) and other relevant information. After evaluating this information against the criteria of 20-1.5403, a finding will be made by the contracting officer whether possible organizational conflicts of interest exist with respect to a particular offeror. If it has been determined that conflicts of interest exist, then the contracting officer shall either:

(1) Disqualify the offeror from award;

(2) Avoid or eliminate such conflicts by appropriate measures;

(3) Award the contract under the waiver provisions of § 20-1.5411.

#### § 20-1.5407 Conflicts identified after award.

If potential organizational conflicts of interest are identified after award with respect to a particular contractor,

the contracting officer determines that such conflicts do, in fact, exist and that it would not be in the best interests of the Government to terminate the contract as provided in the clauses required by § 20-1.5405, the contracting officer will take every reasonable action to avoid, eliminate, or neutralize the effects of the identified conflict.

§ 20-1.5408 [Reserved]

§ 20-1.5409 [Reserved]

#### § 20-1.5410 Subcontracts.

The contracting officer shall require offerors and contractors to submit a representation statement in accordance with § 20-1.5404(b) from subcontractors and consultants; except that subcontractors requiring the representation of § 20-1.5404(b) shall not be required to submit a representation statement where the subcontract is for supplies or otherwise exempted by NRC general contract provisions. The contracting officer shall include contract clauses in accordance with § 20-1.5405 in consultant agreements or subcontracts involving performance of work under a prime contract covered by this subsection.

#### § 20-1.5411 Waiver.

In the first instance, determination with respect to the need to seek a waiver for specific contract awards shall be made by the contracting officer with the advice and concurrence of the program office director and the Office of Executive Legal Director. Upon the recommendation of the contracting officer, and after consultation with the Office of the General Counsel, the Executive Director for Operations may waive the policy in specific cases if he determines that the public interest makes a waiver imperative. Such action shall be strictly limited to those situations in which: (1) The work to be performed under contract is vital to the NRC program; (2) the work cannot be satisfactorily performed except by a contractor whose interests give rise to a question of conflict of interest; and (3) contractual and/or technical review and supervision methods can be employed by NRC to neutralize or prevent the conflict from resulting in biased performance of the work. For any such waivers, the justification and approval documents shall be placed in the Public Document Room.

#### § 20-1.5412 Remedies.

In addition to such other remedies as may be permitted by law or contract for a breach of the restrictions in this subpart or for a failure to properly represent a relevant interest or for any intentional misrepresentation of any relevant interest required to be

provided by this section, the NRC may disqualify the contractor from subsequent NRC contracts.

Dated at Washington, D.C., this 18th day of January 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 78-2062 Filed 1-23-78; 8:45 am]

### [3510-22]

#### DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

[50 CFR Part 611]

#### FOREIGN FISHING

Incidental Taking of Billfishes and Sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Proposed amendments to regulations.

SUMMARY: Foreign fishing regulations are being proposed for the conservation and management of billfishes and sharks in the Fishery Conservation Zone of the United States (FCZ). The intended effect is to improve the administration of fisheries over which the United States exercises exclusive fishery management authority.

DATE: Comments must be received by February 20, 1978.

ADDRESS: Comments may be submitted in writing to the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard H. Schaefer, Chief, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235, telephone number 202-634-7454.

**SUPPLEMENTARY INFORMATION:** The proposed regulations would implement the provisions of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended (Act) with respect to foreign fishing which results in the incidental catching of billfishes and sharks in the FCZ of the Atlantic Ocean, Gulf of Mexico, and the Caribbean Sea. The act provides for the management of all "fish" except "highly migratory species" which are specifically excluded from the definition of "fish." Several species of tuna are considered to be "highly migratory;" other pelagic species such as billfish and sharks are not

considered to be "highly migratory" under the act. "Highly migratory species" and billfish and sharks intermingle to some extent in the FCZ and often are caught by the same gear.

A directed foreign longline fishery for tuna has been conducted in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea for many years. This fishery has included billfishes and sharks as well as "highly migratory" tunas, although the tunas were the major species being sought.

Regulation of billfish and sharks is complicated by the fact that the longline fishery is usually directed for tuna, and the taking of other species is essentially unavoidable because the gear is not selective. Consequently, the foreign longline fishery has been allowed to continue during the past nine months, while full consideration was given to all relevant issues and a determination was made concerning the best form of management which would be responsive to the interests of both foreign and domestic fishermen, within the framework of the FCMA.

After the effective date of these regulations, any foreign fishing vessels (as defined in 50 CFR 611.2 (q), (r), and (s)) desiring to engage in activities in the FCZ of the Atlantic Ocean and adjacent seas which result in the catching of fish (such as sharks and billfish) must first obtain a permit for that purpose. Such permits are required under § 611.3, even though such fishing vessel is rigged and fishes primarily for the purpose of taking "highly migratory" species over which the United States does not exercise exclusive fishery management authority.

The optimum yield for sharks within the FCZ has been set at 6,150 metric tons. The Preliminary Fishery Management Plan (PMP) estimates that U.S. fishermen will harvest 5,000 metric tons, leaving a surplus of 1,150 metric tons for foreign fishing of all species of sharks in the aggregate within the FCZ.

The PMP has set the optimum yield for billfishes within the FCZ at 5,153 mt. The PMP estimates that U.S. fishermen will harvest 7,636 mt. Therefore, the total allowable level of foreign fishing for these species is zero.

General requirements (specified in Subpart A of 50 CFR Part 611) would be applicable to foreign vessels in this fishery, as they are to other foreign vessels fishing within the FCZ.

An environmental impact statement concerning a PMP for Atlantic billfishes and sharks was filed with the President's Council on Environmental Quality on November 4, 1977.

**NOTE.**—The National Marine Fisheries Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821, and 11949, and OMB Circular A-107.

Signed at Washington, D.C., this 19th day of January 1978.

WINFRED H. MEIBOHM,  
Associate Director.

It is proposed to add the following § 611.60 to 50 CFR Part 611:

#### § 611.60 Atlantic billfishes and sharks

(a) *Purpose.* The Subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement for all species of billfishes and sharks in the Fishery Conservation Zone of the U.S. in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

(b) *Definitions.* (1) Unless otherwise defined herein, all terms used in this Subpart will have the meanings ascribed to them in Subpart A of these regulations.

(2) The term "billfish" as used in these regulations means the following species:

Blue marlin—*Makaira nigricans*  
Longbill spearfish—*Tetrapturus pfluegeri*  
Sailfish—*Istiophorus platypterus*  
Swordfish—*Xiphias gladius*  
White marlin—*Tetrapturus albidus*

(3) The term "sharks" does not include dogfish sharks.

(4) The term "highly migratory species" means those species listed in § 611.2(v).

(c) *Authorized fishery.*—(1) *Total Allowable Level of Foreign Fishing and National Allocations.* Foreign vessels may engage in fishing only in accordance with the TALFF and national allocations for sharks specified in paragraph (2) below. The TALFF for all species of shark in the aggregate, is 1,150 metric tons.

(2) *National allocations.* Foreign vessels may engage in a directed fishery for sharks in the Atlantic Ocean and associated waters in accordance with the TALFF in paragraph (1) above and the following national allocations:

(i) Cuba: (Reserved).

(ii) Japan: (Reserved).

(d) *Prohibited species.* All species other than "highly migratory" species and sharks are prohibited species. In addition to the requirements of § 611.13, where appropriate for species other than billfish and sharks, any billfish caught on longline gear must be released with a minimum of injury by cutting the leader, or other appropriate means, without removal from the water, regardless of condition. These billfish may not be taken on board a foreign fishing vessel (unless specifically requested by a U.S. observer).

(e) *Open area.* The open area for permitted foreign fishing is that portion of the FCZ situated in the Atlantic Ocean, the Caribbean Sea, and the Gulf of Mexico. Since the FCZ does not include the territorial seas of the

U.S., no foreign fishing is permitted in the territorial sea even if for highly migratory species.

(f) *Open season.* Foreign fishing vessels may begin fishing for their national allocations of the TALFF on the effective date of these regulations. The season for sharks will remain open until a foreign nation reaches its allocation; thereafter, the same restrictions that apply to billfish will apply to sharks. It should be noted that the closure provisions in Subpart A of these regulations do not apply to this Subpart.

(g) *Additional restrictions and prohibitions.* (1) After the applicable national allocation for sharks has been reached, no specimen of shark or part thereof may be taken on board a foreign fishing vessel (unless specifically requested by a U.S. observer), and all sharks caught must be released in accordance with the requirement in paragraph (d) above.

(2) The owner or operator of a foreign fishing vessel, in order to establish that prohibited species on board were not taken in violation of U.S. law, may obtain a hold inspection from the N.F.M.S. at Venice or New Orleans, Louisiana; Key West, Florida; Mayaguez, Puerto Rico; or Norfolk, Virginia before beginning fishing operations in the FCZ, and maintain any seals so af-

fixed in an unbroken condition during the time the fishing vessel is in the FCZ. The purpose of such inspection is to segregate specimens which would be prohibited if taken within the FCZ.

(3) For each shark specimen retained, or part thereof, the catch and effort fishing log (described in § 611.9(a)) must contain:

- (i) Date and location (within 0.5 degree latitude and longitude);
- (ii) Species and sex;
- (iii) Length and girth; and
- (iv) Approximate weight.

(h) *Statistical requirements.* (1) In addition to the general requirements found in § 611.9, the daily cumulative catch and effort log (described in § 611.9(a)), must contain the following information:

- (i) Name of captain;
- (ii) Vessel location at midday (within 0.1 degree latitude and longitude);
- (iii) Number of hooks set;
- (iv) Number of each species of billfish (must separate sailfish and spearfish) caught and released by date showing whether individual specimens were dead or alive;
- (v) Number of sharks released, after the TALFF has been caught, showing whether individual specimens were dead or alive;
- (vi) Total number and estimated ag-

gregate weight of sharks caught and retained; and

(vii) With respect to shark specimens, or parts thereof, which are retained, the information specified under paragraph (g)(3) of this section.

(2) The weekly report required by § 611.9(e) shall be supplemented by an annual report described as follows:

(i) Each nation whose fishing vessels operate in the regulatory area shall, by April 30 of the following year, report annual catch and effort statistics as follows: (A) Effort in average number of hooks fished per 24-hour period by month by area to the nearest 0.5 degree latitude by 0.5 degree longitude. (b) Catch in metric tons by month and area to the nearest 0.5 degree latitude and longitude, of sharks, and the number of billfishes captured and released by month and area to the nearest 0.5 degree latitude and longitude. Billfish must be separated by species. An additional entry must be made showing the numbers of fish which were alive at release, and the number which were dead at release. All data required under paragraph (g)(3). This report shall be submitted to:

Regional Director, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

[FR Doc. 78-1992 Filed 1-23-78; 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.

[3410-11]

## DEPARTMENT OF AGRICULTURE

Forest Service

### UNION PASS PLANNING UNIT

#### Availability of Final, Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for the Union Pass Planning Unit, Bridger-Teton National Forest, Wyo., USDA-FS-FES (Adm) R4-77-03.

The proposed action is a comprehensive land management plan for the Union Pass Planning Unit, Bridger-Teton National Forest. The unit contains approximately 180,000 acres of National Forest land. Significant activities provided for in the plan are an annual timber harvest averaging about 1.5 to 2.2 million board feet and summer livestock grazing of about 30,000 cow months and 10,000 sheep months. Exploration of subsurface resources including minerals, gas, and oil is provided for. Eight inventoried roadless areas were considered for potential wilderness. Roadless areas No. 58 (Tosi-Rock Creek) and No. 59 (Twin Creek-Loomis Park) and the unroaded portion between them (Rare II No. 102-Gros Ventre) will remain in inventoried roadless area status, pending final evaluation of the entire Rare II area No. 102.

This final environmental statement was transmitted to EPA on January 16, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

Regional Planning and Budget Office, USDA, Forest Service, Federal Building, Room 4120, 324 25th Street, Ogden, Utah 84401.

Forest Supervisor, Bridger-Teton National Forest, Forest Service Building, P.O.B. 1888, Jackson, Wyo. 83001.

District Ranger, Pinedale Ranger District, P.O.B. 220, Pinedale, Wyo. 82941.

District Ranger, Gros Ventre Ranger District, P.O.B. 1888, Jackson, Wyo. 83001.

A limited number of single copies are available upon request to Forest Supervisor Reid Jackson, Bridger-

Teton National Forest, Forest Service Building, P.O.B. 1888, Jackson, Wyo. 83001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

EINAR L. ROGET,  
*Acting Associate Deputy Chief.*

JANUARY 16, 1978.

[FR Doc. 78-1983 Filed 1-23-78; 8:45 am]

[3410-16]

### Soil Conservation Service

#### ATWATER LAKES AND PARKS PUBLIC WATER-BASED RECREATION DEVELOPMENT RC&D MEASURE, MINNESOTA

#### 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 Atwater Lakes and Parks Public Water-Based Recreation Development RC&D Measure, Kandiyohi County, Minn.

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. Harry M. Major, 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 the enhancement of public water-based recreation. The planned works of improvement will include a level channel between two lakes and the following types of basic facilities: picnic tables and grills, drinking fountains, sanitary facilities, playground equipment, and parking facilities.

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 may be reviewed by interested parties at the Soil Conservation Service, 409

Highway 23 SW., Willmar, Minn. 56201. 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 February 23, 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, g.)

Dated: January 12, 1978.

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

[FR Doc. 78-1973 Filed 1-23-78; 8:45 am]

[3410-16]

#### COUNTY ROAD 1000 SOUTH CRITICAL AREA TREATMENT 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 County Road 1000 South Critical Area Treatment Measure, Vermillion 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. The planned works of improvement include construction of approximately 500 linear feet of waterway, riprap chutes, earth fill, clearing equivalent to one acre, and seeding and fertilizing disturbed areas.

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 may be reviewed by interested parties at the Soil Conservation Service, 165 North Vermillion Street, Newport, Ind. 47966. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1976 Filed 1-23-78; 8:45 am]

#### [3410-16]

**DUBOIS COUNTY CRITICAL AREA TREATMENT (TREE PLANTING) RC&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 Dubois County Critical Area Treatment (Tree Planting) Measure, Dubois 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 N. 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. The planned works of improvement include planting trees and shrubs for erosion control on an estimated 100 acres of critically eroding land throughout Dubois County, Ind.

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 may be reviewed by interested parties at

the Soil Conservation Service, P.O. Box 547, Jasper, Ind. 47546. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1971 Filed 1-23-78; 8:45 am]

#### [3410-16]

**ELBERT SCHOOL DISTRICT CRITICAL AREA TREATMENT MEASURE, COLORADO**  
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 Elbert School District critical area treatment measure, Elbert County, Colo.

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. Robert G. Halstead, 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 control of critically eroding areas around Elbert County schools. The planned works of improvement include shaping, grading, topsoiling, and seeding approximately 3.1 acres of eroding areas. In addition, the recreation areas north of the school will be graded and seeded to provide proper drainage away from school grounds. Structural measures include a diversion and pipe-drop to safely dispose of excess water.

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 may be reviewed by interested parties at the Soil Conservation Service, 2490

West 26th Avenue, Denver, Colo. 80217. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1970 Filed 1-23-78; 8:45 am]

#### [3410-16]

**HEART MOUNTAIN ESTATES RC&D MEASURE, WYOMING**  
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 Heart Mountain Estates RC&D measure, Park County, Wyo.

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. Frank S. Dickson, 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 farm irrigation. The planned works of improvement include installation of about 3,500 feet of underground pipeline to deliver irrigation water to about 100 acres of irrigated land. Land treatment practices of pasture and hayland planting and management, fencing, irrigation water management, and tree planting will also be implemented.

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 may be reviewed by interested parties at the Soil Conservation Service, 100 East B Street, Room 3213, Casper, Wyo. 82602. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1972 Filed 1-23-78; 8:45 am]

#### [3410-16]

#### HULL BAY WATER-BASED RECREATION RC&D MEASURE, ESTATE HULL BAY, ST. THOMAS, U.S. VIRGIN ISLANDS

##### 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 Hull Bay water-based recreation RC&D measure, Estate Hull Bay, St. Thomas, U.S. Virgin Islands.

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. A. H. Quintero, 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 the construction of a boat ramp and associated parking at Estate Hull Bay Beach, St. Thomas, U.S. Virgin Islands. The planned works of improvement include the construction of a well-designed boat launching ramp and associated parking area.

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 may be reviewed by interested parties at the Soil Conservation Service, Room 633, U.S. Courthouse and Federal Building, Carlos E. Chardon Street, Hato Rey, P.R. 00918, and Soil Conservation Service, Federal Experiment Station, Kingshill, St. Croix, U.S.

Virgin Islands 00850. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1975 Filed 1-23-78; 8:45 am]

#### [3410-16]

#### MADILL SCHOOL CRITICAL AREA TREATMENT MEASURE, OKLAHOMA

##### 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 Madill School critical area treatment measure, Marshall County, Okla.

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. Roland R. Willis, 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. The planned works of improvement include shaping and vegetation of waterways and other disturbed areas and installation of concrete channel liners in selected locations in the waterways.

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 may be reviewed by interested parties at the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074. 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 envi-

ronmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 23, 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: January 12, 1978.

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

[FR Doc. 78-1968 Filed 1-23-78; 8:45 am]

#### [3410-16]

#### OAKS PARK CANAL FARM IRRIGATION MEASURE, UTAH

##### 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 Oaks Park Farm irrigation canal RC&D measure, Uintah County, Utah.

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. George D. McMillan, 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 structural measures to improve the existing Oaks Park Canal. The planned works of improvement include 6,000 feet of irrigation pipeline; 1,360 feet of rock riprap; 3 water control structures; 5,700 feet of concrete, earth, and plastic canal lining; and 200 feet of rock excavation.

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 may be reviewed by interested parties at the Soil Conservation Service, Room 4012, Federal Building, 125 South State Street, Salt Lake City, Utah 84138. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1969 Filed 1-23-78; 8:45 am]

[3410-16]

**PINE LAWN PARK PUBLIC WATER-BASED RECREATION RC&D MEASURE, MINNESOTA**

**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 Pine Lawn Park public water-based recreation development RC&D measure, Mower County, Minn.

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. Harry M. Major, 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 the enlargement of public water-based recreation development in Pine Lawn Park. The planned works of improvement include picnic table and grills, picnic shelter, canoe launch area, water supply, sanitary facilities, roads, and landscaping.

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 may be reviewed by interested parties at the Soil Conservation Service, Mower County Courthouse, Austin, Minn. 55912. 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 February 23, 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: January 12, 1978.

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

[FR Doc. 78-1974 Filed 1-23-78; 8:45 am]

[6320-01]

**CIVIL AERONAUTICS BOARD**

[Docket Nos. 31682, 31685; Order 78-1-62]

**AMERICAN AIRLINES, INC.**

**Order Dismissing Complaints Regarding Advance-Purchase Excursion and Individual Inclusive—Tour Fares Between U.S. Points and Mexico**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of January 1978.

By tariff revisions<sup>1</sup> filed to become effective December 8, 1977, American Airlines, Inc. (American), proposes reductions in the levels of its individual inclusive-tour (ITX) fares between various United States points and Acapulco/Mexico City, and introduction of new advance-purchase excursion (APEX) fares between Chicago, Detroit, Dallas-Fort Worth, and Acapulco/Mexico City. The proposed ITX fares are 0.9 to 31.2 percent below present levels and are intended—consistently with American's other U.S.-Mexico ITX fares—either to apply discounts from normal economy fares of 20 percent during weekends and 30 percent on midweek days, or to implement levels competitive with fares which can be constructed via a point where a lower ITX fare is available. The APEX fares represent discounts from normal economy fares of 28.6 to 40.2 percent during weekends and 40.3 to 50 percent on weekdays. Salient features of the APEX fares include ticket purchase at least seven days before departure; 7/30-day minimum/maximum length of stay; and a seating capacity limitation of 20 percent each weekend and 50 percent for each midweek period.

American claims that it is proposing the APEX fares "to stimulate lagging traffic in the U.S.-Mexico market";<sup>2</sup> its experience with similar fares, notably the transcontinental "Super Saver,"

<sup>1</sup>Revisions to Tariff CAB No. 74 issued by Air Tariffs Corp., Agent. The APEX fares are to apply for travel commencing January 7, 1978.

<sup>2</sup>According to American, traffic declined by 3.4 and 7.7 percent on its own and on total U.S. scheduled service, respectively, for the first seven months of 1977 compared to the corresponding period in 1976.

has been successful; the APEX fares will alleviate weekend traffic peaking problems; the discounts proposed are similar to those in other international markets;<sup>3</sup> and both the APEX fares and ITX fare reductions can be expected to make a contribution to profits.<sup>4</sup>

Complaints requesting suspension and investigation of American's filing have been received from the National Air Carrier Association (NACA) and Air Charter Tour Operators of America (ACTOA). An answer in support of the complaints has been received from Compania Mexicana de Aviacion, S.A. (Mexicana). American has answered opposing the complaints.

NACA contends that the fares would be well below American's fully allocated costs; the Board has found, at a composite industry average load factor of 55.5 percent, such United States-Mexico costs to be roughly equal to the normal economy fare levels;<sup>5</sup> the present normal economy fare level is 9 to 10.5 cents per mile while the proposed fares are as low as 4.5 cents per mile; the proposed fares, particularly with respect to their level, are predatory and targeted against charter services: For example, the Philadelphia-Mexico ITX fares are below the corresponding advance-booking charter (ABC) prices currently being offered; the fares offer greater flexibility to the public than do charters: For instance, the APEX fares have only a seven-day advance-purchase requirement compared to 30 days under existing rules and 15 days under the "interim" rules<sup>6</sup> for ABC's; this advantage is in addition to the inherently greater flexibility in choosing departure and return dates which scheduled services offer; many U.S.-Mexico normal economy fare passengers are not now receiving the service quality implicit in a 55.5 percent load factor because of higher load factors and sold-out flights during weekends and peak travel months; and, insofar as the proposed fares would generate new traffic, normal economy passengers would be further inconvenienced and face an even greater possibility of sold-out flights, particularly since discount fare passengers tend to purchase seats further in advance than do normal fare passengers.

<sup>3</sup>American cites the New York-Mexico ITX and New York-London APEX fares at discounts of 50-59 percent.

<sup>4</sup>The carrier projects a total annual profit improvement from the proposals of about \$870,000, using the profit-impact test (i.e., incremental costing) and assuming generation/diversion ratios of 41/59 and 28/72 for the APEX and ITX fares, respectively.

<sup>5</sup>Order 77-4-132, April 26, 1977.

<sup>6</sup>SPDR-61 (Interim Liberalization of Charter Rules, Docket 3150), October 14, 1977.

ACTOA addresses only the APEX fare proposal. ACTOA states that the APEX fares, as part of an American campaign to eliminate charter tour operators, are specifically aimed at Elkin Tours, Inc. (Elkin), a principal operator in the Midwest; American has quoted Detroit-Acapulco/Mexico City per-seat charter prices to Elkin higher than the proposed APEX fare's yield; should American's generation estimates be realized, flights would be full every Saturday and Sunday during eight months of the year and preemption of higher-fared passengers would be inevitable; the value of service proposed is not significantly less than that of higher-level fares; the advance-purchase and length-of-stay requirements are distinctions without a difference since the traffic in question is primarily composed of vacationers and there are no cancellation penalties; and American is willing, in the short run, to experience substantial diversion from higher-level fares and revenue dilution "in the interest of destroying charter competition."

Mexicana, answering in support of both complaints, contends that American is now carrying "an ample volume of passengers in relation to its capacity"; introduction of new and deeper discounts is not a proper solution, even if American cannot achieve a satisfactory rate of return with such traffic; American, however, has not suggested that its present earnings are insufficient; American's use of its May-July 1977 domestic transcontinental "Super Saver" fare experience for generation/diversion estimates of its United States-Mexico fare proposals is inappropriate and insufficient; the proposed levels are similar to those of American's "assembly" group inclusive-tour (GIT) fare proposal, which the Board suspended pending investigation, noting that American had not shown the inadequacy of the existing individual inclusive-tour fares (Order 76-12-102); American has made no such showing in the instant case; should the proposed fares be permitted to become effective, competing carriers would have no alternative but to propose further discounts; and a proliferation of such fares is ultimately "contrary to the public interest since it can only be expected to lead to the deterioration of service and safety."

In answer, American alleges that scheduled-service carriers have a right to compete with supplemental carriers; supplementals do not have a substantial stake in U.S.-Mexico charters; the APEX fares cannot damage tour operators since they have as much opportunity to profit from scheduled as from charter services, and with no risk; supplementals' charter rates are much lower than either American's charter rates or the APEX fares; the

APEX fares' per-mile yields are comparable to those of the "Super Saver" and transatlantic Budget and APEX fares; American does not plan to add capacity to accommodate traffic generated by the APEX fares, which thus meet long- as well as short-run marginal costs while contributing to capacity costs; Order 77-4-132 shows American's average U.S.-Mexico operating costs (including first-class service) at only 6.8 cents per revenue passenger-mile,<sup>7</sup> and the average per-mile yields of the APEX and ITX fares are, respectively, 71 and 94 percent of that figure; and the greater discounts on weekdays will reduce weekend load factors and hence improve the quality of service for normal fare passengers.

The Board has decided to dismiss the complaints.

We have frequently stated our determination to allow the maximum fare competition economically feasible and our reluctance to interfere with competitive actions where the proposed fares may improve the economics of scheduled service. At present, we believe that tour operators and charter carriers can adjust to new circumstances by making suitable competitive responses in turn, especially in view of our recent liberalization of charter rules. For this reason, we will continue to follow a policy of permitting scheduled-service carriers wide latitude in competing with charter services. Should subsequent developments indicate that this policy is producing undesirable results for the industry as a whole, we will of course take remedial measures.

American does not refute the charge that it has quoted per-seat charter prices to Elkin which are virtually the same as the proposed APEX fare level. However, American states that it did not get Elkin's business. Our investigation indicates that, rather, Elkin is contracting Chicago-Acapulco one-stop inclusive-tour charters (OTC's) with World Airways, Inc., whose per-seat prices are \$40 to \$70 below the Chicago-Acapulco APEX midweek level. In addition to the differential in the cost of the air transportation, the OTC's, because of their required ground accommodations, provide another element for profit to the tour organizer.

The APEX and ITX fares at issue do show a potential for improving the economics of scheduled service, from the standpoint of both the traveler and the carrier. We are not convinced that these fares would significantly inconvenience normal fare or higher-

rated fare passengers.<sup>8</sup> Moreover, the lower levels and greater availability of the APEX fares during midweek periods may well promote a more even distribution of traffic between weekends and weekdays and so contribute to the efficiency of the carrier's operations. Such a traffic shift can reduce weekend load factors and the possibility of higher-fared passengers being denied reservations thus upgrading the quality of service for those passengers who continue to opt for weekend travel. In this connection, American's data indicate that, for the year ended July 1977, the carrier experienced average midweek and weekend load factors of about 56 and 70 percent, respectively, in its Chicago-Acapulco/Mexico City nonstop service—the most dense service in question. Based on the carrier's 41 percent generation estimate for the APEX fares, and even assuming that all seats available for APEX travel on all flights are occupied by passengers using that fare, an average of 24 percent (midweek) and 22 percent (weekend) of available seats would remain unoccupied. Of course, this does not consider traffic peaking, but neither does it consider the possible traffic shifts caused by the peak-off peak character of the fares.

Finally, the fares cover noncapacity costs and make a contribution to capacity costs. To the extent that these fares generate new traffic and fill otherwise empty seats, therefore, they will improve the carrier's financial position.

Accordingly, *it is ordered*, that the complaints of the National Air Carrier Association, in Docket 31682, and Air Charter Tour Operators of America, in Docket 31685, be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>9</sup>

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-2022 Filed 1-23-78; 8:45 am]

#### [6320-01]

[Docket Nos. 31564, 31572; Order 78-1-78]

#### POLSKIE LINIE LOTNICZE

Order Vacating Suspension Regarding Transatlantic Super-APEX, GIT and Special-APEX Fares

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

<sup>7</sup> Unlike the suspended Hawaii GIT fares (Order 77-9-23, September 8, 1977) which involved groups of 50, the APEX fares are individual and subject to a maximum seat allocation of 20 percent on the weekend. The threat of significant numbers of ticketed passengers being denied reservations is therefore much less.

<sup>9</sup> All Members concurred.

<sup>7</sup> Appendix C, American's forecast under the then-proposed fares (as adjusted by the Board) for the year ending April 1978 indicates \$38,250,000 total operating expenses and 562,542,000 revenue passenger-miles.

By Order 77-10-139, October 25, 1977, and Order 77-11-58, November 4, 1977, the Board suspended, pending investigation, super-APEX, group inclusive tour fares and "Special" advance purchase excursion fares proposed by Polskie Linie Lotnicze (LOT) for use between the United States, on the one hand, and Poland, on the other. The Board stated that it was suspending the fares because the United States had been unable to secure an ad hoc agreement with Poland which would permit us to suspend the fares after they became effective, and in those circumstances, failure to suspend the fares before they became effective, might foreclose any future action by this Government with regard to such fares between the United States and Poland.

On December 29, 1977, the Government of Poland signed an ad hoc agreement confirming the right of the United States to take action against the super-APEX, group inclusive tour fares and "Special" advance purchase excursion fares after they became effective. Thus there is no reason for LOT's fares to Poland and other countries whose Governments have signed appropriate ad hoc agreements to remain under suspension, and this order will vacate our previous action in that respect.<sup>1</sup>

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958, it is ordered, That:

1. Order 77-10-139 is vacated insofar as it suspends and investigates Advance Purchase Excursion Fares as follows:

**A. PASSENGER FARES TARIFF No. PF-4, CAB No. 44, ISSUED BY AIR TARIFFS CORP., AGENT**

Fares and provisions in tables 23, 104, 143 to/from Poland applicable to Pan American, K.L.M., Lufthansa, Polskie Linie Lotnicze, and Swissair.

**B. INTERNATIONAL PASSENGER FARES TARIFF No. 4, CAB No. 22, ISSUED BY JOHN M. SAMPSON, AGENT**

The fares and provisions in section 40 to/from Warsaw, Poland, applicable to British Airways.

<sup>1</sup>We will also vacate the suspension of matching tariffs to Poland filed by British Airways, Pan American World Airways, Inc., Trans World Airlines, Inc., K.L.M. Royal Dutch Airlines, Deutsche Lufthansa Aktiengesellschaft, and Swissair, Swiss Air Transport Co., Ltd.

**C. INTERNATIONAL LOCAL AND JOINT PASSENGER FARES TARIFF No. F-9, CAB No. 37, ISSUED BY TRANS WORLD AIRLINES, INC.**

On 21st Revised Page 170 and 25th and 26th Revised Pages 172 the fares and provisions to/from Warsaw, Poland.

2. Order 77-11-58 is vacated insofar as it suspends and investigates advance purchase excursion fares and provisions in rule 171 and table 385 and group inclusive tour fares and provisions published in rule 167 and table 386 of Passenger Fares Tariff No. PF-4, CAB No. 44, issued by Air Tariffs Corp., agent;

3. This order shall be submitted to the President<sup>2</sup> and shall be effective on January 19, 1978; and

4. Copies of this order shall be filed in the above tariffs and served upon Pan American World Airways, Inc., Trans World Airlines, Inc., Polskie Linie Lotnicze, Deutsche Lufthansa Aktiengesellschaft, K.L.M. Royal Dutch Airlines, SWISSAIR, Swiss Air Transport Co., Ltd., British Airways Board carrying on business under the firm name and style of British Airways, and the National Air Carrier Association.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,<sup>2</sup>  
Secretary.

[FR Doc. 78-2023 Filed 1-23-78; 8:45 am]

**[6320-01]**

[Order 78-1-68; Docket 30777; Agreement C.A.B. 27084 R-1 through R-12]

**IATA**

**Agreement Relating To Free Baggage Allowances and Excess-Baggage Charges**

Issued under delegated authority January 17, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement, limited in nature, was adopted at the Special Resolution 001p Baggage Meeting held in Hollywood, Fla. on December 2,

<sup>2</sup>This order was submitted to the President on January 11, 1978. All Members concurred.

1977, and was filed with the Board on January 3, 1978.

The agreement, proposed for effect February 1, 1978, through March 31, 1979, would establish new free-baggage allowances and excess-baggage charges for passenger air transportation between Canada, on the one hand, and Europe (excluding Czechoslovakia, Spain and Yugoslavia), Israel, South Africa, South West Africa, Lesotho, Botswana, Swaziland, Umtata and Rhodesia, on the other.

The proposed allowances and charges are based on a piece system (rather than a weight system) like that established for transportation between the United States and various world points as conditioned and approved by the Board by Order 77-4-97, April 20, 1977. Under the proposed free allowances, first-class passengers would be permitted two checked pieces of 62 inches (length plus width plus depth) each; economy-class passengers could check two pieces, either of which could be as large as 62 inches provided that their total does not exceed 107 inches; passengers of either class would be permitted a carry-on piece of no more than 45 inches provided that it could be stowed in the underseat space.

Excess-baggage charges, for oversized and/or additional pieces, would be levied on a per-piece basis at amounts varying with origin and destination. From Montreal, for example, the charges for an excess piece would be \$30 to Ireland, \$40 to France, \$68 to Israel, and \$75 to the southern Africa countries.<sup>1</sup> The agreement also provides for special treatment of such items as bicycles and golf, ski, and camping equipment.

We will approve the agreement, which governs conditions and charges which are combinable with conditions and charges to/from United States points and thus has indirect application in air transportation as defined by the Act, since the provisions and charges embodied in the agreement are virtually identical to those which the Board found acceptable in Order 77-4-97.

Pursuant to authority duly delegated by the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

<sup>1</sup>These amounts are expressed in U.S. dollars. The Canadian dollar amounts are slightly higher.

Agreement C.A.B.	IATA No.	Title	Application
27084:			
R-1.....	LA17.....	JT12 Limited Agreement—to/from Canada (New) (Expedited).	¼ (North Atlantic).
R-2.....	001v.....	Special Baggage Escape-Canada (New) (Expedited).	Do.
R-3.....	001y.....	Special Baggage Escape-Limited Agreement to/from Canada (New) (Expedited).	Do.

Agreement C.A.B.	IATA No.	Title	Application
27084:			
R-4.....	003.....	Special Rescission Resolution (31 January 1978) (Expedited).	Do.
R-5.....	304.....	Carriage of Baggage at Cargo Rates to/from Canada (New) (Expedited).	Do.
R-6.....	306.....	Application of Baggage Rules to/from Canada (New) (Expedited).	Do.
R-7.....	310.....	Free Baggage Allowance to/from Canada (New) (Expedited).	Do.
R-8.....	310c.....	Pets to/from Canada (New) (Expedited).....	Do.
R-9.....	311.....	Excess Baggage Charges to/from Canada (New) (Expedited).	Do.
R-10.....	311b.....	Charges for Snow Skiing Equipment to/from Canada (New) (Expedited).	Do.
R-11.....	311d.....	Charges for Golfing Equipment to/from Canada (New) (Expedited).	Do.
R-12.....	311e.....	Charges for Bulky Baggage to/from Canada (New) (Expedited).	Do.

Accordingly, it is ordered, That: Agreement C.A.B. 27084, R-1 through R-12, be approved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-1890 Filed 1-23-78 8:45 am]

### [3510-25]

#### DEPARTMENT OF COMMERCE

##### Industry and Trade Administration

#### ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

##### Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Wednesday, February 8, 1978, at 9:30 a.m. in Room B841, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, and October 21, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

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

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

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the general counsel, formally determined on October 21, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552(c)(1). Such matters are specifically authorized under criteria established by an Executive order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Oper-

ations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone area code 202-377-4196.

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on October 28, 1977 (42 FR 56767).

Dated: January 20, 1978.

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

[FR Doc. 78-2007 Filed 1-23-78; 8:45 am]

### [3510-13]

#### National Bureau of Standards

#### COBOL COMPILER VALIDATION IN SUPPORT OF FEDERAL INFORMATION PROCESSING STANDARD 21-1

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal automatic data processing (ADP) standards. Federal Information Processing Standards Publication (FIPS Pub) 21-1 specifies Federal standard COBOL. The standard defines the elements of the COBOL programming language and the rules for their use.

In the November 14, 1975, issue of the FEDERAL REGISTER (40 FR 53013), the General Services Administration (GSA) published a new regulation which added to 41 CFR Subpart 101-32.15 a new subsection 101-32.1305-1a, Validation of COBOL Compilers. GSA established the policy for testing COBOL compilers to support the requirement in FIPS Pub 21-1 regarding the implementation of Federal stan-

standard COBOL. This, in effect, requires Federal agencies to ensure that all COBOL compilers that are brought into the Federal inventory are tested to confirm that they meet a designated level of the Federal standard COBOL.

The term validation is used in this context as the process of testing a given COBOL compiler against predetermined conditions and specifying which, if any, conditions are not met. To confirm that an implementation meets the specification of a designated level of Federal standard COBOL, test routines have been developed and approved for use in testing COBOL compilers. These routines make up the COBOL compiler validation system (CCVS). A Federal COBOL Compiler Testing Service (FCCTS) also has been established to provide a validating service for the Federal agencies. The FCCTS is sponsored by the Department of Defense (DOD) under delegation of authority from the National Bureau of Standards (NBS). The FCCTS is responsible for the development and maintenance of the CCVS necessary to support the validation of the various versions of Federal standard COBOL. They are also responsible for conducting the validation of all COBOL compilers brought into the Federal inventory.

The purpose of this announcement is to identify a new official version of the 1974 CCVS (version 3.0) currently being used by FCCTS in discharging its responsibilities under the above-mentioned delegation of authority from NBS.

#### COBOL COMPILER VALIDATION SYSTEM

The 1974 COBOL compiler validation system is being released in increments. Version 1.0 of the 1974 CCVS which was released in November 1975 contained all the language elements included in the low-intermediate level of FIPS Pub 21-1 COBOL (see FIPS Pub 21-1 for information regarding the contents of the various levels of Federal standard COBOL). Version 2.0 of the 1974 CCVS was released in February 1977 and announced in the April 13, 1977, issue of the FEDERAL REGISTER (42 FR 19364) as the official CCVS to be used in validation of all COBOL compilers brought into the Federal inventory. It contained all elements of FIPS Pub 21-1 except for the arithmetic expressions of the nucleus module, the ENTER statement of the nucleus module, and the entire communication module.

Version 3.0 of the 1974 CCVS was released in October of 1977. Included in version 3.0 are all of the corrections identified through temporary program fixes issued for version 2.0. Also included in version 3.0 are the audit routines necessary to determine the degree to which a COBOL compiler

flags the language elements contained in the various levels of Federal standard COBOL as defined in FIPS Pub 21-1. Excluded from version 3.0 are arithmetic expressions of the nucleus module, the ENTER statement of the nucleus module and the entire communication module. This version is now the officially recognized version of the 1974 CCVS and will be used in future validations of COBOL compilers.

The COBOL compiler validation systems are available from the National Technical Information Service. Address: National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161, telephone 703-557-4650.

FIPS PUB 21-1 COBOL COMPILER VALIDATION SYSTEM VERSION 3, RELEASED 0 (CCVS74 3.0)

#### Title, Ordering No. and Price

1974 COBOL Compiler Validation System Version 3.0 Implementation Documentation (Users Guide), ADA046601, \$15.  
1974 COBOL Compiler Validation System Version 3.0 (tape), ADA046600, \$550.

The COBOL compiler validation systems will be updated biannually. These updates will be announced in a FEDERAL REGISTER notice as the current version of the CCVS used as the basis for validating COBOL compilers. The update process will be used to correct errors identified in the systems and to introduce new or modified programs as appropriate. The Federal standards do not change per se but a validation system should be periodically modified to ensure that compilers are being built according to the technical specifications in the standard, not the validation systems. Should an interpretation be made that would affect the validation systems, these changes would be reflected also during the update process.

#### OBTAINING VALIDATION SERVICES

The NBS-DOD agreement covers cost-reimbursable tests requested by vendors wishing to have a compiler validated for their own purposes; vendors wishing to have a compiler validated in response to a Government request for proposals; Government agencies involved in a procurement; or Government agencies wishing to validate a compiler already in use.

The raw data produced during the validation process will be reviewed by the FCCTS, which will prepare a validation summary report (VSR) for initial dissemination to the requester. If the requested validation has previously been performed on a similar computer configuration, the validation run need not be repeated, and the earlier VSR will be provided to a requester. The VSR will classify a compiler according to each level of the Federal COBOL standard which it has met. A

request for validation services form may be obtained by writing to or calling: Director, Federal COBOL Compiler Testing Service, Department of the Navy, Washington, D.C. 20376, telephone 202-697-1247.

The request form identifies the service required (validation summary report, validation for a compiler not yet tested, FIPS Pub 21 or FIPS Pub 21-1, etc.), and appropriate supporting information, including a point of contact in the requesting agency, compiler and related operating system identification, machine make and model number, and special requirements, if any. If the request is for a validation, a compiler validation manager will be assigned by the FCCTS to process the request. The assigned individual will contact the requesting agency to make the appropriate arrangements, and, if necessary, obtain appropriate documentation. (The requester must provide the facilities for performing the validation.)

An estimate of expenses will be provided to the requester for approval prior to a validation. The approval and, if applicable, an appropriation accounting number should be given as promptly as possible to the FCCTS.

Upon completion of the validation, a VSR will be compiled from the raw data and forwarded to the requester.

Dated: January 19, 1978.

ERNEST AMBLER,  
Acting Director.

[FR Doc. 78-1990 Filed 1-23-78; 8:45 am]

#### [3510-22]

National Oceanic and Atmospheric  
Administration

#### MARINE MAMMALS

#### Receipt of Application for a General Permit

Notice is hereby given that the following applications have been received to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

United Fishermen of Alaska, Box 1352, Juneau, Alaska 99802, has applied for general permits under Categories 3: "Encircling Gear, Purse Seining not Involving the Intentional Taking of Marine Mammals;" 4: "Stationary Gear;" 5: "Other Gear;"

The National Federation of Medium Trawlers, Showa Kaikan, 3-2, Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan, has applied for a Category 1: "Towed Or Dragged Gear" general permit;

Japan Deep Sea Trawlers Association, Daito Bldg., 6/F, Ogawa-cho, 3-6 Kanda, Chiyoda-ku, Tokyo, Japan, has applied for a Category 1: "Towed Or Dragged Gear" general permit; and

The North Pacific Longline—Gillnet Association, Zenkeiren Bldg., 7 Hirakawa-cho 2, Chiyoda-ku, Tokyo, Japan, has applied for a Category 5: "Other Gear" general permit.

The applications are available for review in the office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

The application received from the United Fishermen of Alaska is available for review in the Office of the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Interested parties may submit written views on this application on or before February 13, 1978 to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: January 18, 1978.

ROLAND FINCH,  
Acting Deputy Assistant Director  
for Fisheries Management.

[FR Doc. 78-1989 Filed 1-23-78; 8:45 am]

[3128—01]

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### OIL AND GAS PRODUCERS

##### Inquiry on financial Accounting Standards

AGENCY: Department of Energy.

ACTION: Notice of inquiry.

**SUMMARY:** The Department of Energy (DOE) intends to submit comments to the Securities and Exchange Commission (SEC) on whether the SEC should adopt Statement of Financial Accounting Standards No. 19, Financial Accounting and Reporting by Oil and Gas Producing Companies (Statement No. 19), developed by the Financial Accounting Standards Board (FASB) or some alternative accounting standards as the uniform accounting practices which the Energy Policy and Conservation Act required the SEC to develop. The DOE's comments will be directed at the impact of adoption of FASB Statement No. 19 on competition in the oil and gas production sector of the petroleum industry, the impact on oil and gas exploration, development, and production, and the impact on the Financial Reporting System being developed by the Energy Information Administration of the DOE. The purpose of this notice is to request comments on these issues from interested persons to assist the DOE in formulating its position on FASB Statement No. 19.

**DATES:** Comments by February 23, 1978, 4:30 p.m. Hearing date: February 21, 1978, 9:30 a.m.; requests to speak by February 9, 1978; 4:30 p.m.

**ADDRESSES:** All comments to and requests to speak to: Office of Regulations Management, Box RF, Room 2214, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

Hearing location: Room 3000A, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

#### FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Room 2222A, 2000 M Street NW., Washington, D.C. 20461, 202-254-5201.

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

Michael Paige (Office of General Counsel), Room 5134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9565.

Gregory Crowell (Economic Regulatory Administration), Room 8125A, 2000 M Street NW., Washington, D.C. 20461, 202-254-8641.

Stuart W. Ray (Office of Policy and Evaluation), Room 3530, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-7425.

#### SUPPLEMENTARY INFORMATION:

##### I. BACKGROUND

- A. FASB statement No. 19.
- B. Basis for DOE comments.

##### II. GENERAL INFORMATION SOUGHT

- A. Competition issue.
- B. Energy supply issues.
- C. Supplemental information requested in appendix.
- D. Financial reporting system issues.
- E. DOE comments to the SEC.

##### III. COMMENT PROCEDURES

- A. Written comments.
- B. Public hearing.

##### I. BACKGROUND

Section 503 of the Energy Policy and Conservation Act, Pub. L. 94-163 (EPCA), requires the SEC to assure the development and observance of accounting practices to be followed in the preparation of accounts by persons engaged in the production of crude oil or natural gas in the United States. A deadline of December 22, 1977, was established for the development of these accounting practices. However, the EPCA permits the SEC to rely on accounting practices developed by the FASB, after consideration of comments from interested persons on whether it ought to adopt the FASB-recommended accounting practices, if the SEC is assured that such practices will be observed by affected parties to the same extent as if the SEC had prescribed such practices by rule. If FASB-developed standards are relied on, the EPCA permits the SEC additional time beyond December 22,

1977 for development of the required accounting practices.

#### A FASB STATEMENT NO. 19

The two most widely followed accounting practices for oil and gas producers are the so-called "successful efforts" and "full cost" methods. Their principal difference lies in the prescribed methods of determining which exploration expenditures are capitalized. On December 5, 1977, the FASB, in Statement No. 19, adopted the successful efforts, and rejected the full cost, method of accounting for oil and gas producers. As described by the FASB, successful efforts accounting was adopted because it was consistent with the "present accounting framework" and would enable financial statements to reflect risk and unsuccessful results more accurately. Sections 146 and 147 of Statement No. 19 discuss the two methods of accounting:

146. Present accounting concepts place boundaries on the assets to be accounted for—boundaries determined by the transaction in which the asset was acquired, by physical attributes of the asset, by legal attributes of the asset, or by the way in which the asset is used. Full costing aggregates all oil and gas reserves within very broad cost centers (countries or continents), wherever those reserves may be located on the cost center and whenever discovered, and accounts for that aggregation as a single asset. All acquisition, exploration and development costs incurred in that cost center are deemed to be the cost of the aggregate asset, even if those costs relate to activities that are known not to have been successful in acquiring, discovering, or developing reserves.

147. The successful efforts method, on the other hand, circumscribes the boundaries of, and accounts separately for, individual assets \* \* \* Only those exploration and development costs that relate directly to specific oil and gas reserves are capitalized; costs that do not relate to specific reserves are charged to expense. The successful efforts method of accounting conforms to the traditional concept of the historical cost of an asset.

The FASB identified 214 companies in the "petroleum and natural gas extraction" Standard Industrial Classification the securities of which were registered with the SEC. Of these, the FASB identified 79 companies which derived more than 50 percent of their revenues from exploration and production, thereby excluding virtually all the major integrated companies from the group. Of the 79 companies, the FASB identified 32 companies which used the successful efforts method of accounting and 47 which used the full cost method.

On December 22, 1977, the SEC announced that it would solicit comments and hold public hearings on whether the Commission should exercise its discretion to recognize or otherwise rely on the accounting practices

developed by the FASB in order to meet the requirements of the EPCA.

#### B. BASIS FOR DOE COMMENTS

The DOE intends to comment to the SEC on whether that agency ought to adopt the accounting practices developed by the FASB. The basis for the DOE's determination in this regard is as follows. First, section 503(a) of the EPCA requires the SEC to consult with the Federal Energy Administration, the functions of which have been assumed by the DOE, in the development of the accounting practices for producers required pursuant to the EPCA. In addition, section 205(h)(1)(B)(3) of the Department of Energy Organization Act, Pub. L. 95-91 (DOE Act), requires consultation between the DOE and the SEC for accounting standards to be used in the preparation of the Financial Reporting System under development by the Energy Information Administration. Further, the DOE has a mandate under section 102(12) of the DOE Act to "foster and assure competition among parties engaged in the supply of energy and fuels." In this regard, section 4(b)(1)(D) of the Emergency Petroleum Allocation Act of 1973 requires the DOE, to the maximum extent practicable, to provide for the "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing \* \* \* [sector] of such industry \* \* \*." Finally, among the objectives of the DOE Act are "to promote the interests of consumers through the provision of an adequate and reliable supply of energy at the lowest reasonable cost" (§ 102(8)); "to assure to the maximum extent practicable, that the productive capacity of private enterprise shall be utilized in the development and achievement of the policies and purposes of [the] Act" (§ 102(14)); and "to foster insofar as possible the continued good health of the Nation's small business firms \* \* \* involved in energy production \* \* \*" (§ 102(17)). Consequently, the DOE is particularly concerned that any required accounting practices for producers not have the effect of inhibiting access into the capital markets for exploration funds, and thereby possibly tending to lessen overall domestic energy supplies.

The SEC is required to consider how the adoption of any rules or regulations would impact competition. Section 23(a)(2) of the Securities Exchange Act of 1934, as amended, requires that:

The Commission, in making rules and regulations pursuant to any provisions of this title, shall consider among other matters the impact any such rule or regulation would have on competition. The Commission shall not adopt any such rule or regula-

tion which would impose a burden on competition not necessary or appropriate in furtherance of the purposes of this title.

With regard specifically to competition, the FASB stated its view that:

\* \* \* far from inhibiting competition, the removal of one of two significantly different optional alternative methods of accounting in similar situations will facilitate competition. The weight of the evidence before the Board is that independent oil and gas production companies using successful efforts accounting do compete successfully and conduct effective exploration production programs that they are able to finance through a variety of capital sources." (Statement No. 19, para. 174, p. 85.)

The SEC does not have a specific statutory mandate to consider the impact of its determination in this matter on energy supplies. However, the FASB did consider economic issues during the development of Statement No. 19 and concluded that an accounting method should not be mandated with the intention of influencing investors' decisions, regardless of how economically desirable the expected results might be. The FASB stated that:

To the extent that furtherance of competition in oil and gas exploration and production and the availability of increased capital resources to finance those efforts are perceived as national economic or policy goals and in the interest of the general public, those goals can best be fostered—and the likelihood of their attainment substantially increased—if all competitors disclose financial data in a marketplace free from the burdens of inconsistency, non-comparability, and misunderstanding, a marketplace in which risks and rewards are reported as objectively and as evenhandedly as possible. (Statement No. 19, para. 172, p. 84.)

Additional information concerning the development of Statement No. 19 can be found in the Statement of Financial Accounting Standards No. 19 published by the FASB in December 1977, the Discussion Memorandum and Exposure Draft which led to the development of Statement No. 19, and the related SEC releases.

#### II. GENERAL INFORMATION SOUGHT

The DOE intends to assess the effect of the adoption of FASB Statement No. 19 on competition between parties engaged in the production of oil and natural gas, on the ability of those parties to explore for and produce oil, natural gas and other energy supplies, and on the Financial Reporting System (FRS) under development by the Energy Information Administration. In addition, the DOE intends to assess whether or not adoption of any other alternative accounting practices would serve better to promote competition and enhance energy supplies or would be more compatible with the objectives of the FRS.

Information which would be of assistance to DOE in making its assessment

would include: (1) estimates of the effect, if any, of the adoption of FASB Statement No. 19 on the consolidated and unconsolidated financial statements of the respondents of how the adoption of Statement No. 19 might affect the ability of the respondents to raise or gain access to sources of capital; (2) estimates of the likely future impact of the adoption of FASB Statement No. 19 on oil and gas exploration and development activity and the basis for any such estimates; and (3) the utility of the accounting methods set forth in FASB Statement No. 19 as they relate to the collection and use of data by the FRS. Comments on these general issues are requested both from companies engaged actively in oil and gas exploration and production and from lenders and investment banking firms that are involved in financing such activities.

#### A. COMPETITION ISSUE

Many of those who provided written submissions to the FASB during the development of Statement No. 19 and to the SEC in response to its proposed rulemaking of August 31, 1977, stated that adoption of the successful efforts method of accounting as the only method of financial reporting would limit competition in the oil and gas producing industry. Some of the respondents stated that companies now using the full cost method of accounting for financial reporting, but required to adopt the successful efforts method proposed in FASB Statement No. 19, would report lower net income, reduced net worth and, as a result, would have a more limited ability to raise capital. Some of these respondents felt that a more limited access to the capital markets would result in lower levels of exploration activity by companies now using the full cost method of accounting and would hinder entry into the market.

To assess properly the probable impact of adoption of Statement No. 19 on certain firms' access to the capital markets, and the resulting potential effects on competition, the DOE will need to be advised for these firms as to the magnitude of the changes in reported net income, value of oil and natural gas assets, net worth and rate of return on total capitalization which would be caused by the adoption of the successful efforts accounting method. In addition the DOE invites comments as to whether alternative accounting procedures would prove more beneficial to competition in the exploration and development sector of the petroleum industry. The DOE will also need information as to the sources and amounts of capital obtained in the past and projected to be needed for exploration and development activities.

All respondents are invited to comment on these issues with respect to

their individual companies or the industry as a whole. The DOE also requests the submission of any analyses or studies, particularly those which provide information as to oil and gas producer financing patterns by method-of-accounting category of company, size of company, functional activity, and geographical area of operations. The DOE solicits comments estimating the effects of adoption of FASB Statement No. 19 on the market prices for the respondent's equity and debt securities. Analyses that address the effects on stock prices of changes in accounting methods, reported earnings and balance sheet values on a statistical basis would also be of assistance. Comments are requested on this last point in particular from lenders and investment banking firms.

#### B. ENERGY SUPPLY ISSUES

The manner in which the adoption of FASB Statement No. 19 would affect energy supplies is closely related to the question of access of affected firms to the capital markets.

Many of the proponents of full cost accounting state that adoption of FASB Statement No. 19 would make it difficult for them to raise capital because their reported earnings and net worth would be reduced under that accounting method. Some of these proponents have stated that they would reduce exploration expenditures and change their exploration strategy to emphasize less risky projects. Other companies using the full cost method of accounting have stated publicly that adoption of FASB Statement No. 19 would not cause a change in exploration expenditures or strategy.

In order to assess these statements, the DOE will attempt to evaluate the relationship between oil and gas exploration and production activities, methods of accounting, type and size of company, and geographical area of operation. Each respondent is invited to submit any information or studies which will assist the DOE in making its assessment on the energy supply issues.

#### C. SUPPLEMENTAL INFORMATION REQUESTED IN APPENDIX

Specific types of financial and other data which would be of assistance to DOE with respect to the potential impact of the adoption of FASB Statement No. 19 on competition among oil and gas producers and on energy supplies are set forth in the Appendix to this notice.

The specific information detailed in the Appendix concerning these issues will assist the DOE in formulating its position on Statement No. 19, but DOE's request therefor should not preclude any respondent from presenting such information in greater or lesser detail, or in summary form, or

from presenting other information which might be helpful to DOE in its deliberations on this issue. To the extent that any financial statements submitted also contain other specific information requested by the DOE, the respondent should so indicate in its submission.

#### D. FINANCIAL REPORTING SYSTEM ISSUES

The DOE Act requires that, to the extent practicable and consistent with the purposes and provisions of that Act, accounting practices used in the Financial Reporting System be consistent with accounting practices developed by the SEC pursuant to the requirements of the EPCA.

Respondents should address comments to the need for uniform accounting practices for the FRS in order for that system to present a "statistically accurate profile of each line of commerce in the energy industry in the United States." (DOE Act, Section 205(h)(1)(A)) Such analyses should consider whether, if adopted, the accounting methods required by FASB Statement No. 19 would enable the FRS to present a more accurate financial profile of the oil and gas producing sector of the energy industry than would be possible were that accounting method not required for all reporting firms.

The FRS will provide the DOE with data and reports which will allow comparisons on a uniform and standardized basis among energy producing companies. These data and reports may be used in the development of DOE policy with regard to competition in the petroleum industry and in the evaluation of the adequacy of incentives for investments in domestic exploration and development activities. Respondents are invited to comment on the usefulness of the accounting practices set forth in FASB Statement No. 19 for development of energy policy in these and other areas.

#### E. DOE COMMENTS TO THE SEC

The Department of Energy plans to complete its review of these issues in time to submit comments to the SEC prior to that agency's hearings, which are expected to be held in late March or early April 1978. The DOE's comments to be submitted to the SEC will be based to a significant degree on the information obtained in response to this notice.

### III. COMMENT PROCEDURES

#### A. WRITTEN COMMENTS

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Comments should be identified on the outside envelope and on the document with the designation, "Fi-

ancial Accounting Standards for Oil and Gas Producers." Fifteen copies should be submitted.

#### Confidential Submissions

The DOE requests that, to the extent possible, comments containing financial information and analyses not be the subject of a request for confidential treatment, in order that the material submitted may be made available for public inspection. However, to the extent any information or data furnished is considered by the person furnishing it to be confidential, the information or data must be so identified and submitted in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

#### B. PUBLIC HEARING

1. *Request Procedure.* The time and place for the hearing is indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the first day of the hearing.

Any person who has an interest in the matters set forth in this notice, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the DOE before 4:30 p.m., e.s.t., February 13, 1978 and must submit 100 copies of his or her statement to Linda Hagge, Room 3530, 12th and Pennsylvania Avenue, N.W., Washington, D.C., before 4:30 p.m., e.s.t., on February 17, 1978.

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

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebut-



tal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing, to the Office of Regulations Management, before 4:30 p.m., e.s.t., February 13, 1978. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The DOE or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for response.

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

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., January 19, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration.

#### APPENDIX

The kinds of financial and other data which would assist in the evaluation of the impact of adoption of FASB Standard No. 19 on competition among oil and gas producers and upon energy supplies are as follows (where possible, such information should be provided for the years 1972-1976 and for the most recent four quarters of operation).

#### FINANCIAL STATEMENTS

1. Consolidated balance sheet, and the related consolidated statements of income, stockholders' or owners' equity, and changes in financial position. If any of these financial statements have been restated, the financial statements as originally reported are also requested. Pro-forma financial statements based on the principles embodied in FASB Statement No. 19 would also be helpful. Respondents that file financial statements with the SEC may supply the financial statements included in the SEC Forms 10K, and 10Q for the appropriate periods.

2. Revenues, net income and invested capital by major functional activity including: (a) crude oil or natural gas exploration and production; (b) refining and marketing; (c) transportation; (d) other petroleum related operations; and (e) non-petroleum operations.

3. Revenues, net income and invested capital by geographic area of operation, including domestic (both onshore and offshore) and international operations.

#### OUTSTANDING DEBT AND STOCK

1. For each class of long-term and short-term debt security issued, or other evidence of indebtedness, the following information: (a) The amount of the debt issued; (b) any preference upon liquidation; (c) collateral; (d) any specific source of funds for retirement or for refunding such indebtedness, such as segregated revenues, sinking funds, etc.; (e) conversion features; (f) name of any guarantor or surety of the debt and relationship to respondent; (g) coupon or interest rate; (h) price at which sold by company; (i) date issued; (j) date of maturity; (k) date of retirement; (l) any call date or premium; (m) rating by a recognized evaluator, if any; and (n) any other special terms or features.

2. The DOE also requests information as to the amount and terms of production payment financing, lease financing, and other forms of on and off balance sheet debt financing and the amounts and types of funds provided by the following kinds of creditors: individuals, partnerships, corporations and trusts not registered with the SEC, banks, insurance companies, mutual funds, or any other (please specify). Respondents are further requested to supply information as to any lines of credit obtained, including the maximum amount borrowed under each line, compensating balances, fees, and interest rates, and any other funds not previously described to which the company had access, even if not used.

3. For each class of equity security issued, or other type of equity investment in the respondent, the following information for each year: (a) number of shares issued; (b) price per share received from underwriters; (c) price per share at which offered to the public; (d) proceeds to the company; (e) par or stated value per share; (f) preference upon liquidation; (g) if preferred or preference stock, stated dividend rate, whether cumulative or non-cumulative, conversion features, rating, if any by a recognized evaluation service, and call price and premium; (h) any other features (please specify); (i) amount and terms of other equity investments or participations in the company overall or in specific projects; (j) value, terms, and shares issued in mergers and acquisitions; (k) value, terms and shares issued in connection with stock option plans, property acquisitions, or other use of equity financing (please specify); (l) the amounts and types of equity raised from the following sources: individuals, partnerships, corporations and trusts registered with the SEC, banks, insurance companies, mutual funds, other (please specify).

#### OTHER FINANCIAL INFORMATION

1. A discussion of the nature and terms of other significant sources of funds raised, including property sales.

2. Uses of funds provided by internal and external sources including additions to property, plant, and equipment in the following functional areas: (a) exploration and production; (b) refining and marketing; (c) other petroleum and petroleum related activities; (d) non-petroleum activities (please specify other non-petroleum, but energy related, investments).

3. Increases (decreases) in current assets: (a) receivables; (b) inventories; (c) other, please specify.

4. Decreases (increases) in current liabilities: (a) accounts payable; (b) notes payable (please specify terms); (c) current portion of long-term debt; (d) accrued income taxes; (e) other—specify.

5. Respondents that are oil and natural gas producers, but for which oil and natural gas production is not the major functional activity, are requested to provide the information requested above as to their oil and natural gas production subsidiaries on an unconsolidated basis.

#### EXPLORATION AND DEVELOPMENT ACTIVITIES

As to exploration and development expenditures, the following information is requested for the period 1972-1976 and the most recent four quarters: (1) the amount of exploration and development expenditures; (2) exploratory wells drilled; (3) development wells drilled; (4) other wells drilled; (5) success ratios—exploration; (6) success ratios—development; (7) total exploratory footage drilled; (8) total development footage drilled; (9) domestic oil production in barrels; (10) domestic gas production in thousands of cubic feet and barrels of oil equivalent; (11) estimated proven reserve additions—oil; (12) estimated proven reserve additions—gas; (13) estimated cost of proven reserve additions under current accounting method and under method prescribed by Statement No. 19; (14) sources of prospects drilled (e.g., farm-outs from others, own initiative, etc.); and (15) geological and geophysical expenditures as a percentage of exploration budget.

[FR Doc. 78-1999 Filed 1-23-78; 8:45 am]

[6740-02]

#### DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER78-182]

#### ALABAMA POWER CO.

Notice of Proposed Initial Rate Schedule

JANUARY 17, 1978.

Take notice that Alabama Power Co. (Alabama) on January 9, 1978, tendered for filing an agreement with Central Alabama Electric Cooperative, Inc., intended as an initial rate schedule. Alabama states that the filing is for the proposed Kingston delivery point of Central Alabama Electric Cooperative, Inc. Alabama further states that the delivery point will be served at the company's applicable revision to rate schedule REA-1 incorporated in FERC electric tariff, original volume No. 1 of Alabama as allowed to become effective, subject to refund, by Commission order in FERC Docket ER78-77. Alabama indicates that this agreement also contains an increase in the capacity required to be maintained at the Enterprise Community and Wetumpka delivery points. Alabama further indicates that the Enterprise delivery point's capacity is increased from 5,000 to 10,000 kVA and the Wetumpka delivery point is increased from 3,750 kVA to 10,000 kVA.

According to Alabama copies of this filing were served upon Central Alabama Electric Cooperative, Inc., and Alabama Electric Cooperative.

Any person desiring to be heard or to protest said application should file

a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc. 78-1948 Filed 1-24-78; 8:45 am]

[6740-02]

[Docket No. CI77-657]

AMERICAN NATURAL GAS PRODUCTION CO.,  
ET AL

Notice of Amendment to Application

JANUARY 17, 1978.

Take notice that on January 13, 1978, American Natural Gas Production Co. (Production Co.); Oil and Gas Futures, Inc., of Texas; H. W. Bass & Sons; SAG Ventures, Penna. Co.; and the Norwegian Oil Co. (DNO-U.S.), Inc., (the "applicants"), filed an amended application for a certificate of public convenience and necessity under the provisions of section 7(c) of the Natural Gas Act, as amended, and § 2.75 of the Commission's general policy and interpretations, optional procedure for certifying new producer sales of natural gas, in the above-captioned docket. An original application was filed by Production Co. on July 20, 1977 (noticed on August 15, 1977), seeking authorization to sell its interest in natural gas production from West Cameron block 504, offshore Louisiana, to Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin). Production Co. is a wholly owned subsidiary of Michigan Wisconsin. Thereafter, on November 3, 1977, an amended application was filed on behalf of all of the working interest owners of block 504, requesting certificates of public convenience and necessity under the Commission's optional pricing provisions to sell 100 percent of the gas therefrom to Michigan Wisconsin.

In the amended application filed November 3, 1977, the applicants sought an initial rate of \$2.709 per Mcf, at 15.025 psia. The rate was to escalate one cent per quarter. In their January 13, 1978, amended application, the applicants have stated that they are willing to accept a fixed rate of \$2.215 per Mcf, at 15.025 psia.

Any person desiring to be heard or to make any protest with reference to said application, on or before January 31, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed protesting the collection of said rate, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 78-1949 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. RI77-120]

AMERICAN PETROFINA CO. OF TEXAS

Notice of Amended Petition for Special Relief

JANUARY 18, 1978.

Take notice that on January 6, 1978, American Petrofina Co. of Texas (petitioner), P.O. Box 2159, Dallas, Tex. 75221, filed an amended petition for special relief in the above-captioned docket which amends its previous petition filed August 29, 1977.<sup>1</sup> Petitioner now requests a price of 85.89 cents per Mcf<sup>2</sup> for gas sold to Texas Gas Transmission Corp. from the Lake Palourde field, St. Martin Parish, La.

Any person desiring to be heard or to make any protest with reference to

<sup>1</sup>Notice issued September 8, 1977, published in the FEDERAL REGISTER.

<sup>2</sup>The previous petition was for \$1.61981.

said petition should on or before February 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,  
*Acting Secretary.*

[FR Doc. 78-1954 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. RM75-14]

ASHLAND OIL, INC.

Notice of Petition for Declaratory Order

JANUARY 12, 1978.

Take notice that on January 13, 1977, Ashland Oil, Inc. (petitioner), P.O. Box 1503, Houston, Tex. 77001, filed in Docket No. RM75-14 a petition for declaratory order pursuant to section 1.7(c) of the Commission's rules of practice and procedure.

Petitioner requests that the Commission issue a declaratory order confirming petitioner's right to receive without carrying charge credit the rates prescribed by opinion No. 770 and 770-A for volumes of gas committed to Trunkline Gas Co., (Trunkline) in South Marsh Island blocks 268, and 269, and 281, offshore Louisiana, as a result of a supplemental advance payment earned by petitioner prior to the issuance of opinion No. 770-A. Petitioner states that it entered into an advance payment agreement with Trunkline in May 1974. The amount to be advanced was fixed at \$20,390,000, based on petitioner's working interest. According to petitioner this represented its best estimate of its gas exploration and development expenses to be incurred on or before November 1, 1976. Pursuant to a supplemental agreement with Trunkline, Petitioner's share of the advance payment was subsequently reduced to \$13,886,344.

Petitioner states that pursuant to its advance payment agreement with Trunkline it had a right to call upon Trunkline for further supplemental advance payments. On November 2, 1976, petitioner invoiced Trunkline for a supplemental advance of \$4,870,433. Under the terms of their agreement, Trunkline was required to pay within 30 days any invoice submitted by petitioner. In opinion No. 770-A the Com-

mission provided that producers accepting advance payments made on or after 1 p.m., e.s.t., November 5, 1976, under an existing advance payments contract would only be entitled to the opinion No. 770 national race less a carrying charge credit.

Petitioner's position is that it was lawfully and contractually entitled to an advance payment from Trunkline in the amount of \$4,870,433 on November 1, 1976, notwithstanding that physical payment of the money was not contractually due for a period of 30 days following petitioner's November 2, 1976, invoice. As a ground for this assertion petitioner claims that it would have qualified under the advance payment agreement with Trunkline for and advance during the three months preceding November 1, 1976, based upon ascertainable development costs. Petitioner argues that since the supplemental advance payment was earned and due to the petitioner prior to November 5, 1976, it should be permitted to receive without carrying charge credit the rates prescribed by opinion No. 770 and 770-A for the subject gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 3, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1946 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. ER77-548]

**DAYTON POWER & LIGHT CO.**

**Order Granting Rehearing and Correcting Prior Order**

JANUARY 18, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the

Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

By order issued on November 11, 1977, in this proceeding the Federal Energy Regulatory Commission (Commission) accepted for filing proposed rates<sup>1</sup> for short term, economy and emergency power electric service between Dayton Power & Light Co. (Dayton) and the City of Piqua, Ohio; suspended the use of these rates for one day to be collected thereafter subject to refund pending the outcome of a hearing thereon; and provided that said refund obligation should have no force and effect and the instant proceeding terminated, should no intervention or protest pursuant to 18 CFR § 1.7 be filed on or before November 21, 1977. In that order the Commission further rejected proposed rates for partial requirements firm power to be sold to Piqua by Dayton and denied Dayton's requests for waiver of 18 CFR § 35.13 filing requirements and 18 CFR § 35.11 notice requirements.

On December 7, 1977, Dayton filed an application for rehearing of the Commission's November 11 order requesting that "reconsideration and approval be given to: (i) The proposed rates for firm power on first revised schedule A; (ii) the request for waiver of notice and waiver of filing requirements; and (iii) the suspension period allowed." In support of its requests, Dayton argues that the Commission's November 11 order was based on the erroneous assumption that customers

<sup>1</sup>Dayton rate schedule FPC No. 34. See attachment A of the Commission's November 11, 1977, order in this docket for designations and effective dates.

affected by Docket No. ER76-887 are all full requirements customers; that since Piqua and Dayton had agreed to modify the proposed rates in this docket in accordance with a final Commission ruling in Docket No. ER76-887 and since calculations contained in Dayton's August 5 filing which were based on data submitted in Docket No. ER76-887, supported the rates filed in this docket, the Commission erroneously failed to grant waiver of 18 CFR § 35.13 filing requirements; and that because of a statutory procedure in Ohio which municipalities must follow in executing electric service agreements, which procedure caused Dayton's delay in filing until August 5, 1977, the Commission should reverse its prior denial of Dayton's request for waiver of 18 CFR § 35.11 notice requirements.

Commission review of Dayton's application for rehearing indicates that it has merit.

Dayton is correct to point out that Docket No. ER76-887 involves both full and partial requirements wholesale customers, and we shall revise the November 11 order to reflect such fact. The Commission's prior rejection of Dayton's proposed rates for firm power service to Piqua, although not based on a full requirements—partial requirements distinction, was based on the conclusion that insufficient data and information was submitted to support the proposed firm power rate to Piqua, which insufficiency was not cured by reference to data submitted to Docket No. ER76-887. However, further Commission review of Dayton's August 5, 1977, submittal, as completed on October 14, 1977, indicates that the demand and energy data submitted by Dayton to support the rates filed in Docket No. ER76-887 and adjusted and submitted to apply to Piqua in this docket, are sufficient to justify accepting for filing Dayton's proposed rates for firm power service to Piqua and to justify granting waiver of 18 CFR § 35.13 filing requirements. The Commission notes that the foregoing finding comports with the agreement between Piqua and Dayton, set forth in the August 5 submittal, where under Piqua and Dayton agreed to modify the proposed firm power rates in this docket in accordance with a final Commission ruling in Docket No. ER76-887.

We shall reverse our prior decision regarding firm power service to Piqua by accepting for filing firm power first revised schedule A, suspending its use for one day, to become effective subject to refund and subject to a final Commission order in Docket No. ER76-887, and granting waiver of 18 CFR § 35.13 filing requirements.

Dayton admits that in its August 5 submittal it did not explain the delay in filing the revised rates contained in the modified interconnection agree-

ment between itself and Piqua.<sup>2</sup> However, Dayton explains that it was precluded from submitting the agreement containing the proposed revised rates earlier than August 5, 1977, because of a statutory procedure in Ohio that Piqua was bound to follow. In support of its renewed request that 18 CFR § 35.11 notice requirements be waived, Dayton tendered copies of two resolutions by the City Commission of Piqua, the first dated June 6, 1977, and the second dated July 18, 1977, ratifying the modified interconnection agreement including the proposed effective date of May 10, 1977. Although Dayton could have explained the delay in its original filing, the Commission notes that neither Piqua nor any other person have objected to the proposed effective date. In light of the new evidence tendered by Dayton in its application for rehearing, we shall grant waiver of 18 CFR § 25.11 notice requirements for the rate schedules contained in Dayton's August 5 submittal, assigning a retroactive effective date of May 10, 1977, to first revised schedules B, C, and D and a retroactive effective date of May 11, 1977 to first revised schedule A.

The Commission notes that no protest or petition to intervene has been filed by any person in this docket pursuant to ordering paragraph (E) of the November 11 order. Accordingly, this proceeding shall be deemed terminated and the procedural dates for hearing set forth in the November 11 order shall be of no force and effect. First revised schedules B, C, and D will be effective without refund obligation, as of May 10, 1977, and first revised schedule A will be effective with refund obligation as of May 11, 1977, subject to a final Commission order in Docket No. ER76-887.

The Commission finds: (1) Good cause exists to grant Dayton's application for rehearing filed December 7, 1977, which requested that the Commission reverse its prior rejection of proposed firm power rates to Piqua, first revised schedule A, its prior denial of Dayton's request for waiver of 18 CFR § 35.13 filing requirements pertaining to firm power service and its prior denial of Dayton's request for waiver of 18 CFR § 35.11 notice requirements.

(2) Good cause exists to accept for filing first revised schedule A to suspend its use for one day to become effective as of May 11, 1977, subject to refund and subject to a final Commission order in Docket No. ER76-887.

The Commission orders: (A) Dayton's application for rehearing as de-

<sup>2</sup>Dayton originally filed the modified interconnection agreement on August 5, 1977, whereas the proposed effective date of the agreement was designated by the parties as May 10, 1977, the first day of the superseding executed agreement.

scribed in finding paragraph (1), supra, is hereby granted.

(B) First revised schedules B, C, and D are hereby made effective as of May 10, 1977, without refund obligation.

(C) First revised schedule A is hereby accepted for filing, and its use suspended for one day to become effective as of May 11, 1977, subject to refund and subject to a final Commission order in Docket No. ER76-887.

(D) Within 30 days of the issuance of a final order in Docket No. ER76-887 Dayton shall file modified rates in accordance with order reflecting changes to the rates set forth in first revised schedule A.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1955 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-41]

THE DETROIT EDISON CO.

Notice of Proposed Change in Rate Schedule

JANUARY 17, 1978.

Take notice that the Detroit Edison Co. (Detroit Edison) on December 19, 1977, tendered for filing an amendment to the Electric Supply Agreement, Rate Schedule No. 20, with one of its customers, Michigan Municipal Electric Cooperative Power Pool (Michigan Municipal). Detroit Edison indicates that the amendment provides for a temporary increase in contract capacity of 10,000 kW for a six month period beginning November 1, 1977, necessary to assure Michigan Municipal an adequate supply of electricity during the 1977-78 winter heating season. Detroit Edison further indicates that the amendment will effect no change in rates or quality of service. Detroit Edison requests that the change be made effective as of November 1, 1977; waiver of the Commission's notice requirements is therefore requested.

Copies of the filing were served upon the public utilities' jurisdictional customers, according to Detroit Edison.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 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.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 78-1950 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Further Extension of Time

JANUARY 16, 1978.

On January 6, 1978, Indiana & Michigan Electric Co. (I&M) filed a motion to further extend the time for complying with the Ordering Paragraphs of Opinion Nos. 817 and 817A, issued August 2, 1977, and September 30, 1977, respectively, in the above referenced docket. A previous extension of time was granted by Notice issued December 21, 1977.

The instant motion states that on December 30, 1977, a joint motion was filed in the captioned docket by I&M and Richmond Power & Light of the City of Richmond, Ind. (Richmond), seeking the approval of the Commission of an agreement of settlement and compromise reached by the parties.

Upon consideration, notice is hereby given that an extension of time is granted to and including September 7, 1978, for I&M to comply with Opinion Nos. 817 and 817A.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1949 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. CI77-497 and RP77-62]

MESA PETROLEUM CO. AND TENNESSEE GAS PIPELINE CO.

Notice of Further Extension of Time

JANUARY 17, 1978.

On January 13, 1978, Tennessee Gas Pipeline Co. (Tennessee) filed a motion to further extend the time for complying with Ordering Paragraph (F) of the Commission Order issued November 16, 1977, in the above referenced docket. A previous extension of time was granted to Tennessee by Notice issued December 28, 1977.

The instant motion states that a further extension is requested due to the fact that the Commission's response to the application for rehearing filed in this docket by Mesa Petroleum Company on December 16, 1977, will have a significant effect on the information Tennessee is to file in accordance with Ordering Paragraph (F).

Upon consideration, notice is hereby given that a further extension of time is granted to and including April 17, 1978, within which Tennessee shall comply with Ordering Paragraph (F) of the November 16, 1977 Order.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 78-1951 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-165]

PHILADELPHIA ELECTRIC CO.

Notice of Extension of Time

JANUARY 17, 1978.

On January 10, 1978, the Borough of Lansdale, Pa., filed a motion to extend the time for filing petitions to intervene or protests to the proposed tariff changes tendered for filing by the Philadelphia Electric Co. (Philadelphia) on December 30, 1977, and noticed on January 6, 1978, in the above referenced docket. The motion states that Philadelphia does not object to the requested extension.

Upon consideration, notice is hereby given that the date for filing petitions to intervene or protests to the proposed tariff changes is extended to and including January 23, 1978.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 78-1952 Filed 1-23-78; 8:45 am]

[6740-02]

TEXAS ENERGIES, INC.

Order Granting Special Relief, Deleting  
Acreage, and Granting Intervention

JANUARY 18, 1978.

In the matter of Texas Energies, Inc., Docket No. RI77-88, Sun Oil Company, Docket Nos. G-11122 and G-12972; FERC Gas Rate Schedule Nos. 338 and 86, Champlin Petroleum Company, Docket No. G-11150 and FERC Gas Rate Schedule No. 66.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be contin-

ued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On May 23, 1977, Texas Energies, Inc. (Texas Energies), a small producer, filed a petition for special relief in Docket No. RI77-88 pursuant to section 2.76 of the Commission's General Policy and Interpretations. Texas Energies is requesting a total rate of \$1.00 per Mcf for the sale of its 100 percent interest in gas produced from the L. A. Ward Unit, Harper County, Okla., to Colorado Interstate Gas Co. (CIG) and Michigan Wisconsin Pipeline Co. (Michigan Wisconsin).<sup>1</sup> Texas Energies also requests waiver of section 157.40(c) of the Commission's Regulations to allow this sale to be made pursuant to its small producer certificate issued in Docket No. CS72-428 on February 3, 1972.

The petition was noticed on June 29, 1977, with the period for filing interventions ending on July 29, 1977. CIG filed a petition in support of Texas Energies' petition.

Texas Energies gained its interest in the L. A. Ward Unit as successor to the interest of Sun Oil Co. (Sun) and Champlin Petroleum Co. (Champlin). Sun's interest was being sold under its FERC Gas Rate Schedule Nos. 86 and 338, and Champlin's interest was being sold under its FERC Gas Rate Schedule No. 66. Under contracts dated August 19, 1977, and April 18, 1977, CIG and Michigan Wisconsin, respectively, agreed to pay Texas Energies a total requested rate of \$1.00 per Mcf. The unit is currently shut-in.<sup>2</sup>

Texas Energies proposes to spend a total of \$80,379 on the L. A. Ward Unit by installing compression facilities costing \$50,329 and performing other necessary repairs costing \$30,050. It is anticipated that the expenditures will enable Texas Energies to put the unit back in production and recover the estimated 434,400 Mcf of reserves remaining over the next 11 years.

Based on data filed by the applicant (which was complete enough that no

<sup>1</sup>CIG will receive 55 percent of the gas and Michigan Wisconsin will receive the remaining 45 percent.

<sup>2</sup>Extensive well repairs, tubing replacement and compression are necessary to place the well back on production.

field audit was required), the Commission Staff has determined that Texas Energies' net remaining book investment as of June 1, 1977, amounted to \$28,257. Staff also estimates that operating expenses over the next 11 years would total \$282,533 based on current estimated annual operating expense of \$22,080, escalated 5% for inflation during the first five years, and including a \$500 compressor overhaul every three years.

Staff has conducted a traditional cost study using the above costs and reserves. The results of this study indicate that the rate requested Texas Energies is cost supported.

Texas Energies did not request an allowance for possible income tax liability resulting from the Tax Reform Act of 1975 and Staff did not include such an allowance.

After reviewing the costs to be incurred and the reserves to be recovered, we determine that Texas Energies' petition for special relief is warranted and that it is in the public interest to grant the petition.

We also believe it would be in the public interest to grant Texas Energies' request for waiver of section 157.40(c) of the Commission's Regulations to allow this sale to be made pursuant to its small producer certificate since, in view of our grant of special rate relief, this would have no bearing on the rate attributable to the properties involved herein. On the other hand, it would lift an avoidable administrative burden from Texas Energies. In this connection, we also deem it appropriate to utilize this order to delete the pertinent acreage dedications by Sun and Champlin.

The Commission finds: The petition for special relief filed by Texas Energies meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations; Texas Energies' request for waiver of Section 157.40(c) of the Commission's Regulations should be granted; and CIG should be permitted to intervene.

The Commission orders: (A) The petition for special relief filed by Texas Energies, Inc., is hereby granted.

(B) Texas Energies is authorized to collect a total rate of \$1.00 per Mcf for the sale of its gas from the L. A. Ward Unit, Harper County, Okla., to Colorado Interstate Gas Co. and Michigan Wisconsin Pipeline Co., effective upon issuance of this order or the date of completion of the proposed work, whichever is later, subject to the conditions set forth below.

(C) Within 30 days of the effective date of the authorization herein, Texas Energies must file statements signed by CIG and Michigan Wisconsin that the proposed work has been completed to their satisfaction.

(D) Within 30 days of issuance of this order, Texas Energies must file an appropriate rate change in accordance

with section 154.94 of the Commission's Regulations under the Natural Gas Act (18 CFR 154.94).

(E) The provisions of section 157.40(c) are waived to the extent necessary to permit the sale from the L. A. Ward Unit to be made under the small producer certificate issued in Docket No. CS 72-428 subject to the rate limitations provided in this order.

(F) The assignments of interest filed by Sun Oil Co. are accepted for filing as Supplement Nos. 29 and 23 to Sun's FERC Gas Rate Schedule Nos. 338 and 86, respectively, and the related acreage, all of Section 2, T25N, R25W, Harper County, Okla., is hereby deleted from dedication under the related certificate docket, Docket Nos. G-11122 and G-12972, effective as of the transfer of the property involved.

(G) The assignment of interest filed by Champlin Petroleum Co. is accepted for filing as Supplement No. 17 to Champlin's FERC Gas Rate Schedule No. 66, and the related acreage, all of section 2T25N, R25W, Harper County, Okla., is hereby deleted from dedication under the related certificate docket, Docket No. G-11150, effective as of the transfer of the property involved.

(H) CIG is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further*, That the admission of CIG in the manner provided shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1956 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Extension of Time

JANUARY 17, 1978.

On January 11, 1978, Staff Counsel

filed a motion to extend the time within which the Data Verification Committee (DVC) shall report to the Commission on the five matters directed to it in the Commission Order issued November 17, 1977, in the above referenced proceeding.

Upon consideration, notice is hereby given that an extension of time is granted to and including January 30, 1978, within which the DVC shall report to the Commission pursuant to the November 17, 1977, Order.

LOIS D. CASHELL,  
Acting Secretary.

[FR Doc. 78-1953 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket No. RI77-25]

WOODS EXPLORATION AND PRODUCING CO.,  
ET AL.

Notice of Informal Conference

JANUARY 10, 1978.

Take notice that an informal conference will be held, pursuant to section 1.18 of the Commission's Rules of Practice and Procedure, on January 25, 1978, at 10 a.m. in Room 8402, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

All interested persons will be permitted to attend, but attendance will not be deemed to authorize intervention as a party in these proceedings.

This conference will be for discussion purposes only without commitments.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1945 Filed 1-23-78; 8:45 am]

[6740-02]

[Docket Nos. G-4953, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES<sup>1</sup>

JANUARY 17, 1978.

Take notice that each of the Appli-

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

cants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,  
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
G-4953 (d) July 11, 1977	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	United Gas Pipe Line Co., Red Fish Bay and Mustang Island Fields, Nueces County, Tex.		State Tract No. 445, well No. 1, plugged and abandoned; and lease released.
CI76-891 (C) Dec. 27, 1977	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Carlsbad South et al Fields, Eddy and Lea Counties, N. Mex.	(*)	14.65
CI77-370 (C) Dec. 7, 1977	Union Oil Co. of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, Calif. 90051.	El Paso Natural Gas Co., Cities Service Cawley "A" No. 1 well, Morrow Formation, sec. 28, T21S, R27E, Eddy County, N. Mex.	(*)	14.65
CI77-370 (C) Jan. 3, 1978	Union Oil Co. of Calif.	El Paso Natural Gas Co., Government "AD" No. 2 well, sec. 27, T21S, R27E and Elizando Federal "A" No. 5 well, sec. 34, T21S, R27E, Wolfcamp Formation, Eddy County, N. Mex.	(*)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
CI78-261, G-4071 (B) Dec. 12, 1977	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water St., Wichita, Kans. 67201.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, DeWitt County, Tex.	Nonproduction. No sales since May 1974 and gas contract expired.	
CI78-262 (B) Dec. 23, 1977	CICO Oil & Gas Co., 1822 Bank of the Southwest Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., Mohat Field, Colorado County, Tex.	Depleted, plugged and abandoned and lease expired.	
CI78-263, CI65-31, (B) Dec. 27, 1977	Rex Monahan, Box 1321, Sterling, Colo. 80751.	Kansas-Nebraska Natural Gas Co. Inc., Pinto, Washington County, Colo.	Depleted.	
CI78-264, CI63-637 (B) Dec. 27, 1977	Rex Monahan	Kansas-Nebraska Natural Gas Co., Inc., Surveyor's Creek, Washington County, Colo.	Depleted.	
CI78-265, CI59-769 (B) Dec. 27, 1977	do	Kansas-Nebraska Natural Gas Co., Inc., Surveyor's Creek, Logan County, Colo.	Depleted.	
CI78-266, CI62-423 (B) Dec. 27, 1977	do	Kansas-Nebraska Natural Gas Co., Inc., Columbine Field, Logan County, Colo.	Depleted.	
CI78-267, (B) Dec. 27, 1977	do	Kansas-Nebraska Natural Gas Co., Inc., Logan County, Colo.	Depleted.	
CI78-268 (B) Dec. 27, 1977	W. Russell Birdwell, (operator) et al. P.O. Box 1837, McAllen, Tex. 78501.	Transcontinental Gas Pipe Line Corp., South Driscoll Field, Duval County, Tex.	Depleted.	
CI78-269, G-13129 (B) Dec. 27, 1977	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Cities Service Gas Co., Southeast Gibbon Field, Grant and Alfalfa Counties, Okla.	Nonproduction.	
CI78-270, G-12071 (B) Dec. 27, 1977	Gulf Oil Corp.	Texas Eastern Transmission Corp., Buna West Field, Jasper County, Tex.	Plugged and abandoned and leases expired.	
CI78-271 (A) Dec. 29, 1977	do	El Paso Natural Gas Co., Morrow Formation in the Lechuquilla Canyon Unit No. 6 well located in Crooked Creek Field, Eddy County, N. Mex.	(*)	14.73
CI78-272 (A) Dec. 29, 1977	Union Texas Petroleum, a Division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Northern Natural Gas Co., certain acreage in the Ozona Field, Crockett County, Tex.	(*)	14.65
CI78-273 (A) Dec. 29, 1977	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., certain acreage located in Jefferson County, Miss.	(*)	15.025
CI78-274 (B) Dec. 30, 1977	Dye Gas Co., Floyd Fox, agent, Route 742, Box 37, Big Springs, W. Va. 26137.	Consolidated Oil & Gas Corp., Sheridan District, Calhoun County, W. Va.	Nonproduction, plugged and abandoned.	
CI78-275, G-16834 (B) Jan. 3, 1978	J.C. Barnes Oil Co., P.O. Box 1141, Midland, Tex. 79012.	Coastal States Gas Producing, Appling (Middle Mopnick) Fault, segment "A", Calhoun County, Tex.	Depleted, plugged and abandoned.	
CI78-276 (D) Dec. 27, 1977	Petroleum Reserve Corp., P.O. Box 906, Stillwater, Okla. 74074.	Northern Natural Gas Co., sec. 22, block R, Brooks and Burleson Survey, Ochiltree County, Tex.	(*)	
CI78-277, CI70-232 (B) Dec. 27, 1977	W. Russell Birdwell, (operator) et al. (Succ. to The Superior Oil Co.) P.O. Box 1837, McAllen, Tex. 78501.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East La Sara Field, Willacy County, Tex.	Depleted, plugged and abandoned.	
CI78-279, CI71-648 (B) Dec. 29, 1977	Michel T. Halbouty (operator) et al. 11th Floor, Bank of the Southwest Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Sugar Valley Area, Matagorda County, Tex.	Depleted.	
CI78-280 (A) Dec. 30, 1977	Highland Resources, Inc., et al., (partial succ. in interest to San Salvador Development Co., Inc.,) 800 San Jacinto Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., certain acreage in the San Salvador Field, Hidalgo County, Tex.	(*)	14.65
CI78-281 (A) Dec. 30, 1977	Highland Resources, Inc., et al.	Texas Eastern Transmission Corp., certain acreage in the Union Church area, limited to a depth down to the base of the Hosston Formation, Jefferson County, Miss.	(*)	15.025
CI78-282 (A) Dec. 30, 1977	do	Texas Eastern Transmission Corp., certain acreage in the Union Church area, limited to a depth down to the base of the Rodessa Formation, Jefferson County, Miss.	(*)	15.025
CI78-283 (A) Jan. 3, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Lake Raccourci Field, LaFourche Parish, La.	(*)	15.025
CI78-284 (A) Jan. 3, 1978	Exxon Corp.	El Paso Natural Gas Co., Three Bar Field, Andrews County, Tex.	(*)	14.65
CI78-285 (A) Jan. 3, 1978	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Odessa-Gulf Little Federal No. 1-25 Basin Dakota Field, San Juan County, N. Mex.	(*)	14.73
CI78-286, G-7345 (B) Jan. 3, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Lone Star Gas Co., Katie-Gibson Field, Garvin County, Okla.	No gas available for delivery since December 1974. Plugged and abandoned.	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft <sup>3</sup>	Pressure base
CI78-287, G-7346 (B) Jan. 3, 1978	Sun Oil Co.	Lone Star Gas Co., West Katie Field, Garvin County, Okla.	No gas available for delivery since December 1974. Plugged and abandoned and contract dated Jan. 1, 1954, expired by its own terms on Jan. 1, 1974.	

<sup>1</sup> Applicant is filing under Gas Purchase Agreement dated May 24, 1976, as amended by amendment dated Sept. 27, 1977.

<sup>2</sup> Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

<sup>3</sup> Royalty owner has the right to take his gas in kind under the Gas Contract and Oil and Gas Lease and wants to exercise his option. It is intended that the royalty owner have access to his royalty in kind to the extent of his requirements.

<sup>4</sup> Applicant proposes that the sale of gas from the Brígido Marmolejo No. 1 well at the special relief rate found by the Commission to be just and reasonable on Sept. 26, 1977, in San Salvador Development Co., Inc., et al, Docket No. CI76-14.

Filing code:

- A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

[FR, Doc. 78-1844 Filed 1-20-78; 8:45 am]

[6740-02]

[Docket Nos. CS71-988, et al.]

**DAMSON OIL CORP., ET AL.**

Applications for "Small Producer" certificates:

JANUARY 10, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**KENNETH F. PLUMB,**  
*Secretary.*

Docket No.	Date filed	Applicant
CS71-988	Dec. 19, 1977.	Damson Oil Corp., 280 North Belt East, Suite 300, Houston, Tex. 77060.
CS78-169	Dec. 16, 1977.	Dr. Herbert O. Feldman, Agent, 31275 Stonewood Ct., Farmington Hills, Mich. 48018.
CS78-170	Dec. 19, 1977.	George R. Alewynne, Jr., 800 Johnson Bldg., Shreveport, La. 71101.
CS78-171	do	John W. Raine, III, P.O. Box 52723, Lafayette, La. 70505.
CS78-172	Dec. 16, 1977.	Jerome F. and Pamela Shadid Schutte (husband and wife), 901 3d St., Apartment No. 402, Santa Monica, Calif. 90403.

Docket No.	Date filed	Applicant
CS78-173	do	Chase Exploration Corp., 2300 Philtower Bldg., Tulsa, Okla. 74103.
CS78-174	Dec. 19, 1977.	Holliday Drilling Co., P.O. Box 3489, Midland, Tex. 79702.
CS78-175	do	Henry H. Gungoll Associates, a partnership, P.O. Box 1422, Enid, Okla. 73701.
CS78-176	do	H. D. Shawver, Blue River Hills, Route No. 4, Manhattan, Kans. 66502.
CS78-177	Dec. 20, 1977.	A. Phil Foster, P.O. Box 5213, Shreveport, La. 71105.
CS78-178	do	James D. Hancock, Jr., et al., 4339 Versailles, Dallas, Tex. 75205.
CS78-179	Dec. 21, 1977.	Ronald C. Shultz, P.O. Box 754, Jennings, La. 70546.
CS78-180	do	Terry N. Shultz, P.O. Box 656, Jennings, La. 70546.
CS78-181	Dec. 20, 1977.	Bram Goldsmith, 400 N. Roxbury Drive, Beverly Hills, Calif. 90210.
CS78-182	Dec. 23, 1977.	H. H. Blair Oil Co., Box 138, Atlanta, Kans. 67008.
CS78-183	Dec. 27, 1977.	Stewart Bachman, Jr., Trustee of the Sauder Children Trusts, P.O. Drawer 5008, Wichita Falls, Tex. 76307.
CS78-184	do	F. H. N., Ltd., 3300 Liberty Tower, Oklahoma City, Okla. 73102.



Docket No.	Date filed	Applicant
CS78-185.....	do.....	B & R Resources, Ltd., 2013 First National Center, West, Oklahoma City, Okla. 73102.
CS78-186.....	do.....	Lobo Oil & Gas Corp., c/o Sholars, Gunby, Allbritton & Hayden, P.O. Box 1661, Monroe, La. 71201.
CS78-188.....	Dec. 22, 1977.	M. Peyton Bucy, 1776 Lincoln St., No. 811, Denver, Colo. 80203.

\*Being noticed to reflect Damson Oil Corp. as (Succ. in interest by merger with Damson Petroleum Corp.).

[FR Doc. 78-1843 Filed 1-20-78; 8:45 am]

### [6560-01]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 846-5]

#### NATIONAL DRINKING WATER ADVISORY COUNCIL

##### Open Meeting

Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93-523, the "Safe Drinking Water Act," will be held at 9 a.m. on February 13, 1978, and at 8:30 a.m., February 14, 1978, in the Waterside Mall, Room 2117, 401 M Street SW., Washington, D.C. 20460.

The purpose of the meeting is to discuss regulations for controlling organic chemicals in drinking water, stream monitoring networks to detect accidental spills of hazardous materials and state program activities in implementing the safe drinking water program.

Both days of the meeting will be open to the public. The Council encourages the hearing of outside statements and allocates a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH-550), Environmental Protection Agency, 401

M Street SW., Washington, D.C. 20460.

The telephone number is area code 202-426-8877.

Dated: January 18, 1978.

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

[FR Doc. 78-2029 Filed 1-23-78; 8:45 am]

### [6720-01]

#### FEDERAL HOME LOAN BANK BOARD

[H. C. 237]

##### OHIO SAVINGS FINANCIAL CORP.

#### Receipt of Application for Permission To Acquire Control of Shaker Savings Association

JANUARY 19, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Ohio Savings Financial Corp. for approval of acquisition of control of Shaker Savings Association, Shaker Heights, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and section 584.4. of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of shares of the common stock of Shaker Savings Association. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 23, 1978.

RONALD A. SNIDER,  
Assistant Secretary,  
Federal Home Loan Bank Board

[FR Doc. 78-1993 Filed 1-23-78; 8:45 am]

### [6730-01]

#### FEDERAL MARITIME COMMISSION

##### AGREEMENTS FILED

Notice is hereby given that the following agreements have been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

Federal Maritime Commission, Washington, D.C. 20573, on or before February 3, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing, the agreements (as indicated herein-after) and the statement should indicate that this has been done.

AGREEMENT NO.: T-3559.

FILING PARTY: Mr. Gary E. Koehler, Director of Transportation, Maryland Port Administration, The World Trade Center Baltimore, Baltimore, Md. 21202.

SUMMARY: Agreement No. T-3559, between Maryland Port Administration (MPA) and Weyerhaeuser Co. (Weyerhaeuser), provides for the five-year lease (automatically extended for an additional five years) of premises known as Atlantic Terminals, consisting of 30.5 acres of land, including the adjacent pier, to be used in the handling of automobiles and pickup trucks and the assembly of pickup trucks. MPA will make certain improvements to the premises which are set out in the agreement. As compensation, MPA will pay rent, which will increase annually, ranging from \$13,979.00 per month for the first year to \$16,973.25 per month for the fifth year. Weyerhaeuser agrees to the sublease by MPA to Nissan Motor Corp. in U.S.A. (Nissan), under Agreement No. T-3560, and an additional sublease to Hovelmann Port Services, Inc., (Hovelmann) for the purpose of constructing a building in which Hovelmann intends to handle automobiles and pickup trucks. Weyerhaeuser also agrees to allow Nissan to sublease the premises to Skyline Terminal, Inc.

AGREEMENT NO.: T-3560.

FILING PARTY: Mr. Gary E. Koehler, Director of Transportation, Maryland Port Administration, The World Trade Center Baltimore, Baltimore, Md. 21202.

SUMMARY: Agreement No. T-3560, between Maryland Port Administration (MPA) and Nissan Moto Corp. in U.S.A. (Nissan), provides for the sublease to Nissan of 30.5 acres of land, including the adjacent pier, which MPA leased from Weyerhaeuser Co.

under Agreement No. T-3559. Nissen will use the premises for the handling of import automobiles and pickup trucks and the assembly of pickup trucks. As compensation, Nissen will pay rent, which will increase annually ranging from \$20,554.17 per month for the first year to \$23,566.77 per month for the fifth year. Nissen will also pay as additional rent, \$2.50 for each automobile or pickup truck in excess of 70,000 units up to a total of 100,000 units. Nissen will pay to MPA dockage fees from any vessel docking at the premises and Nissen will receive wharfage charges for any cargo loaded or unloaded at the premises, which will be assessed in accordance with the MPA tariff.

Dated: January 19, 1978.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 78-2019 Filed 1-23-78; 8:45 am]

#### [6730-01]

##### AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and Suan Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 13, 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.: 10039-4.

FILING PARTY: Harry D. Hunter, Vice President, Delta Steamship Lines,

Inc., 17 Battery Place, New York, N.Y. 10004.

SUMMARY: Agreement No. 10039, between Empresa Lineas Maritima Argentinas and Delta Steamship Lines, Inc., is a cargo revenue pooling, sailing, and equal access agreement in the trades between United States Gulf ports and ports in Argentina.

Agreement No. 10039-4, the subject of this notice, amends the basic agreement by providing that each of the parties may arrange space charters on the other party's vessels.

AGREEMENT NO.: DC-127.

FILING PARTY: Mr. David F. Anderson, Associate General Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

SUMMARY: Agreement No. DC-127, between Matson Navigation Co. and Blue Eagle Transport, Inc., is a standard interchange agreement which provides for the interchange of cargo containers, containers mounted on chassis or a cargo trailer. The term of the agreement is for one year and will continue on a year-to-year basis and may be terminated by either party upon 10 days' notice to the other. Compensation for use of the equipment will be in accordance with provisions of Rule No. 215 of Matson Container Freight Tariff No. 32, F.M.C.-F. No. 152.

AGREEMENT NO.: T-2736-1.

FILING PARTY: Leslie E. Still, Jr., Deputy, Offices of the City Attorney of Long Beach, City Hall, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

SUMMARY: Agreement No. T-2736-1, between the City of Long Beach (City) and Powell River-Alberni Sales Corp. (Powell River) modifies the parties basic agreement which provides for the preferential assignment to Powell River of Berths 52, 53, and 54, Pier 2, Long Beach, for use as a marine terminal and distribution warehouse. As a result of City's inability to make unobstructed water access to the premises for a limited period of time, this amendment reduces the minimum annual obligation of Powell River from \$200,000 to \$193,425 for the fifth year of the assignment.

AGREEMENT NO.: T-3561.

FILING PARTY: Mr. Albert E. Cronin, Jr., 716 Bank of America Building, 343 East Main Street, Stockton, Calif. 95202.

SUMMARY: Agreement No. T-3561, between the Stockton Port District (Port) and Stockton Elevators (STELLA), is an agreement and compromise settlement regarding claims arising from the Port's attempted imposition of a franchise fee upon STELLA. The parties agree to dismiss

their complaints in litigation between the Port and STELLA in the Superior Court of the State of California, County of San Joaquin, action number 122889, and a complaint before the Commission under Docket No. 77-29. STELLA further agrees to pay the Port for a four-year period four cents per short ton (2,000 lbs.) for the first 250,000 tons per year of bulk grain or grain products shipped over STELLA's wharf in Stockton, and five cents per short ton for each additional ton in that year of bulk grain or grain products shipped over STELLA's wharf in Stockton.

Dated: January 19, 1978.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant Secretary.

[FR Doc. 78-2020 Filed 1-23-78; 8:45 am]

#### [6730-01]

[Independent Ocean Freight Forwarder License No. 1410]

##### APOLLO INTERNATIONAL, INC.

##### Reinstatement of License

By Federal Maritime Commission Order served and published in the FEDERAL REGISTER, Apollo International, Inc.'s Independent Ocean Freight Forwarder License No. 1410 was revoked, effective September 18, 1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was served on September 22, 1977.

An appropriate surety bond has been received in favor of Apollo International, Inc. and compliance pursuant to section 44, Shipping Act, 1916, and section 510.9 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.01(a), dated August 8, 1977, Independent Ocean Freight Forwarder License No. 1410 shall be reissued to Apollo International, Inc. effective January 4, 1978. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Apollo International, Inc.

LEROY F. FULLER,  
Director, Bureau of  
Certification & Licensing.

[FR Doc. 78-2018 Filed 1-23-78; 8:45 am]

#### [1610-01]

##### GENERAL ACCOUNTING OFFICE

##### REGULATORY REPORTS REVIEW

##### Receipt and Approval of Report Proposal

A request for clearance of a revised application form to collect informa-

tion from the public was received by the Regulatory Reports Review Staff, GAO, on January 6, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

#### FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission (FCC) requested clearance of a revision to Form 756, Application for Commercial Radio Operator License. The form is required to be filed when applying for a new, renewed, replacement or duplicate commercial operator license other than amateur license and restricted radiotelephone operator permit. The revision incorporates the provisions of Paragraph 856A of the Radio Regulations of the International Telecommunications Union (ITU) which requires that certificates issued in the maritime mobile services after January 1, 1978, bear a photograph of the applicant. Only applicants for radiotelegraph permits will be affected, and FCC estimates they will number approximately 2,000.

The GAO granted emergency clearance of the revision to the application on January 19, 1978, under number B-180227 (R0394) because of the January 1, 1978, effective date and a finding that the new requirement is not excessively burdensome.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 78-2015 Filed 1-23-78; 8:45 am]

#### [1610-01]

##### REGULATORY REPORTS REVIEW

###### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 18, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 13, 1978, and should be addressed to Mr. John M. Lovelady,

Assistant Director, Regulatory Reports Review Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart, of the Regulatory Reports Review Staff, 202-275-3532.

#### CIVIL AERONAUTICS BOARD

The CAB requests an extension without change clearance of Form 250, Report of Unaccommodated Passengers, and Form 251, Report of Passengers Denied Confirmed Space. These forms are filed by certificated route air carriers pursuant to Part 250 of the Board's Economic Regulations and their submission is mandatory under section 407 of the Federal Aviation Act of 1958, as amended. Forms 250 and 251 are used to monitor compliance with the requirement in Part 250 of the Board's Economic Regulations which requires the scheduled air carriers to establish priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on oversold flights and to offer prescribed compensation to passengers holding confirmed reservations who are denied space on oversold flights. The CAB estimates that approximately 28 carriers file Form 250 quarterly and that reporting time averages 4.25 hours per response; and 23 carriers file Form 251 monthly and that reporting time averages 4.25 hours per response.

#### INTERSTATE COMMERCE COMMISSION

The ICC requests an extension without change clearance of Form EM-5, Data Sheet For Sampled Carload. Form EM-5 is filed by railroads in place of submitting copies of railroad waybills as required pursuant to order of the ICC (49 CFR 1244). The information collected on Form EM-5 will become a part of the ICC Continuous Waybill Sample and also part of the Department of Transportation Comprehensive Freight Flow Data Program. The ICC estimates reporting time for carriers averages 5 minutes per response with the number of responses expected from each of the 28 affected carriers ranging from 18 to 11,000 depending on the number of multiple car shipments terminated by each railroad.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 78-2016 Filed 1-23-78; 8:45 am]

#### [4110-03]

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### FOOD AND DRUG ADMINISTRATION

[Docket No. 76G-0188]

##### BASF WYANDOTTE CORP.

Withdrawal of Petition for Affirmation of Grasp Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the withdrawal without prejudice of the petition (GRASP 6G0069) proposing affirmation that sodium sulfate used as an inert ingredient in sanitizing solutions is generally recognized as safe (GRAS).

##### FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In addance with § 171.7 Withdrawal of petition without prejudice of the procedural food additive regulations (21 CFR 171.7), BASF Wyandotte Corp., Wyandotte, Mich. 48192 has withdrawn its petition (GRASP 6G0069), notice of which was published in the FEDERAL REGISTER of September 7, 1976 (41 FR 37657), proposing that sodium sulfate for use as an inert ingredient in sanitizing formulations is generally recognized as safe.

Dated: January 16, 1978.

HOWARD R. ROBERTS,  
Acting Director, Bureau of Foods.

[FR Doc. 78-1948 Filed 1-23-78; 8:45 am]

#### [1505-01]

[Docket No. 77N-0242; DESI 5509]

##### CERTAIN ANTICOAGULANT DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

##### Correction

In FR Doc. 77-34370 appearing at page 61306 in the issue for Friday, De-

ember 2, 1977, in the third column of page 61307, the last line of the second full paragraph, the reference to "21 CFR 3141.200" should have read "21 CFR 314.200".

## [1505-01]

[Docket No. 76N-0450; DESI 2245]

## THYROGLOBULIN TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

## Correction

In FR Doc. 77-34372 appearing at page 61313 in the issue for Friday, December 2, 1977, in the third column of page 61313, four lines from the bottom of the 5th paragraph, "form FD-356h" should have read "form FD-356H".

## [4110-84]

Health Services Administration

## ADVISORY COMMITTEE

## Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1978:

## INDIAN HEALTH ADVISORY COMMITTEE

Date and Time: February 8-9, 1978, 9 a.m.  
Place: Conference room A, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Type of Meeting: Open for entire meeting.  
Purpose: The Committee advises the Secretary; Assistant Secretary for Health; Administrator, Health Services Administration; and Director, Indian Health Service on health and other related matters that have a bearing on the conduct of the Indian health program, as well as current and proposed regulations and policies.

Agenda: The Committee will discuss the current total Indian health program operations, more specifically the health status of the Indian people, and other specific items of Departmental interest and concern regarding Indian health endeavors.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Mose E. Parris, Room 5A-43, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-1104.

Agenda items are subject to change as priorities dictate.

Dated: January 16, 1978.

WILLIAM H. ASPDEN, Jr.,  
Associate Administrator  
for Management.

[FR Doc. 78-1977 Filed 1-23-78; 8:45 am]

## [4310-84]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(OR 18107 (Wash.))

WASHINGTON

## Proposed Withdrawal and Reservation of Lands

JANUARY 13, 1978.

The Fish and Wildlife Service, Department of the Interior, on November 18, 1977, filed application, Serial No. OR 18107 (Wash.), for the withdrawal of the following described lands from settlement, sale, location or entry under all of the general land laws, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, except as they pertain to oil and gas, subject to valid existing rights:

## WILLAMETTE MERIDIAN

The unsurveyed island of Tatoosh together with its islets and rocks, located between latitude 48°23' North and 48°24' North (protracted T. 33 N., R. 16 W., in Section 2 and protracted T. 34 N., R. 16 W., in Section 35), containing approximately 18 acres in Clallam County.

The Fish and Wildlife Service desires that the land be reserved for administration as a part of the existing Flattery Rocks National Wildlife Refuge, for protection of nesting and breeding sites for sea birds.

On or before February 23, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management at the address shown below on or before February 23, 1978. Upon determination by the State Director that a public hearing will be held, a notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency

with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from operation of the public land laws, including the mining laws and mineral leasing law except as they pertain to oil and gas, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon: (1) Rejection of the application by the Secretary, (2) withdrawal of the lands by the Secretary, or (3) the expiration of two years from the date of publication of this notice.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box. 2965, Portland, Oreg. 97208.

HAROLD A. BERENDS,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 78-1980 Filed 1-23-78; 8:45 am]

## [4310-55]

Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: Lincoln Park Zoological Garden, 2200 North Cannon Drive, Chicago, Ill. 60614.

The applicant requests a permit to import one male captive-bred Flat-headed Cat (*Felis planiceps*) from the Rotterdam Zoological Garden for enhancement of propagation. Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application 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 2-1832. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 22, 1978. Please refer to the file number when submitting comments.

Dated: January 19, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-1995 Filed 1-23-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* Lincoln Park Zoological Garden, 2200 North Cannon Drive, Chicago, Ill. 60614.

The applicant requests a permit to purchase, in interstate commerce, four Madagascar radiated tortoises (*Geochelone (=Testudo) radiata*) from the Gladys Porter Zoo, for enhancement of propagation. Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application 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 2-1831. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 22, 1978. Please refer to the file number when submitting comments.

Dated: January 19, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-2011 Filed 1-23-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* Bert S. Rosenbaum, 3411 South 90th Street, Tacoma, Wash. 98409.

The applicant wishes to apply for a captive self-sustaining population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application 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 2-1789. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 22, 1978. Please refer to the file number when submitting comments.

Dated: January 19, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-2012 Filed 1-23-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* Regional Director, Region No. 2, U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Box 1306, Albuquerque, N. Mex. 87103.

The applicant seeks a permit to collect, transport, propagate and restock the woundfin (*Plagopterus argenteus*) for enhancement of survival of the species. The fish will be taken from the Virgin River of Utah, Arizona, and Nevada. Humane care and treatment during transport have been indicated by the applicant.

Documents and other information submitted with this application 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 2-1793. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 22, 1978. Please refer to the file number when submitting comments.

Dated: January 19, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-2013 Filed 1-23-78; 8:45 am]

[4310-70]

National Park Service

GREEN SPRINGS HISTORIC DISTRICT

National Historic Landmark

Notice is hereby given that on December 13, 1977, the Secretary of the

Interior determined that the Green Springs Historic District located in Louisa County, Va., is of national historic significance and, accordingly, confirmed its status as a National Historic Landmark listed on the National Register. In addition, Secretary Andrus accepted Historic Green Springs, Inc.'s offer of a donation of a number of preservation easements applicable to certain properties within the historic district. The boundaries of the historic district are as follows:

The boundary of Green Springs Historic District is defined by a line co-terminous with the outside boundary of a set of tracts and encompassing all those component tracts.

The component tracts of land are shown on maps of the Virginia State Department of Taxation, division of Assessment and Mapping. They are as follows:

Section 21, Green Springs District, Revised January 1, 1959 and January 1, 1971.

*Tracts:* 54, 56, 57, 58, 59, 60, 61, 61A, 61B, 62, 64, 64A, 72, 72D, 76, 77; only portion of parcel 78 included in the Historic District is located south of the South Anna River. Also included are parts of tracts 1A, 8 and 9 of Section 22 extending over to Section 21 and tract 7A of Section 36 extending over to Section 21.

Section 22, Green Springs District, Revised January 1, 1959 and January 1, 1971.

*Tracts:* 1A, 7, 7A, 7B, 7C, 7D, 7E, 8, 9, 10, 11, 12, 13, 15, 22, 23, 23A, 23B, 24, 25, 26, 26A, 31, 32, 33, 34, 35; the only portion of each of the following tracts included in the Historic District is that area located south of the South Anna River: 1, 2, 3, 4, 5, 78 (extending over to Section 22 from Section 21). Also included is tract 1 of Section 37 extending over to Section 22.

Section 36, Green Springs District, Revised January 1, 1959 and January 1, 1971.

*Tracts:* 1, (11-2, 3, 4, 5) 2, 3, 4, 5, 7, 7A, 8, 9, 11, 13, 14, 16, 17, 18, 21, 21A, 21B, 22, 23, 24, 58, 59, 60, 84. Also included are a portion of tract 1 of Section 37 extending over to Section 36 and portions of tract 58, 59, and 60 of Section 21 extending over to Section 36.

Section 37, Green Springs and Louisa Courthouse districts, Revised January 1, 1959 and January 1, 1971.

*Tracts:* 1, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 19B, 20, 21, 25, 25A, 25B, 25C, 26, 26A, 27, 27A, 28, 29, 30, 31, 32, 33, 34, 35, 36, 36A, 37, 48. Also included is the portion of tracts 9 and 7 of Section 36 extending over to Section 37; the portion of tracts 9 and 9A of Section 53 extending over to Section 37; and the portion of tract 13 of Section 22 extending over to Section 37.

Section 52, Green Springs and Louisa Courthouse Districts, Revised January 1, 1959 and January 1, 1972.

*Tracts:* (13-1, 2, 3), 9, 13, 16, 42, 63, 79, 81, 82, 83, 84; the only portion of each of the following parcels included in the historic

district is that area located north and/or northeast of the main branch of Fosters Creek: 77, 78. Also included is the portion of tracts 13 and 16 of Section 36, the portion of tract 9 of Section 37, and the portion of tracts 9, 10B, and 12 of Section 53 extending over to Section 52.

Section 53, Green Springs and Louisa courthouse Districts, Revised January 1, 1959.

*Tracts:* 1, 2, 5, 6, 7, 8, 9, 9A, 10, 10A, 10B, 10C, 11, 12, 13, 36A, 37, 46, 46A, 47, 47A, 77; the only portion of each of the following tracts included in the historic district is that area located north and/or east of the main branch of Fosters Creek: 12, 77. Also included is the portions of tracts 14, 36A, and 37 of Section 37 and the portion of tract 77 of Section 52 extending over to Section 53.

#### Section 20

*Tracts:* Included are those portions of tracts 58 and 61 of Section 21 extending over to Section 20.

#### Section 23

*Tracts:* included are those portions of tracts 23A, 24, 26, and 26A of Section 22 extending over to Section 23 and only to the east boundary of the right-of-way of route 636.

#### Section 35

*Tracts:* Included are those portions of tracts 2 and 4 of Section 36 and the portion of tract 59 of Section 21 extending over to Section 35.

The following is a clarification of those segments of the boundary involving roads or streams. Proceeding clockwise around the boundary:

1. Route 636: Where Route 636 forms the east boundary of the district that boundary is the east edge of the right-of-way.

2. Route 613: Same as above.

3. South Anna River: Where the South Anna River is the boundary along the south edge of tract 37, Section 37, the boundary is the south bank of the river.

4. Route 626: Where Route 626 forms the south boundary along tracts 46, 46A, 47, and 47A the boundary is the south edge of the right-of-way.

5. Main Branch of Fosters Creek: Where this creek forms the south boundary through tracts 11 and 12 Section 53 and tracts 77 and 78 Section 52, the boundary is the south bank of the creek.

6. Route 613: Where Route 613 forms the extreme southwest corner of the boundary along tract 63, Section 52, the boundary is the north edge of the right-of-way.

7. Route 640: Where Route 640 forms the south boundary of tract 2, Section 36, the boundary is the south edge of the right-of-way.

8. Fielding Creek: Where the creek is the north boundary of tracts 54, 56, and 57, the boundary is the north bank of the creek.

9. Route 15: Where Route 15 forms the boundary at the northwest corner

of the district, the boundary is the west edge of the right-of-way.

10. Route 22: Where Route 22 forms the boundary along the south edge of tract 72C, Section 21, the boundary is the north edge of the right-of-way.

11. South Anna River: Where the river forms the north boundary of the district the boundary is the north bank of the river.

Notice is also given that the Keeper of the National Register, National Park Service, has determined that the Commonwealth of Virginia gave inadequate public notice of its intention to nominate the Green Springs Historic District to the National Register in 1973, and, accordingly, Green Springs Historic District shall not be considered as listed on the National Register pursuant to State nomination. However, Green Springs Historic District shall remain on the National Register as a National Historic Landmark.

Dated: January 1, 1978.

JERRY L. ROGERS,  
Chief, Office of Archeology  
and Historic Preservation.

[FR Doc. 78-1981 Filed 1-23-78; 8:45 am]

### [4310-70]

#### 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 National Park Service before January 16, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by February 3, 1978.

WILLIAM J. MURTAGH,  
Keeper of the National Register.

#### ARIZONA

##### Yavapai County

Wickenburg vicinity, *Kay-El-Bar Ranch*, N of Wickenburg on Rincon Rd.

#### DELAWARE

##### New Castle County

Hockessin, *Public School No. 29*, Valley Rd. and Old Lancaster Pike.  
Montchanin, *Montchanin Historic District*, DE 100.

#### GEORGIA

##### Hall County

Gainsville, *Brenau College District*, Academy, Prior, Washington, and Boulevard Sts.

#### ILLINOIS

##### Kane County

Aurora, *Chicago, Burlington, and Quincy Roundhouse and Locomotive Shop*, Broadway and Spring Sts.

#### INDIANA

##### Monroe County

Bloomington, *Monroe Carnegie Library*, 200 E. 6th St.

#### MASSACHUSETTS

##### Middlesex County

Arlington, *Butterfield-Whittemore House*, 54 Massachusetts Ave.  
Newton, *Ware Paper Mill*, 2276 Washington St.

##### Norfolk County

Brookline, *Cottage Farm Historic District*, roughly bounded by Amroy, Dummer, Lenox, Brookline, and Beacon Sts.

#### MINNESOTA

##### Hennepin County

Minneapolis, *Martin, Charles J.*, House, 1300 Mount Curve Ave.

##### St. Louis County

Proctor, *Northland* (railroad car), off U.S. 2.

##### Stearns County

St. Cloud, *Foley-Brower-Bohmer House*, 385 3rd Ave. S.  
St. Cloud, *Majerus, Michael*, House, 404 9th Ave. S.

#### MISSISSIPPI

##### Adams County

Natchez, *Dubs, Dr. Charles H.*, Townhouse, 311 N. Pearl St.  
Washington, *Assembly Hall* (*Charles De-France House*), Assembly and Main Sts.

##### Claiborne County

Port Gibson vicinity, *Windsor Site*, SW of Port Gibson.

#### NEW MEXICO

##### Bernalillo County

Albuquerque, *Vigil, Antonio*, House, 413 Romero St.

#### OREGON

##### Jackson County

Phoenix, *McManus, Patrick F.*, House (*Hiram Colver House*), 117 W. 1st. St. HABS.

##### Multnomah County

Portland, *Palmer, John*, House, 4314 N. Mississippi Ave.

**SOUTH DAKOTA***Harding County*

Ludlow vicinity, *Ludlow Cave and Petroglyphs*, SW of Ludlow off U.S. 85.

*Hughes County*

Pierre, *Brink-Wagner House*, 110 E. 4th St.

**TEXAS***Blanco County*

Round Mountain, *Round Mountain Stagecoach Inn and Stable*, SR 962 off U.S. 281.

*Galveston County*

Galveston, *Elissa*, Seawolf Park.

*Gregg County*

Longview, *Northcutt House*, 313 S. Fredonia St.

**UTAH***Summit County*

Park City, *LDS Park City Meetinghouse*, 424 Park Ave.

*Utah County*

Provo, *Wentz, Peter, House*, 575 N. University Ave.

*Wasatch County*

Midway, *Midway School*, 1st N. and 1st W. Sts.

**VIRGINIA**

*South Boston* (independent city)

*Reedy Creek Site*.

**WISCONSIN***Racine County*

Racine, *Shoop, Dr., Family Medicine Building*, 215 State St.

[FR Doc. 78-1434 Filed 1-23-78; 8:45 am]

**[7020-02]****INTERNATIONAL TRADE COMMISSION**

(Investigation No. 337-TA-35)

**CERTAIN MOLDED GOLF BALLS****Order Cancelling Prehearing Conference and Hearing**

Notice is hereby given that the prehearing conference and hearing in this matter, presently scheduled for January 20 and January 27, 1978, respectively, are cancelled. The Respondents have indicated that they will not attend the hearing, and the complainant and the staff have submitted a motion for summary determination as to all issues and all respondents. The presiding officer has determined that the motion as filed is sufficient to form the basis of a recommended determination under rule 210.50(f), and therefore no evidentiary hearing is required.

The Secretary shall serve a copy of this order upon all parties of record

and shall publish this order in the FEDERAL REGISTER.

Issued: January 18, 1978.

Judge MYRON R. RENICK,  
Presiding Officer.

[FR Doc. 78-2025 Filed 1-23-78; 8:45 am]

**[7020-02]**

[AA1921-176]

**IMPRESSION FABRIC OF MANMADE FIBER FROM JAPAN****Time and Place of Public Hearing**

Notice is hereby given that the public hearing in this matter scheduled to begin on Wednesday, February 15, 1978, in New York City, will commence at 10 a.m., e.s.t., in the auditorium of the United States Mission to the United Nations, 799 U.N. Plaza, 45th Street and First Avenue, New York, N.Y. (please use 45th Street entrance). Requests for appearances should be filed with the Secretary of the United States International Trade Commission, in writing, at his office in Washington, D.C., not later than noon, Friday, February 10, 1978.

Notice of the investigation and hearing was published in the FEDERAL REGISTER of January 11, 1978 (43 FR 1655).

Issued: January 19, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-2026 Filed 1-23-78; 8:45 am]

**[7020-02]**

[AA1921-178]

**POLYVINYL CHLORIDE SHEET AND FILM FROM THE REPUBLIC OF CHINA****Investigation and Hearing**

Having received advice from the Department of the Treasury on January 12, 1978, that polyvinyl chloride sheet and film from the Republic of China, with the exception of that merchandise produced by Ocean Plastics Co., Ltd., and China Gulf Plastic Corp., is being, or is likely to be, sold at less than fair value, the U.S. International Trade Commission, on January 19, 1978, instituted investigation No. AA1921-178 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For the purposes of its determination concerning sales at less than fair value, the Treasury Department defined "polyvinyl sheet and

film" as "unsupported, flexible, calendared polyvinyl chloride sheet, film, and strips over 6 inches in width and over 18 inches in length, and at least 0.002 inches, but not over 0.020 inches in thickness."

*Hearing.* A public hearing in connection with the investigation will be held in Washington, D.C., beginning at 9:30 a.m., e.s.t., on Thursday, March 2, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. All persons shall have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Friday, February 10, 1978.

There will be a prehearing conference in connection with this investigation which will be held in Washington, D.C., at 9:30 a.m., e.s.t., on Wednesday, February 22, 1978, in Room 117, U.S. International Trade Commission Building, 701 E Street NW.

Issued: January 20, 1978.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-2185 Filed 1-23-78; 10:20 am]

**[4510-26]****DEPARTMENT OF LABOR****Occupational Safety and Health Administration****ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH****Meeting**

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on Tuesday, February 14 and Wednesday, February 15, 1978, in Room N-3437, Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210. The meeting is open to the public and will begin at 9 a.m.

The purpose of this meeting is to review and develop recommendations on Subpart L (Ladders and Scaffolds) of Part 1926—Construction Standards. The Committee will also finalize recommendations on Subpart M (Floor and Wall Openings, and Stairways) of Part 1926.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided

to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman, depending on the extent to which time permits. Communications may be mailed to:

Ken Hunt, Office of Public and Consumer Affairs, Occupational Safety and Health Administration, Third Street and Constitution Avenue NW., Room N-3635, Washington, D.C. 20210, phone 202-523-8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C., this 18th day of January 1978.

EULA BINGHAM,  
Assistant Secretary,  
Occupational Safety and Health.

[FR Doc. 78-2000 Filed 1-23-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2236]

BETHLEHEM STEEL CORP. SEATTLE, WASH.

Certification Regarding Eligibility To Apply for  
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2236: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 2, 1977 in response to a worker petition received on July 28, 1977 which was filed by the United Steelworkers of America on behalf of Workers and former workers producing structural steel, angle steel, plate steel, round and flat steel and reinforcing steel at the Seattle, Washington plant of the Bethlehem Steel Corp. Workers engaged in the production of reinforcing steel were covered under a certification issued July 27, 1977 (TA-W-1500). During the course of the investigation it was revealed that the other products were produced at the 22 inch mill.

The Notice of Investigation was published in the FEDERAL REGISTER on August 19, 1977 (42 FR 41934). A public hearing was requested but the request was later withdrawn.

The information upon which the determination was made was obtained

principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met with respect to carbon steel plate, structural shapes and hot rolled carbon steel bars.

Bethlehem provided data for structural shapes, carbon steel bars and carbon steel plate. Rounds and flats are included in carbon steel bars. Angle steel, depending on its dimensions, is classified as bars or as structural shapes, and data for angle steel were included in both categories.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Over 80 percent of production at the Seattle plant's 22" mill consists of carbon steel plate, bars and structural shapes. Employment of production workers on the 22 inch mill declined 46 percent in 1976 compared to 1975 and continued to decline 2 percent in the first six months of 1977 compared to the like period one year earlier. Workers on this mill are not separately identifiable by product.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

##### A. STEEL PLATE

Sales and production of carbon steel plate declined 48 percent and 50 percent, respectively, in 1976 compared to 1975, and increased 29 percent and 63 percent, respectively, in the first six months of 1977 compared to the like period of 1976.

##### B. STRUCTURAL SHAPES

Production of structural shapes declined 23 percent in 1976 compared to

1975 and declined 9 percent in the first six months of 1977 compared to the like period in 1976.

#### C. HOT ROLLED CARBON STEEL BARS

Sales of hot rolled carbon steel bars declined 4 percent in 1976 compared to 1975 and declined 10 percent in the first six months of 1976 compared to the like period in 1976.

#### INCREASED IMPORTS

##### A. STEEL PLATE

Imports of carbon steel plate decreased from 1,651.0 thousand short tons in 1972 to 1,322.0 thousand short tons in 1973, increased 1,699.0 thousand short tons in 1974, decreased to 1,353.0 thousand short tons in 1975, and increased to 1,555.4 thousand short tons in 1976. Imports increased from 690.3 thousand short tons in the first six months of 1976 to 793.0 thousand short tons in the first six months of 1977.

The ratio of imports to domestic shipments of plate decreased from 26.3 percent in 1972 to 16.4 percent in 1973, then increased in each year to 27.7 percent in 1976. The ratio increased from 23.5 percent in the first six months of 1976 to 25.7 percent in the first six months of 1977.

##### B. STRUCTURAL SHAPES

Imports of carbon steel structural shapes decreased in each year from 1,614.0 thousand short tons in 1972 to 804.9 thousand short tons in 1975, then increased to 1,351.4 thousand short tons in 1976. Imports increased from 542.6 thousand short tons in the first six months of 1976 to 716.3 thousand short tons in the first six months of 1977.

The ratio of imports to domestic shipments of structural shapes decreased in each year from 34.1 percent in 1972 to 19.5 percent in 1975, then increased to 40.0 percent in 1976. The ratio increased from 30.2 percent in the first six months of 1976 to 40.2 percent in the first six months of 1977.

#### C. HOT ROLLED CARBON STEEL BARS

Imports of hot rolled carbon steel bars declined in each year from 792.0 thousand tons in 1972 to 369.1 thousand tons in 1976. Imports increased from 113.0 thousand tons in the first six months of 1976 to 293.9 thousand tons in the first six months of 1977.

The ratio of imports to domestic shipments of carbon steel bars decreased in each year from 12.6 percent in 1972 to 6.7 percent in 1976. The ratio increased from 3.9 percent in the first six months of 1976 to 9.3 percent in the first six months of 1977.

#### CONTRIBUTED IMPORTANTLY

##### A. STEEL PLATE

On October 3, 1977 the U.S. Department of the Treasury issued an initial



finding of dumping of carbon steel plate by certain Japanese firms. This action was in response to a dumping complaint filed by Gilmore Steel Corp. on February 28, 1977. With this decision importers of Japanese carbon steel plate are required to post bond sufficient to cover the preliminary dumping margin which was found to be 32 percent. This is expected to decrease sales of Japanese plate to the U.S. However, in the past several months imports of Japanese carbon steel plate have been down while imports from the EEC countries have grown.

Carbon steel plate was also cited in the U.S. Steel's complaint which is currently pending before the Treasury. A preliminary decision on the U.S. Steel complaint and a final decision on the Gilmore case are due within 90 days.

The Department contacted a sample of the Seattle plant's plate customers. Several of these stated that there was an import influence in the steel plate market. This finding is consistent with the aggregate data on U.S. shipments and imports of plate in 1976. In that year, domestic steel producers reduced their plate shipments by 1.4 million tons, while imports rose by 15 percent from the previous year. The import penetration ratio increased from 19.4 percent in 1975 to 27.7 percent in 1976.

#### B. STRUCTURAL SHAPES

The Department contacted a sample of Bethlehem's customers accounting for about 45 percent of sales of structural shapes from the Seattle plant. All but one of the responding customers purchased imported structural shapes. Most customers increased their purchases of imports while reducing purchases from Bethlehem.

#### C. HOT ROLLED CARBON STEEL BARS

The Department contacted a sample of Bethlehem's customers accounting for about 45 percent of the Seattle plant's sales of bars. About half of the responding customers reported that they purchased imported bars, and several of these reduced purchases of bars from Bethlehem while increasing their purchases of imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with the carbon steel plate, structural shapes and hot rolled carbon steel bars produced at the Seattle, Wash., plant of Bethlehem Steel Corp. contributed importantly to the decline in sales or production and to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certifications:

All workers at the Seattle, Wash., plant of Bethlehem Steel Corp. engaged in employment related to the production of carbon steel plate who became totally or partially separated from employment on or after July 25, 1976, and before January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers at the Seattle, Wash., plant of Bethlehem Steel Corp. engaged in employment related to the production of structural shapes who became totally or partially separated from employment on or after July 25, 1976, and before January 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers at the Seattle, Wash., plant of Bethlehem Steel Corp. engaged in employment related to the production of hot rolled carbon steel bars who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of January 1978.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-2004 Filed 1-23-78; 8:45 am]

[4510-28]

[TA-W-2404]

#### BUCKBEE MEARS, INC., APERTURE MASK DIVISION, ST. PAUL, MINN.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2404: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1977, in response to a worker petition received on September 28, 1977, which was filed by the Graphic Arts International Union on behalf of workers and former workers producing aperture masks at the St. Paul, Minn., plant of the Aperture Mask Division of Buckbee Mears, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Buckbee Mears, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or

an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers engaged in employment related to the production of aperture masks at the St. Paul plant declined in 1976 compared to 1975 and continued to decline in the first three quarters of 1977 compared to the like period in 1976.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

The St. Paul plant's production of aperture masks declined in quantity in 1976 compared to 1975 and continued to decline in the first three quarters of 1977 compared to the like 1976 period.

Company sales of aperture masks declined in quantity in 1976 compared to 1975 and continued to decline in the first three quarters of 1977 compared to the like period of 1976.

#### INCREASED IMPORTS

Imports increased 527.7 percent from 32,500 units in 1975 to 204,000 units in 1976 and continued to increase 57.4 percent from 160,000 units in the first three quarters of 1976 to 266,000 units in the first three quarters of 1977.

The ratio of imports of aperture masks to domestic production increased from 0.5 percent in 1975 to 2.8 percent in 1976 and continued to increase from 3.0 percent in the first three quarters of 1976 to 4.7 percent in the first three quarters of 1977.

#### CONTRIBUTED IMPORTANTLY

A survey of customers of aperture masks of Buckbee Mears, Inc., revealed that customers have reduced purchases from Buckbee Mears and have increased purchases of imported aperture masks.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the aper-

ture masks produced at the St. Paul, Minn., plant of the Aperture Mask Division of Buckbee Mears, Inc., have contributed importantly to the decline in sales or production and to the total or partial separation of workers at the plant as required for certification under section 222 of the Trade Act of 1974.

In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of aperture masks at the St. Paul, Minn., plant of the Aperture Mask Division of Buckbee Mears, Inc., who became totally or partially separated from employment on or after September 21, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of January 1978.

JAMES F. TAYLOR,  
Director, Office of Management,  
Administration, and Planning.

[FR Doc. 78-2005 Filed 1-23-78; 8:45 am]

[4510-28]

[TA-W-2173]

PROXIMITY PRINT WORKS, CONE MILLS  
CORP., GREENSBORO, N.C.

Affirmative Determination Regarding  
Application for Reconsideration

On December 19, 1977, the petitioner for workers and former workers of Proximity Print Works, of Greensboro, N.C., requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on December 6, 1977, (42 FR 61667).

The petitioner in this case raises two issues of substance. The first is that since the beginning of the Trade Act program of worker adjustment assistance on April 3, 1975, workers of a number of other print shops have been certified as eligible to apply for adjustment assistance. The petitioner claims that its workers are in basically the same situation as workers in those other print shops.

The second issue raised by the petitioner appears to be that the Department of Labor should have limited its evaluation of increased imports of "like or directly competitive articles" to imports of cotton broad woven print cloth and man-made woven printed fabric, rather than the broader classification of finished fabric (which included, in addition to print cloth and printed fabric, cotton and man-made dyed and flocked fabric).

#### CONCLUSION

After review of the application, I conclude that the claims of the petitioner are of sufficient importance to justify reconsideration of the Depart-

ment of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 17th day of January, 1978.

HARRY GRUBERT,  
Director, Office of  
Foreign Economic Research.

[FR Doc. 78-2006 Filed 1-23-78; 8:45 am]

[7590-01]

## NUCLEAR REGULATORY COMMISSION

### ABNORMAL OCCURRENCE EVENT

#### Insulation Failures in Containment Electrical Penetrations

Section 208 of the Energy Reorganization Act of 1974, as amended, required the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determined to be an abnormal occurrence using the criteria published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10950). Appendix A (Example I.D.2) of the Policy Statement notes that a major deficiency in design, construction or operation having safety implications requiring immediate remedial action can be considered an abnormal occurrence.

**Date and Place.** During the period September 30-November 19, 1977, a series of events relating to insulation failures in containment electrical penetrations occurred at the Northeast Nuclear Energy Co.'s Millstone Nuclear Power Station, Unit 2, a pressurized water nuclear power plant located in Waterford, Conn.

**Nature and Probable Consequences.** On September 30, 1977, a valve in the letdown system unexpectedly closed and another normally closed drain valve in the safety injection system recirculation return line was found in an incorrect (open) position. The letdown system is a portion of the reactor coolant purification system. The safety injection system is one of the emergency core cooling systems. Subsequent investigation of the electrical penetration module<sup>1</sup> associated with these valves revealed low insulation resistances between several conductors including those which supply control

<sup>1</sup>Low voltage wiring for control and status indication of equipment inside containment is routed through the Containment Building wall via electrical penetration assemblies to keep the building sealed while allowing the wires to penetrate inside. Modules within these assemblies carry approximately 85 conductors (wires) each. The conductors are separated and insulated from each other by epoxy material at each end of the modules and by enamel on the conductors themselves in the region between the epoxy seals.

power to the valves. Low insulation resistance is a degradation of the modules that can cause electrical short circuits between conductors. The valve anomalies were presumably caused by such short circuits.

On October 14, 1977, a reactor coolant sample system valve failed to close on command. Investigation of this event identified conductors in another penetration module which were shorted (electrically connected) together due to low insulation resistance.

On November 19, 1977, short circuits of conductors associated with indication and alarm circuits for a reactor coolant pump resulted in anomalous alarms in the control room. The cause was again traced to low insulation resistance between conductors in the third penetration module.

None of these anomalous events resulted in unsafe conditions in the plant. However, the potential for unsafe conditions did exist since the proper functioning of safety-related equipment, which would be needed during certain accident conditions, depends on adequate electrical insulation resistances between conductors within the penetration modules.

**Cause or Causes.** The electrical short circuits between conductors in the penetration modules, which caused the observed anomalous electrical conditions, apparently resulted from moisture entering fissures (cracks) between conductors in the epoxy insulator/sealant. In the presence of such moisture, it is believed that an electrical path developed between conductors in the modules thereby resulting in low insulation resistances.

Prior to March 15, 1977, the affected penetration modules had been internally pressurized with dry nitrogen. On about March 15, 1977, the licensee decided to discontinue pressurization of the penetration modules because there was no requirement to maintain the gas pressure and maintenance of the pressure resulted in an increased loss of nitrogen gas. Removal of the nitrogen pressure may have contributed to the degradation of the resistance between the conductors in the penetration modules.

The actual cause for the short circuits will be determined when the results from a laboratory analysis of one of the failed penetration modules is received by the licensee.

**Action Taken to Prevent Recurrence.—Licensee.** Following each of the above cited events involving a reduction in insulation resistance, the conductors in question were taken out of service and spare conductors with acceptable insulation resistances were used as replacements.

A special surveillance test program was initiated to check selected conductor insulation resistances daily and to functionally check the operability of

selected components twice per week. The penetration modules were repressurized with dry nitrogen which produced some improvement in the insulation resistances.

After the November 19th anomalous condition, the plant was shut down and a scheduled refueling outage was commenced about two weeks earlier than was originally planned. The licensee has initiated action to obtain penetration modules of a different design. The adequacy of the environmental qualification of the new penetration module design will be reviewed by the NRC staff, and, if acceptable, the modules will be installed prior to plant startup.

NRC Recognizing the potential safety significance of all anomalous occurrences related to low insulation resistance in the electrical penetration assemblies, the NRC staff met with the licensee and discussed the problem on November 7, 1977. In addition, the NRC Region I Office issued letters to the licensee on November 4 and 8, 1977, documenting agreements that: (1) The penetrations would be continuously pressurized with dry nitrogen, (2) a special surveillance program would be performed, and (3) the plant would be shut down if further degradation was identified or a recurrence of anomalous conditions was experienced. In accordance with these agreements, the plant was shut down on November 20, 1977, after the latest anomalous condition developed.

NRC IE Bulletin 77-06, was issued on November 22, 1977, in which the NRC staff requested that all licensees of operating reactors review their installed containment electrical penetrations, determine if the potential for similar failures exists at their facilities, identify methods to detect insulation resistance degradation, and outline appropriate corrective action.

Responses to this Bulletin and the completion of corrective actions are being reviewed by the NRC staff and are being verified by onsite inspection.

Dated at Washington, D.C. this 18th day of January 1978.

For the Nuclear Regulatory Commission

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 78-1938 Filed 1-23-78; 8:45 am]

[7590-01]

#### REGULATORY GUIDE

##### Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regula-

tions and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.137, "Fuel-Oil Systems for Standby Diesel Generators," describes a method acceptable to the NRC staff for complying with the Commission's regulations regarding fuel-oil systems for standby diesel generators and assurance of adequate fuel-oil quality.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.137 will, however, be particularly useful in evaluating the need for an early revision if received by March 24, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 18th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,

Office of Standards Development.

[FR Doc. 78-1937 Filed 1-23-78; 8:45 am]

[8010-01]

#### SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10093]

#### AUDAX FUND INC.

Filing of Application for Order Declaring That  
Applicant Has Ceased To Be an Investment  
Company

JANUARY 16, 1978.

In the matter of Audax Fund Inc.,

312 East Wisconsin Avenue, Milwaukee, Wis. 53202, 811-1866.

Notice is hereby given, that Audax Fund Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on December 27, 1977, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. 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.

Applicant, a corporation organized under the laws of Delaware, registered under the Act on May 22, 1969. On June 6, 1969, it filed a registration statement on form S-5 under the Securities Act of 1933 (File No. 2-33397) for the public sale of shares of its common stock. This registration statement was declared effective by the commission on November 14, 1969, and Applicant was thereby authorized to offer 5,000,000 shares of its common stock for sale to the public.

On November 16, 1977, at a special meeting of shareholders, a majority of Applicant's shareholders approved an Agreement and Plan of Reorganization ("Plan") dated August 19, 1977, which provided for, among other things, the acquisition by Nicholas Fund, Inc. ("Nicholas"), a registered, open-end management investment company, of substantially all of Applicant's assets (including all of its portfolio securities) in exchange for shares of common stock of Nicholas, and for the subsequent dissolution of Applicant. This sale of all of the assets of Applicant was consummated on December 5, 1977, and pursuant to the Plan Nicholas issued 178,191 shares of its common stock to the Applicant. These Nicholas shares were distributed to the shareholders of the Applicant on a pro-rata basis. Under the Plan, Nicholas assumed all of the liabilities of Applicant incurred in the ordinary course of its business which were outstanding as of December 5, 1977. Under the plan all of the expenses incurred by Applicant in implementing the Plan were paid by The Milwaukee Co., parent of Applicant's former investment adviser, Wisconsin Investment Management Co., Inc.

Applicant represents that it currently has no assets, no security holders, no known liabilities, and that it is not a party to any pending litigation or administrative proceeding. Applicant also represents that on December 5, 1977, it filed a Certificate of Dissolution with the State of Delaware pursuant to the General Corporation Law of the State of Delaware, thereby completing the process of corporate disso-

lution under Delaware state law. Applicant further represents that it has ceased all business activities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 9, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons 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 at the address stated above. Proof of such service (by affidavit or, in the 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 herein 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. 78-1930 Filed 1-23-78; 8:45 am]

[8010-01]

[Rel. No. 20388]

**EASTERN UTILITIES ASSOCIATES**

**Proposed Extension of Bank Borrowing by  
Subsidiary Company**

JANUARY 17, 1978.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Mass.

02107; Blackstone Valley Electric Co., P.O. Box 1111, Lincoln, R.I. 02865; Brockton Edison Co., 36 Main Street, Brockton, Mass. 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass. 02722; Montaup Electric Co., P.O. Box 391, Fall River, Mass. 02722 (70-5388).

Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its electric utility subsidiary companies, Blackstone Valley Electric Co. ("Blackstone"), Brockton Edison Co. ("Brockton"), Fall River Electric Light Co. ("Fall River") and Montaup Electric Co. ("Montaup"), have filed a post-effective amendment to their application-declaration, as previously filed and amended in this proceeding with this Commission designating Sections 6(a), 7, 9(a), 10, 12(b), 12(c), and 12(f) of the Act and Rules 43(a) and 45(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

The transactions dealt with by the original application have, insofar as hereto relevant, been duly authorized and consummated. The post-effective amendment deals only with a proposed extension of the maturity of a bank loan of Blackstone's, which was one of the original series of transactions.

As a part of this reorganization program, Blackstone has been authorized in this proceeding (order dated February 19, 1975, HCAR No. 18817) to borrow \$25,000,000 from the Chase Manhattan Bank (N.A.) ("Chase"). Blackstone originally issued Chase its note in that amount, maturing on February 16, 1976, and bearing interest at 115 percent of the prime rate in effect at Chase from time to time. By orders dated February 12, 1976 and February 8, 1977 (HCAR Nos. 19386 and 19880) Blackstone was authorized to extend the maturity of the note, in each instance for approximately one year. The note now matures on February 6, 1978. The note is secured by a second mortgage on certain properties of Blackstone, said second mortgage being subject, among other encumbrances, to the prior lien of Blackstone's Indenture of Mortgage and Deed of Trust dated as of November 1, 1943. No compensating balance is required in connection with this borrowing.

Proceeds of the loan have been used by Blackstone to reduce open account advances to Blackstone from EUA. EUA applied the funds so received to reduce its short-term borrowings.

By post-effective amendment filed in this proceeding, it is now proposed

that the term of the Chase note be further extended to mature on or about February 1, 1979. The interest rate will continue to be the prime as defined. No compensating balance will be required in connection with the extension of the Chase loan. Assuming a prime rate at Chase of 8 percent, the effective interest cost of the note, as revised and extended, would be 9.775 percent. It is stated that Blackstone had originally intended to convert that Chase note into a longer term secured obligation, but that restrictions on consolidated capitalization ratios contained in EUA's bond indenture make it impossible at the present time to extend the Chase note for more than one year.

It is stated that the Public Utilities Commission of the State of Rhode Island has jurisdiction over the proposed extension of the Chase loan to Blackstone and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Any fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given, that any interested person may, not later than February 3, 1978, request in writing that a hearing be held on this matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants EUA and Blackstone at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as further amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-1931 Filed 1-23-78; 8:45 am]

## [8010-01]

[Rel. No. 14378]

## MIDWEST STOCK EXCHANGE

## Order Approving Proposed Rule Change

JANUARY 16, 1978.

In the matter of Midwest Stock Exchange, 120 South LaSalle Street, Chicago, Ill. 60603 (SR-MSE-77-35).

On November 21, 1977, the Midwest Stock Exchange, Inc., filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change provides that transfers of membership, whereby the transferor retains reacquisition rights, will not be processed unless the transferor is current in all filings and payments of dues, fees, and charges related to that membership.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act release No. 14216 (November 29, 1977)) and by publication in the FEDERAL REGISTER (42 FR 62233 (December 9, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder. More specifically, the Commission finds that the proposed rule change is consistent with section 6(b)(4) which provides for reasonable allocation of dues, fees, and other charges among exchange members.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 21, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-1932 Filed 1-23-78; 8:45 am]

## [8010-01]

[Rel. No. 203871]

## NARRAGANSETT ELECTRIC CO.

## Proposed Sale of Utility Assets

JANUARY 16, 1978.

In the matter of the Narragansett Electric Co., 280 Melrose Street, Providence, R.I. 02901 (70-6109).

Notice is hereby given that the Narragansett Electric Co. ("Narragansett"), an electric utility subsidiary company of New England Electric System a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(d) of the Act and rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Narragansett proposes to sell to Blackstone Valley Electric Co. ("Blackstone"), an electric utility subsidiary company of Eastern Utilities Associates, a registered holding company, certain electric facilities ("facilities") located in Smithfield and Woonsocket, R.I., which had been constructed and were used by Narragansett to supply bulk power to Blackstone's Riverside substation in Woonsocket.

The facilities are composed of a 2.6 mile section of 115 kV transmission line, designated U-147, constructed in the early 1940's and extending from Narragansett's Woonsocket substation in North Smithfield, R.I., to Riverside Junction in Woonsocket, together with associated rights in real property. In 1963 this U-147 line was also utilized for through transmission of bulk power by connection to a newly constructed transmission line designated D-182 which terminated at New England Power Co.'s Brayton Point station in Somerset, Mass. In 1974 a portion of the D-182 line was dismantled to make room for a new 345 kV line, designated No. 315. When line No. 315 became operational in August 1974, Narragansett no longer had a need for the U-147 line. Blackstone, however, can utilize the U-147 line to supply its Riverside substation.

An agreement has been executed under which, subject to necessary corporate and regulatory approvals, Narragansett will transfer to Blackstone the facilities for a price equal to net book value (defined as original cost, \$162,362, less depreciation accrued to the date of transfer) plus a sum to be determined by formula covering Narragansett's cost of owning the facilities from the date of preliminary agreement to sell (August 24, 1974) to the date of transfer. On December 31, 1976, the facilities had a net book

value of approximately \$118,390. Under the agreement, Blackstone would also assume responsibility for Narragansett's costs incurred in effecting the transfer of title to the facilities up to \$5,000. Against the purchase price is to be credited \$4,400 representing the agreed estimated cost of labor and materials for completing present accumulated maintenance. As of October 30, 1977, the purchase price would have been approximately \$203,160.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$7,000, including \$5,000 of services to be performed at cost by New England Power Service Co., an affiliate of Narragansett. It is stated that the Rhode Island Division of Public Utilities and Carriers has jurisdiction over the sale and purchase of the facilities, and that Federal Energy Regulatory Commission has jurisdiction over the purchase of the facilities by Blackstone. No other State commission and no other Federal commission, other than this commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 9, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 78-1933 Filed 1-23-78; 8:45 am]

## [8010-01]

[Release No. 34-14379; File No. SR-DTC-77-13 Amdt. No. 1]

## DEPOSITORY TRUST CO.

## Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 10, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission Amendment No. 1 to a proposed rule change as follows:

## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The date of the annual meeting of the stockholders of the Depository Trust Co. ("DTC") has been changed.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to allow extra time necessary for processing the annual reallocation and sale of DTC stock to its participants and self-regulatory organizations as required by the DTC stockholders agreement. Under the old bylaw the annual meeting date would have been March 22, 1978, and under the new bylaw it will be March 31, 1978. Since the date of distribution of notices of share amount<sup>1</sup> (the "notices") to potential and existing stockholders is determined by the date of the annual meeting, postponement of the annual meeting date enables us to send out the notices on February 3, after we have received essential financial data (share price)<sup>2</sup> from our auditors on January 30, 1978. Retaining the March 22 date would have required such notices to have been sent out before January 30, which would not be possible because of the absence of the essential financial information. March 31 is the latest possible date at which the meeting could have been set because of the requirement of section 6002.2 of the New York banking law that the annual meeting be held within the first three months of each calendar year.

The proposed rule change is concerned solely with the administration of DTC.

Comments on the proposed rule change were not solicited.

DTC perceives no burden on competition by reason of the proposed rule change.

The foregoing rule change as amended by amendment No. 1 has become effective, pursuant to section 19(b)(3) of

<sup>1</sup> Defined in the stockholders agreement.

the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the commission may summarily abrogate such rule change if it appears to the commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

JANUARY 16, 1978.

[FR Doc. 78-1935 Filed 1-23-78; 8:45 am]

## [8010-01]

[File No. 81-258; Administrative Proceeding File No. 3-5359]

## TRIDAIR INDUSTRIES

## Application and Opportunity for Hearing

JANUARY 16, 1978.

Notice is hereby given that Tridair Industries ("applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act") for exemption from the filing requirements of sections 12(g), 13, and 15(d) of the 1934 Act.

Section 13 provides that each issuer of a security which is registered pursuant to section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, certain annual, current, and quarterly reports.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective

pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy solicitation provisions under sections 12, 13, and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states, in part:

1. On March 31, 1976, applicant merged with and become a wholly owned subsidiary of Rexnord, Inc. ("Rexnord"). As a result of the merger, applicant no longer has any publicly owned common stock.

2. Applicant's only other securities consist of 4% percent convertible subordinated debentures ("debentures") which are now convertible into shares of Rexnord common stock. As of March 28, 1976, the end of applicant's fiscal year, there were less than 250 record holders of the debentures. As of December 31, 1976, there were 230 record holders of the debentures.

3. On June 4, 1976, applicant transmitted to the Commission a certification pursuant to section 12(g)(4) of the 1934 Act, requesting termination of registration of its common stock. This was not received by the Commission until June 30, 1976, and became effective on September 30, 1976.

4. Applicant argues that no useful purpose would be served in filing the reports which are due.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than February 10, 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

NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 78-1934 Filed 1-23-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/3]

STUDY GROUP 6 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 6 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on February 14-15, 1978, at Boulder, Colo. The meeting will open on February 14 at 9 a.m., Room 3012 of the Radio Building, 325 Broadway.

Study Group 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The purpose of the meeting will be a review of work approved at the international meeting of Study Group 6, Geneva, January 1978, and finalization of plans for Study Group 6 submission of documents to the Special Preparatory Meeting for the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join the discussions subject to instructions of the Chairman.

Dated: January 13, 1978.

GORDON L. HUFFCUTT,  
*Chairman,*

U.S. CCIR National Committee.

[FR Doc. 78-1979 Filed 1-23-78; 8:45 am]

[7040-01]

SUSQUEHANNA RIVER BASIN COMMISSION

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

Joint Public Meeting

The Susquehanna River Basin Commission and the Pennsylvania Department of Environmental Resources will hold three joint public meetings to receive public comment on the department's proposal to designate a segment of Pine Creek as part of the State wild and scenic rivers system. The meetings, to be held jointly by the two agencies for the convenience of the public, will begin at 7:30 p.m. on February 7, 1978, at New Avis Elementary School, 5th Street Extended, Avis, Pa.; February 16, 1978, at Jersey Shore Area Senior High School Auditorium, Thompson Street, Jersey Shore, Pa.; and February 22, 1978, at Wellsboro Area Senior High School Auditorium, Nichols Street, Wellsboro, Pa.

Under article 12.2 of the Susquehanna River Basin Compact, no State project will be deemed authorized unless it has first been included by the Commission, after public hearing, in its comprehensive plan. The Susquehanna River Basin Commission will separately review the department's proposal and the testimony received at these meetings when evaluating the proposal for inclusion in the comprehensive plan.

A summary of the proposal is available from the Pennsylvania Department of Environmental Resources, P.O. Box 1467, Harrisburg, Pa. 17102. All interested citizens and governmental agencies are urged to attend the meetings and present their views.

Dated: January 16, 1978.

ROBERT J. BIELO,  
*Executive Director.*

[FR Doc. 78-1967 Filed 1-23-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 190-1; Supplement 1]

DEPUTY ASSISTANT SECRETARY (TAX LEGISLATION) ET AL.

Delegation of Authority

Pursuant to the authority vested in the Secretary of the Treasury, it is provided that in the absence of the Assistant Secretary (Tax Policy) or in the event of a vacancy in that office, the below-named officials shall, in the following order of succession, perform all of the functions the Assistant Sec-

retary (Tax Policy) is authorized to perform:

Deputy Assistant Secretary (Tax Legislation)  
Deputy Assistant Secretary (Tax Analysis)  
Tax Legislative Counsel

Dated: January 5, 1978.

W. MICHAEL BLUMENTHAL,  
*Secretary of the Treasury.*

[FR Doc. 78-1994 Filed 1-23-78; 8:45 am]

[4810-40]

[Supplement to Department Circular Public Debt Series—No. 1-78]

SERIES K-1980

Treasury Notes

JANUARY 19, 1978.

The Secretary of the Treasury announced on January 18, 1978, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 1-78, dated January 13, 1978, will be 7½ percent per annum. Accordingly, the notes are hereby redesignated 7½ percent Treasury Notes of Series K-1980. Interest on the notes will be payable at the rate of 7½ percent per annum.

PAUL H. TAYLOR,  
*Acting Fiscal Assistant Secretary.*

[FR Doc. 78-1991 Filed 1-24-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 573]

ASSIGNMENT OF HEARINGS

JANUARY 19, 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.

No. 36500, *Burt M. Gifford, et al. v. Ringsby Truck Lines, Inc.*, and No. 36613, *Bob E. Courtney, et al. v. Ringsby Truck Lines, Inc.*, now assigned April 5, 1978 (3 days), at Boise, Idaho in a hearing room to be later designated.

MC 95876 Sub 204, *Anderson Trucking Service, Inc.*, now assigned April 10, 1978 (2 weeks), at Seattle, Wash., in a hearing room to be later designated.

MC 138104 Sub 49, *Moore Transportation Co., Inc.*, now assigned February 22, 1978

at Dallas, Tex., will be held in Tax Court Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets.

MC 135797 Sub 76, J. B. Hunt Transport, Inc., now assigned February 23, 1978 at Dallas, Tex., will be held in Tax Court Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets.

MC 83835 Sub 145, Wales Transportation, Inc., now assigned February 24, 1978 at Dallas, Tex., will be held at Tax Court Room 330, U.S. Post Office and Courthouse, Bryan and Ervay Streets.

AB-12 Sub 20, Southern Pacific Transportation Co.—Abandonment of its line of railroad—in Victoria, Goliad, Bee, San Patricio, Jim Wells, Brooks, and Hidalgo Counties, Tex.; FD-28024, Southern Pacific Transportation Co.—Trackage rights—Over Missouri Pacific Railroad Co. between Harlingen and Placedo, in Cameron and Victoria counties, Tex.; and FD-28078, Southern Pacific Transportation Co.—Construction and operation between lines of Missouri Pacific Railroad Co. and the Texas Mexican Railway Co. at Robstown, Nueces County, Tex., now assigned February 27, 1978 at Alice, Tex., will be held at the County Courthouse, District Court Room, 200 North Almond.

MC 109533 Sub 88, Overnite Transportation Co. now being assigned April 11, 1978 (9 days) at Salisbury, Md. in a hearing room to be later designated.

MC 1515 Sub 222, Greyhound Lines, Inc., now assigned February 6, 1978 at Atlantic City, N.J., will be held at the Howard Johnson's Motor Lodge, Pacific and Arkansas Avenues; and February 13, 1978, at New York, N.Y., will be held in the Americana Hotel, 7th Avenue and 52nd Street. Atlantic City hearing will begin at 1 p.m.

AB 16, San Diego & Arizona Eastern Railway Co. Abandonment in San Diego and Imperial Counties, Calif. now being assigned April 4, 1978 (14 days) at San Diego, Calif. in a hearing room to be later designated.

MC 140908 Sub 4, Commercial & Package Delivery Service, Inc. now assigned January 23, 1978 at Charlotte, N.C. is cancelled, application dismissed.

MC 78400 Sub 53, Beaufort Transfer Co., now assigned February 13, 1978 at Jefferson City, Mo., will be held in District Court Room, U.S. District Court, Western District of Missouri, Central Division.

MC 14337, Hannifen Body & Paint Co., Inc., now assigned March 1, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 123407 Sub 375, Sawyer Transport, Inc., now assigned February 28, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 119741 Sub 77, Green Field Transport Co., Inc., now assigned February 22, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 111710 Sub 9, Arkansas Transit Co., Inc., now assigned February 23, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

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

[FR Doc. 78-2006 Filed 1-23-78; 8:45 am]

### [7035-01]

[Drought Order No. 71 (Sub-No. 5)]

#### DROUGHT AREAS: NORTH CAROLINA

##### Rail Transportation of Hay

Drought conditions exist in certain portions of the State of North Carolina. The Secretary of the United States Department of Agriculture has requested the Commission to enter an order under Section 22 of the Interstate Commerce Act authorizing railroads to transport hay to the disaster area at reduced rates.

It is ordered: Carriers by railroad participating in transportation of hay to the counties of:

Alamance, Alexander, Anson, Bladen, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cleveland, Columbus, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Granville, Guilford, Harnett, Iredell, Johnston, Lee, Lincoln, Mecklenburg, Montgomery, Moore, Nash, Orange, Person, Polk, Randolph, Rockingham, Richmond, Rowan, Rutherford, Stanly, Stokes, Surry, Union, Vance, Wake, Warren, Wayne, Wilkes, Wilson, and Yadkin

all located in the State of North Carolina are authorized under Section 22 of the Interstate Commerce Act to establish and maintain until May 1, 1978, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in Section 6 of the Interstate Commerce Act except that they may be effective upon not less than one day's notice to the Commission and the public.

The class of persons entitled to reduced rates is defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by State agents or agencies as may be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drought.

During the period in which any reduced rates authorized by this order are effective the carriers may notwithstanding the provisions of Section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of the order. Any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

The use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which released value, in its relationship to the invoice value of the property at time of shipment, shall be in the same percentage relation which the re-

duced rates bear to the rates which otherwise would apply.

Tariffs containing released rates filed under authority of this order shall show in connection with the rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

The agreed or declared value of the property is stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the reduced rates. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 71 (Sub No. 5).

Notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the director, Office of Federal Register; the Governor of North Carolina and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Economics and Finance Department, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroads Association, Washington, D.C.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Decided January 17, 1978.

By the Commission, Vice Chairman Christian.

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

[FR Doc. 78-2014 Filed 1-23-78; 8:45 am]

### [7035-01]

[General Temporary Order No. 11, Section 210a(a); Ex Parte No. MC-64]

#### EMERGENCY NEED FOR TRANSPORTATION SERVICE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on December 16, 1977.

The Interstate Commerce Commission has considered the occasional emergency need for transportation service which can arise during those times when Commission employees are not available to grant authority applications. Such times would be week-ends, holidays, and after business hours. Situations have been brought to our attention in which the unavail-



bility of field staff to meet these situations has caused serious hardship to shippers, and have caused danger to life and property.

Accordingly, the Commission is establishing with the effective date of this General Temporary Order new procedures which will allow for the granting of short term emergency temporary authority applications at the times mentioned above. These applications will be granted only under the following conditions, which can be summarized as involving situations in which life and property are in imminent danger.

(A) Transportation of firefighting material and supplies;

(B) Transportation of material and supplies needed to combat oil spills; and

(C) The transportation of material and supplies needed to deal with emergency situations caused by floods, earthquakes, or other natural disasters.

All other emergency temporary authority applications will be handled under procedures presently in effect. The following officials of the Commission are designated as authorized to grant applications of the type described above for a period not to exceed ten days.

*Name, Residence, and Home phone number*

Arthur E. Bacon, Boston, Mass., 617-275-8696.

Daniel B. Lorusso, New York, N.Y., 914-738-4841.

Anthony W. Bummara, Philadelphia, Pa., 609-227-2793.

H. Forrest White, Philadelphia, Pa., 215-548-1421.

Jack K. Huff, Atlanta, Ga., 404-351-5301.

Bruce R. Reichelderfer, Atlanta, Ga., 404-992-9416.

Robert W. Waldron, Chicago, Ill., 312-392-3150.

James H. Berry, Fort Worth, Tex., 817-926-3385.

Haldon G. West, Fort Worth, Tex., 817-294-0965.

John L. Nance, San Francisco, Calif., 415-489-8630.

Joseph F. Kucera, San Francisco, Calif., 415-755-7790.

Philip Yallowitz, Los Angeles, Calif., 213-347-3037.

Applicants seeking authority for transportation of commodities falling under any of the provisions listed above may make contact with any of the designated ICC officials.

Those applicants who do not presently hold authority from the Commission must supply evidence of their insurance coverage to the ICC official contacted. This evidence will consist of the name of their insurance company, their policy number, the type of insurance, and the limits of the policy.

After authority has been granted under these procedures, the applicant must supply the ICC field office having administrative supervision over

his operations with a letter containing the following information:

(1) A brief description of the authority granted, and the reasons for the emergency need.

(2) The name of the ICC official contacted.

(3) The date authority was granted.

(4) The rates charged for the transportation, together with a statement that these rates are no lower than comparable carrier rates now in effect.

(5) If no previous ICC authority is held, evidence of insurance coverage.

The Commission wishes to emphasize that the procedures outlined in this order are only to be used in "life and death" situations. The Commission believes that present procedures for handling emergency temporary authority applications are sufficiently flexible to meet all other emergency needs for transportation service. The Commission will closely monitor the use made of the procedures established in this order. Evidence of abuse of those procedures, or evidence that applicants are seeking authority for situations other than those specifically mentioned will constitute grounds for revocation of this order.

It is ordered that the provisions of General Temporary Order 11 shall become effective on February 1, 1978, and that they shall remain in effect until cancelled by further order of the Commission.

By the Commission, Division 1, Commissioners Stafford, Gresham and Christian.

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

[FR Doc. 78-2009 Filed 1-23-78; 8:45 am]

[7035-01]

[Notice No. 5TA]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall speci-

fy the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 531 (Sub-No. 355TA), filed December 20, 1977. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77921. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, restricted against the transportation of corn syrup and liquid sugar, from Westwego, La., to points in Texas, except Waco, Nacogdoches and Center, Tex. for 180 days. Supporting shipper: Abbott Laboratories, 14 and Sheridan Road, North Chicago, Ill. 60064. Send protests to: District Supervisor, John F. Mensing, 8610 Federal Building, 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 15735 (Sub-No. 28TA), filed December 22, 1977. Applicant: ALLIED VAN LINES, INC., 25th Avenue & Roosevelt Road, Broadview, Ill. 60153. Applicant's representative: Terry G. Fewell, P.O. Box 4403, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organs and organ benches*, from Chicago and Romeoville, Ill., to all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Lowrey Electronics Co., Lloyd E. Gomez, vice president, 4400 W. 45th Street, Chicago, Ill. 60632. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 19193 (Sub-No. 13TA), filed December 22, 1977. Applicant: LAF-FERTY TRUCKING CO., 3703 Beale Avenue, Altoona, Pa. 16601. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, between the facilities of the Great Atlantic & Pacific Tea Company, Inc., in Altoona, Pa., on the one hand, and, on the other, points in the counties of Ashtabula, Columbiana, Cuyahoga, Geauga, Huron, Lake, Lorain, Mahoning, Ottawa, Portage, Sandusky, Summit, Stark, Erie, and Trumbull, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Great Atlantic & Pacific Tea Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Great Atlantic & Pacific Tea Company, Inc., Two Paragon Drive, Montvale, N.J. 07645. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 28060 (Sub-No. 38TA), filed December 23, 1977. Applicant: WILLER'S INC., d.b.a. WILLERS TRUCK SERVICE, P.O. Box 944, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57104. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing plants* (except hides and commodities in bulk), from plantsite of Geo. A. Hormel & Co., at Huron, S. Dak., to Fremont, Nebr., and Cedar Rapids, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Mark E. Matthews, Supervisor, Motor Carrier Services. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 47583 (Sub-No. 57TA), filed December 19, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hulst P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plantsites and storage facilities of Kal Kan Foods, Inc., located at or near Hutchinson and Wichita, Kans., to all points and places in the states of Delaware, Maine, Michigan, New Hampshire, Rhode Island, Vermont, West Virginia, and Washington, D.C., for 180 days. Applicant has also filed an

underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon, Calif. 90058. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 50069 (Sub-No. 529TA), filed December 19, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: William P. Fromm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit St., Toledo, Ohio 43604.

No. MC 67227 (Sub-No. 2TA), filed December 23, 1977. Applicant: B & H TRUCKING CO., INC., 1414 Ferry Avenue, Camden, N.J. 08104. Applicant's representative: Carl C. Snyder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in shipper owned tank vehicles, from Delaware City, Del., to Camden, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Peter Cooper Corp., Palmer Street, Gowanda, N.Y. 14070. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 69116 (Sub-No. 197TA), filed December 23, 1977. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingerty Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic Pipe and fittings and cast iron and fittings*, from Bakers and Charlotte, N.C., to the Lower Peninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charlotte Pipe and Foundry Co., Alan Biggers, manager-sales service and traffic, 2109 Randolph Road, Charlotte, N.C. 28203. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Com-

mission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 83539 (Sub-No. 474TA), filed December 19, 1977. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, P.O. Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, in bags, from Marshall, Tex., to Durita mine site, Naturita, Colo., and Highland uranium mine site, Douglas, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ICI Americas, Inc., Wilmington, Del. 19897. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 102567 (Sub-No. 205TA), filed December 22, 1977. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 North Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, in bulk, in tank vehicles, from Baton Rouge, La., to Norphlet, Ark., and (2) *acid sludge*, in bulk, in tank vehicles, from Norphlet, Ark., to Baton Rouge, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Ring-Free Oil Co., Inc., P.O. Box 1623, El Dorado, Ark. 71730. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 106674 (Sub-No. 276TA), filed December 23, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 46977. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Virginia, West Virginia, and Michigan. Restricted to the transportation of traffic originating at the above named plantsite, for 180 days. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 113651 (Sub-No. 253TA), filed January 4, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind., 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses (except hides and commodities in bulk)*, as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Honey Beef House located at or near Mentone, Ind. to Bloomville and New York, N.Y. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations, for 180 days. Supporting shipper: Honey Beef House, Box 57, Mentone, Ind. 46539. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 114989 (Sub-No. 20TA), filed December 22, 1977. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Highway 41-A North, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 631 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk cartons*, from Sikeston, Mo., and its commercial zone, to Hopkinsville, Ky., and its commercial zone, for the account of Model Pure Milk Co., and to Nashville, Tenn., and its commercial zone, for the account of Sealtest Foods, a division of Kraft, Inc., under a continuing contract, or contracts, with respective shippers, with Sealtest foods (Kraft, Inc.) and Model Pure Milk Co., for 180 days. Supporting shipper(s): (1) Mr. James R. Greaving, Distribution Manager, Sealtest Foods (Kraft, Inc.), 1401 Church Street, Nashville, Tenn. 37203. (2) Mr. Bobby Wall, Manager Procurement and Transportation, Model Pure Milk Co., Clay Street (12th and 13th) Hopkinsville, Ky. 42240. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 P.O. Building, Louisville, Ky. 40202.

No. MC 115904 (Sub-No. 90TA), filed December 22, 1977. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from

Albuquerque, N. Mex., to points in Oregon, Washington, Nevada, Montana, Utah, Wyoming, Minnesota, South Dakota, and North Dakota, for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): Ace Wallboard Ltd., 116 Hanson, Iona, Idaho 83427. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 117119 (Sub-No. 663TA), filed December 20, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products, and related materials and supplies used in the manufacture therein (except commodities in bulk)*, between Siloam Springs, Ark., and Denver, Colo., restricted to traffic originating at and destined to the plantsites and facilities utilized by Gates Rubber Co. at the named points, for 180 days. Supporting shipper(s): Gates Rubber Co., 999 South Broadway, Denver, Colo. 80217. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 664TA), filed January 5, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail discount, department or variety stores (except commodities in bulk)*, from points in Connecticut, Massachusetts, New Jersey, Rhode Island, New Hampshire, points in New York on and east of U.S. Highway 15, points in Pennsylvania on and east of U.S. Highway 15, and Wilmington, Del. to the facilities of Wal-Mart Stores, Inc. at Bentonville and Searcy, Ark., for 180 days. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, Ark. 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117119 (Sub-No. 665TA), filed January 4, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail discount, department, or variety*

stores (except commodities in bulk), from Charlotte, N.C. to the warehouse facilities of Wal-Mart Stores, Inc. at Searcy, Ark., for 180 days. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, Ark. 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117686 (Sub-No. 198TA), filed December 22, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products, articles distributed by meat packing plants, and foodstuffs (except hides and commodities in bulk)*, from the facilities of Geo. A. Hormel at Fort Dodge, Iowa, and Austin, Minn., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mark E. Matthews, Supervisor, Motor Carrier Services, Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 117786 (Sub-No. 4TA), filed December 23, 1977. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, Ariz. 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fiberboard*, from Chicago, Ill., to Phoenix, Ariz., from Natick, Mass., to Phoenix, Ariz., from Goshen, Calif., to Phoenix, Ariz., such merchandise as dealt in by mail-order houses, from St. Louis, Mo., to Phoenix, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: AMBA Marketing Systems, Inc., and Divisions thereof, 711 West Broadway, Tempe, Ariz. 85262; James E. Regalia. Send protests to: Andrew V. Baylor, District Supervisor, Room 2020 Federal Building, 230 North 1st Avenue, Phoenix, Ariz. 85025.

No. MC 117786 (Sub-No. 5TA), filed December 23, 1977. Applicant: FILEY WHITTLE, INC., P.O. Box 19038, Phoenix, Ariz. 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Alcoholic beverages*, from points in Illinois, Ohio, Kentucky, Indiana, and California, to Phoenix, Tucson, and Flagstaff, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Odom Corp., doing business as Arizona Distributing Co.—Division, 2929 Grand Avenue, Phoenix, Ariz. 85017; Jack Braddock, Vice President. Send protests to: Andrew V. Baylor, District Supervisor, Room 202 Federal Building, 230 North 1st Avenue, Phoenix, Ariz., 85025.

No. MC 118811 (Sub-No. 10TA), filed December 15, 1977. Applicant: LAWRENCE MCKENZIE, d.b.a. MCKENZIE TRUCKING SERVICE, Route 5, Box 111, Winchester, Ky. 40391. Applicant's representative: William L. Willis, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, (1) between points and places in Gallia and Jackson Counties, Ohio, on the one hand, and, on the other, the plantsites of Kentucky Electric Steel Co., at or near Ashland, Ky., and Mansbach Metal Co., at or near Ashland, Ky.; (2) from Ironton, Ohio, to the plantsite of Kentucky Electric Steel Co. located at or near Ashland, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warren R. Bocard, Traffic Manager, Mansbach Metal Co., Kentucky Electric Steel Co., P.O. Box 1179, Ashland, Ky. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 P.O. Building, Louisville, Ky. 40202.

No. MC 119555 (Sub-No. 20TA), filed December 23, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, 640 12th Avenue SW., Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservative* (K33, Class B Poison), in bulk, in tank vehicles, from Memphis, Tenn., to the port of entry on the United States-Canada international boundary line at or near Pigeon River, Minn., restricted to traffic moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): P. S. Farrow, Assistant Plant Superintendent, Northern Wood Preservers, Ltd., P.O. Box 2900, Thunder Bay, Ontario, Canada. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Com-

mission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 119726 (Sub-No. 113TA), filed December 20, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beatty, 130 East Washington Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, corrugated boxes (knocked down), caps and covers, tops*, from the plant and warehouse facilities of Kerr Glass Manufacturing Corp. at or near Dunkirk, Ind., to St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kerr Glass Manufacturing Corp., Sand Springs, Okla. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 120737 (Sub-No. 48TA), filed December 15, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., South Fourth Avenue, P.O. Box 39, Canton, Ill. 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, and (2) *parts and attachments* for agricultural machinery and implements, from Colchester, Ill., to points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Bernard Whalen, General Manager, Yetter Manufacturing Co., Colchester, Ill. 62326. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 121066 (Sub-No. 5TA), filed December 19, 1977. Applicant: NEBRASKA TRANSPORT CO., INC., P.O. Box 621, Scottsbluff, Nebr. 69361. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Scottsbluff, Nebr., to Owatonna and Austin, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operat-

ing authority. Supporting shipper(s): Mark E. Matthews, Supervisor—Motor Carrier Services, Geo. A. Hormel, P.O. Box 800, Austin, Minn. 55912. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 123407 (Sub-No. 422TA), filed December 22, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Grants, N. Mex., to Carver County, Minn., for 180 days. Supporting shipper: Harlan O. Baumann, P.O. Box 1927, Grants, N. Mex. 87020. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 123972 (Sub-No. 15TA), filed November 23, 1977. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Road, Baltimore, Md. 21237. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from White Marsh, Md., to points and places in North Carolina, under a continuing contract, or contracts, with Watkins Salt Co., Watkins Glen, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Larry P. Girven, GTM, Watkins Salt Co., P.O. Box 150, Watkins Glen, N.Y. 14891. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 126736 (Sub-No. 102TA), filed December 20, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel mill flue dust* in pneumatic, hopper, or covered dump vehicles, in bulk, from Duval County, Fla., to points in Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plant-Roberts Chemicals, P.O. Box 2112, Huntsville, Ala. 35804. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission,

Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 126736 (Sub-No. 103TA), filed December 20, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral sand and ore*, in bulk, in pneumatic tank vehicles, from the facilities of E. I. DuPont at or near Stark and Lawley, Fla., to Kernersville, N.C., for 180 days. Supporting shipper: E. I. DuPont de Nemours & Co., Inc., P.O. Drawer 753, Stark, Fla. 32091. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128404 (Sub-No. 9TA), filed December 29, 1977. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., P.O. Box 3037, Knoxville, Tenn. 37917. Applicant's representative: Wayne R. Whaley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, sign poles and accessories therefor*, from Knoxville, Tenn., to points in the United States, except Alaska and Hawaii, and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A & E Plasti-Line, Box 5066, Knoxville, Tenn. 37918. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 129631 (Sub-No. 59TA), filed December 20, 1977. Applicant: PACK TRANSPORT, INC., a Utah Corporation, 3975 South 300 West Street, Salt Lake City, Utah 84107. Applicant's representative: G. D. Davidson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam boards*, from North Salt Lake (Davis County), Utah, to Oregon and Washington, for 180 days. Supporting shipper: Apache Foam Products Co., 20 East Union Avenue, North Salt Lake, Utah 84054 (Henry F. Hekker, plant manager). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Applicant: OVERLAND EXPRESS, INC., 715 First Street, SW., New

Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority requested is to operate as a *common carrier*, over irregular routes, in the transportation of: 1. *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, South Dakota to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and 2. *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Estherville, Iowa to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 U.S. Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 133966 (Sub-No. 51TA), filed December 19, 1977. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Edward G. Villalón, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from Piscataway, N.J., to points in the state of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Delaware, Maryland, Kentucky, New York, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Paramount Industries, Inc. 1715 South Second Street, Piscataway, N.J. 08852. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. P.O. Building, Scranton, Pa. 18503.

No. MC 134017 (Sub-No. 6TA), filed December 23, 1977. Applicant: R. M.

HENDERSON, d.b.a. H & M MOTOR LINES, 500 Pine Knoll Drive, P.O. Box 3585, Greenville, S.C. 29608. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and packinghouse products* (except in bulk), from points in Illinois, Iowa, Minnesota, and Nebraska to Jacksonville, Fla.; New Orleans, La.; Miami, Fla.; Savannah, Ga.; Charleston, S.C.; Norfolk, Va.; Baltimore, Md.; New York, N.Y.; Seattle, Wash.; Los Angeles and San Francisco, Calif.; Gulfport, Miss.; and their respective commercial zones, under a continuing contract, or contracts, with AJC International, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: AJC International, Inc., 6064 Roswell Road NE., Atlanta, Ga. 30328. Send protests to: E. E. Strothel, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 134282 (Sub-No. 18TA), filed December 23, 1977. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*. Restricted against the transportation of said commodities in bulk. From the plantsite of Elk Corp., Stephens, Ark., and the storage facilities of Elk Corporation located at East Camden, Ark., to points in Texas, Louisiana and Mississippi, for 180 days. Supporting shipper: Elk Corp., P.O. Box 37, Stephens, Ark. 71764. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 135082 (Sub-No. 62TA), filed December 22, 1977. Applicant: BURSCH TRUCKING, INC., d.b.a. ROADRUNNER TRUCKING, INC., Box 26748, 415 Rankin Road, Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and insulation material*, from the plantsite of Southwest Distributing Company, Mesa, Ariz., to the states of California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Wash., for 180 days.

Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwest Distributing Co., 539 South Drew, Mesa, Ariz. 85201. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135082 (Sub-No. 63TA), filed December 23, 1977. Applicant: BURSCH TRUCKING, INC., d.b.a. ROADRUNNER TRUCKING, INC., Box 26748, 415 Rankin Road, Albuquerque, N. Mex. 87125. Applicant's representative: Randall R. Sain (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Brick & tile*, from Shawnee, Okla., to El Paso, Tex., from El Paso, Tex., to Albuquerque, N. Mex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kelley Brick and Tile Co., 624-C Comanche NE., Albuquerque, N. Mex. 87107. Send protests to: D. W. Hammons, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 51 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 135795 (Sub-No. 91TA), filed December 14, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stoves or fireplaces, chimney assemblies and spark arresters, ceramic hearths and other equipment and supplies* used in the installation or use thereof, in containers or on pallets, from the plantsite of Chinook Fireplace Co., Santa Cruz, Calif., to points in Arkansas, Colorado, Kansas, Missouri, and Oklahoma, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. D. Sales, Inc., 120 Range Rd., Rogers, Ark. 72756. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136343 (Sub-No. 123TA), filed December 20, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N. J. 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *paper and plastic bags*, from Florence, Ky., to Long Island City, N.Y., Secaucus, N.J.; Pennsauken, N.J.; Philadelphia, Pa.; Leominster, Mass.;

Chelsea, Mass.; Baltimore, Md.; Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Equitable Bag Co., Inc., 45-50 Van Dam Street, Long Island City, N.Y. 11101. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, Pa. 17108.

No. MC 136376 (Sub-No. 9TA), filed December 27, 1977. Applicant: MONT R. LYNCH, doing business as LYNCH TRUCKING, P.O. Box 712, Billings, Mont. 59103. Applicant's representative: G. Todd Baugh, Suite 805, Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from points in Georgia to points in Montana, for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 136595 (Sub-No. 9TA), filed December 28, 1977. Applicant: EASTSIDE ENTERPRISES, INC., d.b.a. EASTSIDE MOBILE HOME TRANSPORTING, INC., 1440 South "A" Street, Springfield, Ore. 97477. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated modulars, in sections, without fixed undercarriage*, from the plantsite of Boise Cascade Corp. located at or near Port Falls, Idaho to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Boise Cascade Corp., P.O. Box 7747, Boise, Idaho 83707. Send protests to: District Supervisor, A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 138256 (Sub-No. 8TA), filed December 29, 1977. Applicant: INTERIOR TRANSPORT, INC., North 2128 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe, irrigation systems, and equipment, materials and supplies* used in the manufacture and installation of irrigation systems, from Eugene, Ore.; Pasco, Moses Lake, and Toppenish, Wash., to points in Arizona, Califor-

nia, Colorado, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, and Washington, for 180 days. Supporting shipper: Western Irrigation & Manufacturing, Inc., P.O. Box 2345, Eugene, Ore. 97402. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 138359 (Sub-No. 9TA), filed December 22, 1977. Applicant: LEN-NEMAN TRANSPORT, INC., 10 North Michigan Street, Hutchinson, Minn. 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from LaCrosse and Milwaukee, Wis., to Jamestown, N. Dak., under a continuing contract or contracts with J. T. Beverage, Inc., for 180 days. Supporting shipper(s): J. T. Beverage, Inc., 970 2nd Street SE., Jamestown, N. Dak. 58401. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 138469 (Sub-No. 55TA), filed January 4, 1977. Applicant: DONCO CARRIERS, INC. P.O. Box 75354, 641 North Meridian, Oklahoma City, Okla. 73107. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, to transport: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by John Morrell & Co. at or near Estherville, Iowa, and Sioux Falls, South Dakota to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the named origins and destined to the named destination states for 180 days. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Bldg., 215 NW. 3rd, Oklahoma City, Okla. 73102.

No. MC 138512 (Sub-No. 24TA), filed December 19, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box

477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products and equipment, materials and supplies* used in the manufacture of cheese and cheese products (except commodities in bulk), from points in Wisconsin to points in Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. D. Schreiber Cheese Co., Inc., P.O. Box 610, Green Bay, Wis. 54305 (Robert Buchberger). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138512 (Sub-No. 25TA), filed December 21, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products and equipment, materials and supplies* used in the manufacture of cheese and cheese products (except commodities in bulk), from points in Wisconsin to Arizona, California, and Montana, under a continuing contract, or contracts, with L. D. Schreiber Cheese Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. D. Schreiber, Cheese Co., Inc., P.O. Box 610, Green Bay, Wis. 54305 (Robert Buchberger). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138875 (Sub-No. 69TA), filed December 23, 1977. Applicant: SHOE-MAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: Frank Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden beams and wood and steel trusses*, from Eugene and Hillsboro, Oreg., to points in Washington east of U.S. Highway 97, points in Idaho north of Idaho County, and points in Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Trus-

Joist Corp., 110 West 31st, Boise, Idaho 83706. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 138900 (Sub-No. 5TA), filed December 15, 1977. Applicant: REID J. CAVANAUGH, R.D. No. 1, Box 27, Connellsville, Pa. 15425. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed and animal feed, livestock and animal feed ingredients, animal health products and animal health aid products*, from Kingwood and Reedsville, W. Va., to points in Cambria, Fayette, Somerset, and Westmoreland Counties, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Allied Mills, Inc., P.O. Box 599, Worthington Station, Worthington, Ohio 43085. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 139495 (Sub-No. 297TA), filed December 19, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drug, industrial, and scientific chemicals and related laboratory instruments and kits* (except commodities in bulk), from the facilities of Mallinkrodt, Inc., located at or near Paris, Ky., to points in Texas and Louisiana, for 180 days. Supporting shipper: Mallinkrodt, Inc., 675 Brown Road, P.O. Box 5840, St. Louis, Mo. 63134. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Building, Wichita, Kans. 67202.

No. MC 139526 (Sub-No. 4TA), filed December 22, 1977. Applicant: HARRY LINDBERY CO., INC., 6901 Maloney Avenue, Hopkins, Minn. 55343. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, fittings and accessories*, between Osseo, Minn., on the one hand, and, on the other, points in Illinois (except points in the Chicago Commercial Zone), Iowa, Kansas, Michigan, Nebraska, South Dakota, and Wisconsin, restricted to traffic moving

on vehicles equipped with booms for loading and unloading, for 180 days. Supporting shipper(s): (1) T. J. Hopkins, Inc., 13842 189th Avenue NW., Elk River, Minn. 55330. (2) North Star Pipe & Supply Co., 3700 Williston Road, Minnetonka, Minn. 55343. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, 414 Federal Building and U.S. Courthouse, Bureau of Operations, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 139579 (Sub-No. 7TA), filed December 22, 1977. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, N.Y. 14094. Applicant's representative: Raymond A. Richards/S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins and pine oil*, in containers, from Pensacola, Tallahassee, and Tampa, Fla., to points in Erie and Niagara Counties, N.Y., under a continuing contract or contracts with Meyers Chemicals Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Meyers Chemicals, Inc., 4245 Union Road, Buffalo, N.Y. 14225. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 140986 (Sub-No. 4TA), filed December 19, 1977. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, N.J. 07857. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, except in bulk, and materials and supplies used in the sale and distribution thereof on return, from Butler, N.J., to points in the United States, under a continuing contract or contracts with Cozy Coal Co., Inc., for 180 days. Supporting shipper: Cozy Coal Co., Inc., 2606 Middle Country Road, Center Reach, N.Y. 11720. Send protests to: Joel Morris, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141804 (Sub-No. 99TA), filed December 20, 1977. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the facilities of Silver Manufac-

turing, Inc., at or near Knoxville, Tenn., to points in Washington, Montana, Idaho, Oregon, California, Nevada, New Mexico, Utah, and Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Silver Manufacturing, Inc., P.O. Box 2748, 2742 Hancock, Knoxville, Tenn. 37091. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations—Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141921 (Sub-No. 9TA), filed December 21, 1977. Applicant: SAVON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03101. Applicant's representative: Jack N. Sarkisian (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, skins and commodities in bulk), from Bedford, N.H., and Manchester, N.H., to points in Connecticut, Florida, Maine, Massachusetts, New York, Pennsylvania, Rhode Island, South Carolina, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: M. M. Madec Co., Inc., P.O. Box 4997, Manchester, N.H. 03105. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, 6 Loudon Street, Concord, N.H. 03301.

No. MC 141921 (Sub-No. 10TA), filed December 21, 1977. Applicant: SAVON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03101. Applicant's representative: Jack Sarkisian (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen or frozen and prepared fish and seafoods* (otherwise exempt from regulation), when moving in mixed shipments with frozen onion rings or frozen bakery products, frozen onion rings and frozen bakery products, from the plantsite and warehouse facilities of Boston Bonnie, Inc., in Boston, Mass., to points in Alabama, Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Boston Bonnie,

Inc., One Trilling Way, Boston, Mass. 02210. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, 6 Loudon Street, Concord, N.H. 03301.

No. MC 142177 (Sub-No. 6TA) (correction), filed November 30, 1977, published in the FEDERAL REGISTER issue of December 28, 1977, and republished as corrected this issue. Applicant: B.W.C.S., INC., 14 Park Avenue, Salem, N.H. 03079. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing materials*, between Salem, N.H., on the one hand, and, on the other, points in Massachusetts, restricted against the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment, and restricted against transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. Supporting shipper: Atlantic Associates, Inc., 349 South Broadway, Salem, N.H. 03079, Attn: Howard L. Bowen, president. Send protests to: District Supervisor, Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 425 Federal Building, 55 Pleasant Street, Concord, N.H. 03301. The purpose of this republication is to show the county of Salem, N.H., in lieu of Salem, N.J., which was previously published in error.

No. MC 142704 (Sub-No. 2TA), filed December 23, 1977. Applicant: TRANS-TECH, INC., 516 Cerre Street, St. Louis, Mo. 63102. Applicant's representative: Robert Neiheiser (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose fibre products, insulating materials, fibred* (Fibromulch) ground cover and borates, from St. Louis, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Texas, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin, under a continuing contract or contracts with Fibron Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fibron Corp., St. Louis Division, 6701 Hall Street, St. Louis, Mo. 63147. Send protests to: District Supervisor, J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 142891 (Sub-No. 2TA), filed December 22, 1977. Applicant: A & H, INC., P.O. Box 346, Footville, Wis. 53537. Applicant's representative: Charles W. Beinbauer, One World Trade Center, Suite 4959, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Sargento Cheese Co., Inc., at or near Plymouth, Wis., to points in the states of Virginia, Maryland, Pennsylvania, District of Columbia, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and Maine, restricted to traffic originating at the above named origin and destined to points in the named states, for 180 days. Supporting shipper: Sargento Cheese Co., Inc., P.O. Box 360, Highway C, Industrial Park, Plymouth, Wis. 53073. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 142909 (Sub-No. 2TA), December 20, 1977. Applicant: TIMBER TRUCKING, INC., 4235 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products, (including mineral mixtures)*, (a) from Little Mountain, Utah, to Oregon, Washington, Idaho and Montana, and (b) from Saltair, Utah, to Idaho and Montana; (2) *mineral mixtures*, from Saltair, Utah, to Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leslie Salt Co., 866 West 2600 South, Salt Lake City, Utah. (James S. Blaine, regional manager.) Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 12964 (Sub-No. 3TA), filed December 16, 1977. Applicant: RONAR TRUCKING, INC., 32 Comanche Road, Gunniston, Colo. 81230. Applicant's representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele, Commerce City, Colo. 80022. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Frozen beef*, in boxes, from the points of New York, N.Y., Philadelphia, Pa., Wilmington, Del., and New Orleans, La., to points in Pennsylvania, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska,



Colorado, Texas, and Arkansas, under a continuing contract, or contracts, with A. J. Cunningham Packing Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. J. Cunningham Packing Corp., 1776 Heritage Drive, Quincy, Mass. 02171. Send protests to: R. L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 143436 (Sub-No. 5TA), filed December 21, 1977. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, Ind. 46227. Applicant's representative: Stephen M. Gentry, 1500 Main Street, Speedway, Ind. 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Nestle Co. located at or near Columbus, Ohio, to points in Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nestle Co., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 143797 (Sub-No. 2TA), filed December 27, 1977. Applicant: WALKER'S TRUCK CONTRACTORS, INC., P.O. Box 6173, Ruthledge Pike, Knoxville, Tenn. 37914. Applicant's representative: George W. Clapp, 109 Hartsville St., P.O. Box 836, Taylor's S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Olivine crushed stone*, in bulk, in dump vehicles, from the plantsite of Northwest Olivine Co. at or near Addie, N.C. to Knoxville, Tenn., for subsequent movement by water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Northwest Olivine Co., a wholly owned subsidiary of International Minerals & Chemical Corp., Route 1, Box 471, Sylva, N.C. 28779. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn.

No. MC 143939 (Sub-No. 1TA), filed December 27, 1977. Applicant: GERALD N. EVENSON, INC., 835 First Street SW., P.O. Box 328, Pelican Rapids, Minn. 56572. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Slate, stone and rock*, from the facilities of G & T Fireplace Co., located in Lewis and Clark County, Mont., to the facilities of Picture Rock Co. located in Becker County, Minn., for 180 days. Supporting shipper: G & T Fireplace Co., 3764 Valley Drive, Helena, Mont. 59601. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 143957TA, filed November 10, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles M. Williams, Kimball and Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals acids, solvents, and edible oils* (except in bulk), (A) from (1) the facilities of Hawkins Chemical Co., and Exxon Chemical Corp., at or near Minneapolis, Minn.; (2) the facilities of F. M. C. Corp., at or near Lawrence, Kans.; (3) Chicago, Ill., and points in its commercial zone; (4) the facilities of Olin Chemical Co., at or near Joliet, Ill.; (5) the facilities of Sanford Chemical Co., at or near Elk Grove Village, Ill.; (6) the facilities of Velsicol Chemical Co., and James Barley & Son Co., at or near St. Louis, Mich.; (7) the facilities of BASF Wyandotte Chemical Corp., and Penwalt Corp., at or near Wyandotte, Mich.; (8) the facilities of Ozark-Mahoning Co., at or near Tulsa, Okla.; (9) the facilities of Floridin Co., at or near Berkeley Springs, W. Va., and Quincy, Fla.; (10) the facilities of Ash Grove Chemical Co., at or near Springfield, Mo.; (11) the facilities of Lien Chemical Co., at or near Rapids City, S. Dak.; (12) the facilities of Burriss Chemical Co., at or near Charleston, S.C.; (13) the facilities of Barnebey Cheney, at or near Columbus, Ohio; (14) the facilities of Cities Service Co., at or near Copperhill, Tenn.; (15) the facilities of Ft. Recovery Industries, at or near Ft. Recovery, Ohio; (16) the facilities of Great Lakes Chemical Corp., at or near Lafayette, Ind.; (17) the facilities of Keyes Fiber Co., at or near Hammond, Ind.; (18) the facilities of Marathon, Morco Co., at or near Dickinson, Tex.; (19) the facilities of Mazer Chemical, at or near Gurnee, Ill.; (20) the facilities of Quality Chemical Co., at or near Baltimore, Md.; (21) the facilities of Stauffer Chemical Co., at or near Greenriver, Wyo.; (22) the facilities of West Vaco Chemical Division, at or near Covington, Va.; (23) the facilities of Lowes Inc., at or near Oran, Mo.; (24) the facilities of P. P. G. Industries, at or near Barberton, Ohio

and Natrium, W. Va.; (25) the facilities of Diamond Shamrock Chemical Co., at or near Painesville, Ohio; (26) the facilities of Allied Chemical Co., at or near North Claremont, Del.; Richmond, Va., and Wilmington, Del.; (27) the facilities of E. I. DuPont, at or near Memphis, Tenn.; (28) the facilities of Dow Chemical Co., at or near Midland, Mich., to points in Iowa, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Illinois, and St. Louis, Mo., and Phoenix, Ariz., and points in their respective commercial zones, from the facilities of Warren-Douglas Chemical Co., at or near Omaha, Nebr., and Sioux City, Iowa., to points in Iowa, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Illinois, and St. Louis, Mo., and Phoenix, Ariz., and points in their respective commercial zones, restricted to transportation service performed under a continuing contract, or contracts, with Warren-Douglas Chemical Co., for 180 days. Supporting shipper(s): Warren-Douglas Chemical Co., Paul Wendte, Traffic Manager, 3002 F Street, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 144103 (Sub-No. 1TA), filed December 22, 1977. Applicant: LAWRENCE EVERS, P.O. Box 176, Darby, Mont. 59829. Applicant's representative: William E. O'Leary, 631 Helena Avenue, Helena, Mont. 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in bottles, cans, and kegs, and *wine*, from ports of entry on the United States-Canada international boundary line located in Washington, Idaho, and Montana, to points in Montana, Idaho, and Wyoming, restricted to traffic moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bill White, General Manager, Coors of Missoula, Inc., 3115 West Broadway, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 144107 (Sub-No. 1TA), filed December 20, 1977. Applicant: CITY WIDE CARTAGE CONTRACT CARRIER, INC., 1800 Grand Avenue, West Des Moines, Iowa 50265. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by wholesale and retail department stores, from the facilities of Mid America Warehousing, Inc., at Des

Moines, Iowa, to points in Iowa, restricted to traffic destined to the facilities of K-Mart Corp., under a continuing contract, or contracts, with K-Mart Corp. of Troy, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): K-Mart Corp., 3100 West Big Beaver Road, Troy, Mich. 48084. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 144110TA, filed December 20, 1977. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, Minn. 56378. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 144111TA, filed December 22, 1977. Applicant: LEONARD KEATING, JR., d.b.a. KEATING TRUCK LINE, Charter Oak, Iowa 51439. Applicant's representative: Bradford E. Kistler, P.O. Box 82028,

Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, animal and poultry health products, and animal and poultry feeding equipment*, from Fremont, Nebr., and points in its commercial zone, to points in Iowa south of U.S. Highway 20, west of U.S. Highway 71, and north of U.S. Highway 6, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Lawrence F. Olson, District Marketing Manager, Hubbard Milling Co., P.O. Box 986, Fremont, Nebr. 68025; (2) Donald Bartlett, President, Denison Seed Co., Inc., 506 South 14th, Denison, Iowa 51442; (3) Curt Sachau, Owner, Curt's Feed & Supply, Charter Oak, Iowa 51439. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 144118 (Sub-No. 1TA), filed December 22, 1977. Applicant: COMPUTER TRANSPORT OF OHIO, INC., 3699 Interchange Road, Columbus, Ohio 43204. Applicant's representative: A. Charles Tell, George, Greek, King, McMahon & McConnaughey, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reproducing or copying machines, computers, verifiers, collators, sorters, receivers, and transmitters, printers, typewriters, x-ray equipment, and supplies, parts,*

*and accessories* used in connection therewith, between Akron, Ohio, on the one hand, and, on the other, points in Lawrence and Mercer Counties, Pa., under a continuing contract, or contracts, with Xerox Corp., Arlington, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Xerox Corp., 1616 North Fort Myer Drive, Arlington, Va. 22209. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 144124TA, filed December 27, 1977. Applicant: CONSOLIDATED BUS SERVICE, INC., 1515 Jefferson Street, Hoboken, N.J. 07030. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Deal, N.J., and New York, N.Y., under a continuing contract, or contracts, with E. J. Z. Corp., for 180 days. Supporting shipper: E. J. Z. Corp., 303 Parker Avenue, Deal, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

By the Commission.

H. G. HOMME, JR.,  
Secretary.

[FR Doc.78-2010 Filed 1-23-78; 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. 562b(e)(3).

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[6320-01]

1

### CIVIL AERONAUTICS BOARD.

[M-95; Jan. 17, 1978]

**TIME AND DATE:** 10:00 a.m., January 24, 1978.

**PLACE:** Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:** 1. Ratification of items adopted by notation.

2. Dockets 31411 and 23888, application of Allegheny Airlines, Ransome Airlines, and the Sullivan County parties for approval of replacement agreement and postponement of inauguration of service at Sullivan County; petition of Altair for order modifying agreement between Allegheny and Ransome (BOR).

3. Docket 25135, Air Medic—Exemption to operate both as an air taxi operator and as an indirect air carrier performing air ambulance flights; staff proposal to amend Part 385 to expand delegated authority of Director, BOR to grant authority under section 101(3) to perform air ambulance operations as an indirect air carrier (Memo No. 3630-C, BOR, OGC).

4. Docket 30233, Northwest's Subpart N application for nonstop Seattle-Atlanta/Fort Lauderdale/Miami/Tampa Authority (Memo. No. 7711, BOR).

5. Docket 30984, Leavens Air Charter, Ltd., final Board action on show cause order 77-11-44 (Memo. No. 7551-A, BIA, BOR, OGC).

6. Docket 31645, application of Perimeter Aviation, Ltd., for issuance of a foreign air carrier permit (Memo. No. 7709, BIA, BOR, OGC).

7. Docket 29282, Pacific Coastal Airlines, Ltd., final Board action on show cause order 77-4-8 (Memo. No. 6953-A, BIA, BOR, OGC).

8. Docket 28125, Transportes Aereos Benianos, S.A., proposed permit cancellation (Memo. No. 5463-A, BIA, OGC).

9. Dockets 15529 and 27589, baggage liability rules case and domestic baggage liability rules investigation (Memo. No. 7132-C, BFR).

10. First-class "Freedom" excursion fares proposed by Braniff (BFR).

**STATUS:** Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

[S-153-78; Filed 1-20-78; 9:31 am]

[6320-01]

2

### CIVIL AERONAUTICS BOARD.

[M-95 amdt. 1; Jan. 18, 1978]

**ADDITION OF ITEM TO THE JANUARY 24, 1978, MEETING AGENDA**

**TIME AND DATE:** 10 a.m., January 24, 1978.

**PLACE:** Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.  
**SUBJECT:** 4a. FAA draft environmental impact statement on the Concorde (Memo. No. 7195A, BOR, OGC, BAS).

**STATUS:** Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

#### SUPPLEMENTARY INFORMATION:

This item concerns FAA draft environmental impact statement on the Concorde. Because this item was not available at the time the agenda for January 24, 1978, was prepared, and so that the Board can review this as expeditiously as possible the following Members have voted that agency business requires the addition of this item to the agenda of January 24, 1978, and that no earlier announcement of this addition was possible:

Acting Chairman G. Joseph Minetti  
Member Lee R. West  
Member Richard J. O'Mella

Member Elizabeth E. Bailey

[S-154-78 Filed 1-20-78; 9:31 am]

[6320-01]

3

### CIVIL AERONAUTICS BOARD.

[M-96; Jan. 18, 1978]

**TIME AND DATE:** 10 a.m., January 25, 1978.

**PLACE:** Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

**SUBJECT:** The National Air Carrier Association to make a presentation on the supplemental carriers.

**STATUS:** Open.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
202-673-5068.

[S-155-78 Filed 1-20-78; 9:31 am]

[6351-01]

4

### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11:30 a.m., January 24, 1978.

**PLACE:** 2033 K Street NW., Washington, D.C., 5th floor hearing room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Litigation matters.

**CONTACT PERSON FOR MORE INFORMATION:**

Jane Stuckey, 254-6314.

[S-151-78 Filed 1-20-78; 9:31 am]

[6712-01]

5

### FEDERAL COMMUNICATIONS COMMISSION.

**TIME AND DATE:** Follows 9:30 a.m., open Commission meeting, Wednesday, January 25, 1978.

**PLACE:** Room 856, 1919 M Street NW., Washington, D.C.

**STATUS:** Closed Commission meeting.

**MATTERS TO BE CONSIDERED:**

*Agenda, Item No., and Subject*

Hearing—1—Questions concerning parative proceeding for a new standard broadcast

station at Lares, P.R. (Docket Nos. 20968-20969), and request for reconsideration of the amendment of Rule 73.35(b) (Docket No. 20548).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

**CONTACT PERSON FOR MORE INFORMATION:**

Samuel M. Sharkey, FCC Public Information Officer, telephone No. 202-632-7260.

Issued: January 18, 1978.

[S-159-78 Filed 1-20-78; 12:54 pm]

[6712-01]

6

**FEDERAL COMMUNICATIONS COMMISSION.**

**TIME AND DATE:** 9:30 a.m., Wednesday, January 25, 1978.

**PLACE:** Room 856, 1919 M Street NW., Washington, D.C.

**STATUS:** Open Commission meeting.

**MATTERS TO BE CONSIDERED:**

*Agenda, Item No., and Subject*

Hearing—1—Draft order requesting comments of the parties for disposition of the WSTE-TV, Inc., case (Docket Nos. 18048-9).

General—1—Proposed Canada/United States channeling arrangements for maritime mobile correspondence frequencies (Docket No. 20617).

**Safety and special radio services:**

1—Application for review of action concerning section 97.67(c) of the commission's amateur radio rules.

2—Amendment of Parts 89, 91, 93, and 95 of the Commission's rules to provide for use of digital voice modulation in secure communications systems (Docket No. 21142).

3—Central Station Electrical Protection Association's request for reconsideration of the Commission's May 20, 1977, decision denying its petition for rule making (RM-2698).

4—Simplification of the licensing and call sign assignment systems in the amateur radio service (Docket No. 21135).

**Common Carrier:**

1—Memorandum opinion and order to show cause why the Commission should not revoke the license of Seaway Communications, Ship Bottom, N.J. (DPLMRS Station KUS413).

2—Petition filed by Warsaw Television Cable Corp. to suspend tariff filings of the Rochester Telephone Corp. for cable television signal distribution service.

3—American Television Relay refund proposal.

4—Petition for stay of order requiring COMSAT to file new informational tariffs for its Intelsat operations and to adjust its escrow account to reflect all arrearages with interest (Docket No. 16070).

**Cable Television:**

1—Proposals concerning regulation of cable television system carriage of AM

and FM radio and request that cable systems be prohibited from cablecasting radio programming (RM-2528) or offering cablecast unless all local FM stations are carried (RM-2575).

2—Application for review, filed by Forum Communications Co., licensee of KSFY-TV, Sioux Falls, KABY-TV, Aberdeen, and KPRY-TV, Pierre, all in South Dakota.

3—Petition for reconsideration, filed by Daniels Properties, Inc., operator of a cable television system at Nolanville, Tex. (CAC-07527).

4—Petitions for stay of Commission decision in Vanhu, Inc. (Seattle, Wash.), filed by United Community Antenna Systems, Community Telecable of Seattle and Tele-Vue Systems, and KIRO's objections.

5—Reconsideration of use of predicted field strength contours for cable television regulation, and expanding carriage of UHF stations on cable systems (Docket No. 20496).

6—Petition for partial reconsideration, filed by Clearview TV Cable of Enumclaw, Wash. (CSR-948).

Assignment of license and transfer of control—1—Application for assignment of WMD(KFM), McKean, Pa., from Mikro-Dawn, Inc., to Jet Broadcasting Co. (BALH-2357).

**Renewal:**

1—Application of Bairdland Broadcasting, Inc., for renewal of KCHS, Truth or Consequences, N.M.

2—Mutually exclusive applications for renewal of license filed by the noncommercial share-time licensees on channel 2, Miami, Fla. (File Nos. BRET-184, BRET-17).

Television—1—Application (BPCT-4910) filed by Meyer Broadcasting Co. for a satellite television station and petition to deny filed by Dickinson Broadcasting (KDIX-AM and KDIX-TV), both of Dickinson, N. Dak.

Broadcast—1—Amendment of section 73.52 of the Commission's rules regarding relative phase tolerance of directional AM stations.

Complaints and compliance—1—Application for review of a January 21, 1976, decision ordering payment by Lenawee Broadcasting Co. of a forfeiture.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

**CONTACT PERSON FOR MORE INFORMATION:**

Samuel M. Sharkey, FCC Public Information Officer, telephone No. 202-632-7260.

Issued: January 18, 1978.

[S-160-78 Filed 1-20-78; 12:54 pm]

[6740-02]

7

**FEDERAL ENERGY REGULATORY COMMISSION.**

JANUARY 20, 1978.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

**FEDERAL ENERGY REGULATORY COMMISSION**

**Time and Date:** January 20, 1978, 12 noon.

**Status:** Open.

**Matters to be considered:** Matters relating to emergency purchases by natural gas pipelines in several undocketed proceedings.

**Contact person for more information:** Lois D. Cashell, Acting Secretary, telephone 202-275-4166.

The following members of the Commission have voted that agency business requires the holding of this meeting on less than the one week's notice required by the Government in the Sunshine Act: Chairman Curtis and Commissioners Smith, Sheldon, Holden, and Hall.

[S-157-78 Filed 1-20-78; 12:10 pm]

[6740-02]

8

**FEDERAL ENERGY REGULATORY COMMISSION.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 43 FR 3009.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** January 25, 1978, 10 a.m.

**CHANGE IN THE MEETING:** The following items have been added:

*Item No., Docket No., and Company*

RP-9—RP77-140, Consolidated Gas Supply Corp.

RP-10—RP72-149(PGA77-10), Mississippi River Transmission Corp.

M-2—RM74-16, Natural Gas Cos.' annual report of proved domestic gas reserves: FPC Form No. 40.

ER-9—E-9609, Connecticut Municipal Electric Energy Cooperative, Complainant v. Power Authority of the State of New York, Respondent.

LOIS D. CASHELL,  
Acting Secretary.

[S-158-78 Filed 1-20-78; 12:10 pm]

[6720-02]

9

**FEDERAL HOME LOAN MORTGAGE CORPORATION.**

**TIME AND DATE:** At the conclusion of the open meeting to be held at 2:30 p.m., January 26, 1978.

**PLACE:** 1700 G Street NW., Sixth Floor, Washington, D.C.

**STATUS:** Closed meeting.

**CONTACT PERSON FOR MORE INFORMATION:**

Mr. Henry Judy, 202-624-7107.

**MATTERS TO BE CONSIDERED:** Consideration of November 1977 financial statements; consideration of December 1977 financial statements and January 1978 cash budget.

Announcement is being made at the earliest practicable time.

No. 127, January 20, 1978.

RONALD A. SNIDER,  
Assistant Secretary.

[S-161-78 Filed 1-20-78; 4:43 pm]

[6720-02]

10

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., January 26, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

MATTERS TO BE CONSIDERED: Consideration of status report on FHLMC move to the New FHLBB Building; discussion of loan-to-value ratio on refinance loans.

Announcement is being made at the earliest practicable time.

No. 126, January 20, 1978.

RONALD A. SNIDER,  
Assistant Secretary.

[S-162-78 Filed 1-20-78; 4:43 pm]

[6210-01]

11

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 2474, January 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, January 20, 1978.

CHANGES IN THE MEETING: One of the items announced for inclusion at this closed meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item was added: Federal Reserve Bank and Branch director appointments. This matter was originally announced for a meeting on December 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 20, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[S-165-78 Filed 1-20-78; 4:43 pm]

[7020-02]

12

INTERNATIONAL TRADE COMMISSION.

[USITC SE-78-3]

TIME AND DATE: 2 p.m., Friday, February 3, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and Complaints (if necessary): (a) Teak windows—Docket No. 480; (b) tile setters—Docket No. 481.
5. Revised draft response to Chairman Vanik—see document OP2-B-005.
6. GSP (Inv. TA- 503(a)-4 and 332-90)—vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-166-78 Filed 1-20-78; 4:43 pm]

[7020-02]

13

INTERNATIONAL TRADE COMMISSION.

[USITC SE-78-2A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 2046 (January 13, 1978).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Friday, January 27, 1978.

CHANGES IN THE MEETING: Additional agenda item: 10. Doxycycline (Inv. 337-TA-3)—Motion by Pfizer to reactivate the investigation (see document GC-B-019).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-167-78 Filed 1-20-78; 4:43 pm]

[7035-01]

14

JANUARY 19, 1978.

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9 a.m., Thursday, January 26, 1978.

PLACE: Office of Chairman O'Neal, Room 3130, Interstate Commerce

Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Open informal conference.

MATTERS TO BE CONSIDERED: To facilitate general communication of information and ideas among members of the Commission as to general matters of common concern with respect to the Commission and its work. There will be no discussion or determination of any specific pending proceeding or agency action and there will be no formal agenda.

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

[S-163-78 Filed 1-20-78; 4:43 pm]

[7035-01]

15

INTERSTATE COMMERCE COMMISSION.

JANUARY 20, 1978.

TIME AND DATE: 9:30 a.m., Tuesday, January 31, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Special open conference.

MATTER TO BE CONSIDERED: 1. Railroad merger standards and policy—Recommendations of the Rail Services Planning Office (briefing, discussion, and possible voting).

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-164-78 Filed 1-20-78; 4:43 pm]

[7600-01]

16

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., January 27, 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.

## SUNSHINE ACT MEETINGS

## CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Date: January 19, 1978.

[S-152-78 Filed 1-20-78; 9:31 am]

[4410-01]

17

PAROLE COMMISSION NATIONAL COMMISSIONERS (the Commissioners presently maintaining offices at Washington, D.C., Headquarters).

TIME AND DATE: Friday, January 27, 1978; 9:30 a.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed—Pursuant to 5 U.S.C. 552(b)(10) and 28 CFR 16.205(b)(1).

## MATTERS TO BE CONSIDERED:

Referrals from regional commissioners of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

## CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-156-78 Filed 1-20-78; 10:34 am]

**Federal Register**

TUESDAY, JANUARY 24, 1978  
PART II



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DEPARTMENT OF  
HEALTH,  
EDUCATION,  
AND WELFARE

Public Health Service

■

ADVANCED NURSE  
TRAINING PROGRAMS

Proposed Grants Provisions

[4110-83]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

GRANTS FOR ADVANCED NURSE TRAINING  
PROGRAMSAGENCY: Public Health Service,  
HEW.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes regulations for grants to public and non-profit private collegiate schools of nursing to meet the costs of projects to plan, develop, and operate, significantly expand, or maintain existing programs for the advanced training of professional nurses under section 821 of the Public Health Service Act (42 U.S.C. 2961).

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

**ADDRESSES:** Written comments, preferably in triplicate, may be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, Room 4-22, Hyattsville, Md. 20782.

All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION  
CONTACT:

Miss Edith Rathbun, Division of Nursing, Bureau of Health Manpower, Room 3-50, at the above address, 301-436-6684.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart Z to Part 57 of Title 42, Code of Federal Regulations, as set forth in tentative form below, entitled "Grants for Advanced Nurse Training Programs."

The purpose of this new subpart is to establish regulations implementing section 821 of the Public Health Service Act, as added by section 931 of Pub. L. 94-63, which authorizes the Secretary of Health, Education, and Welfare to award grants to public and nonprofit private collegiate schools of nursing to meet the costs of projects to (1) plan, develop, and operate, (2)

significantly expand, or (3) maintain existing programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

Written comments, objections, or data concerning the proposed regulations are invited from interested persons. All relevant material received on or before February 22, 1978, will be considered before promulgation of final regulations governing grants for advanced nurse training programs. The Department is particularly interested in receiving comments on the following aspects of the proposed regulations:

1. Section 821 of the Act provides support for projects for the advanced training of professional nurses. Under this section, projects for the advanced training of professional nurses in the fields of nursing administration, supervision, or education, or other professional nursing specialties (including service as nurse clinicians) which the Secretary determines require advanced nurse training are eligible for such support. As set forth in § 57.2502(h) of the proposed regulations, the Secretary has determined that the following six specialties require advanced nurse training: (1) Geriatric nursing; (2) community health nursing; (3) maternal-child nursing; (4) acute care nursing; (5) medical-surgical nursing; and (6) adult nursing. Therefore, only projects for the advanced training of professional nurses in the above-listed six specialties, or in nursing administration, supervision, or education are eligible for support.

2. Section 57.2506(b) of the proposed regulations provides that funding priority will be given to eligible projects in any of the following specialties: (1) Geriatric nursing; (2) community health nursing; and (3) maternal-child nursing.

3. Section 57.2506(a) of the proposed regulations provides that in evaluating applications, the Secretary will consider the following, among other factors: (1) The need for nurses in the specialty in which training is to be provided in the State in which the training program is located, as compared with the need for such nurses in other States; (2) the degree to which the applicant proposes to recruit students from States in need of nurses in the specialty in which training is to be provided, and to encourage them to return to such States following completion of the training; and (3) the degree to which the applicant proposes to encourage graduates to practice in States in need of nurses in the specialty in

which training is to be provided. Continuation awards made after the final publication of these regulations will be subject to the above-described evaluation criteria, as well as the priorities in § 57.2506(b).

In addition to the above, attention is called to the following features of the proposed regulations:

1. Section 57.2503 of the proposed regulations sets forth eligibility requirements for the three types of projects (i.e. to (1) plan, develop, and operate, (2) significantly expand, or (3) maintain existing advanced nurse training programs) which may be supported under section 821 of the Public Health Service Act.

2. Under § 57.2504 of the proposed regulations, an application for a project to significantly expand or to maintain an existing advanced nurse training program must contain an assurance that the applicant will expand, in carrying out the program during the fiscal year for which the grant is sought, an amount of non-Federal funds (excluding costs of construction) at least as great as the average amount of non-Federal funds (excluding expenditures of a nonrecurring nature, including costs of construction) expended during the three fiscal years immediately preceding the fiscal year for which the grant is sought.

3. Although not required by statute, § 57.2506(a) of the proposed regulations provides that the Secretary will make grants for advanced nurse training programs only after consultation with the National Advisory Council on Nurse Training established under section 851(a) of the Public Health Service Act.

It is therefore proposed to add a new Subpart Z to Part 57 to read as set forth below.

**NOTE.**—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 13, 1978.

JULIUS B. RICHMOND,  
Assistant Secretary for Health.

Approved: January 16, 1978.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

Subpart Z—Grants for Advanced Nurse Training  
Programs

Sec.	
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- Sec.  
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 57.2512 Publications and copyright.  
 57.2513 Applicability of 45 CFR Part 74.  
 57.2514 Additional conditions

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 821, 89 Stat. 361 (42 U.S.C. 2961).

#### § 57.2501 Applicability.

The regulations of this subpart are applicable to the award of grants to public and nonprofit private collegiate schools of nursing under section 821 of the Public Health Service Act (42 U.S.C. 2961) to meet the costs of projects to (1) plan, develop, and operate, (2) significantly expand, or (3) maintain existing, programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

#### § 57.2502 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Council" means the National Advisory Council on Nurse Training (established by section 851(a) of the Act).

(d) "Budget period" means the interval of time into which the approved activity is divided for budgetary purposes, as specified in the grant award document.

(e) "Project period" means the total time for which support for a project has been approved, as specified in the grant award document.

(f) "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(g) "Collegiate school of nursing" means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

(h) "Advanced nurse training program" means a program of study in a collegiate school of nursing leading to

a graduate degree in nursing which trains professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training. For purposes of this section, the Secretary has determined that the following professional nursing specialties require advanced nurse training:

(1) Geriatric nursing, (2) community health nursing, (3) maternal-child nursing, (4) acute care nursing, (5) medical-surgical nursing, and (6) adult nursing.

(i) "Professional nurse" means a registered nurse who has received initial nursing preparation from a diploma, associate degree, or collegiate school of nursing as defined in section 853 of the Act and who is currently licensed to practice nursing.

(j) "Nonprofit" as applied to any school means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures or may lawfully inure, to the benefit of any private shareholder or individual.

(k) "Construction" means (1) the construction of new buildings and the acquisition, expansion, remodeling, replacement, and alteration of existing buildings including architects' fees but not including the cost of acquisition of land (except in the case of acquisition of an existing building), offsite improvements, living quarters, or patient-care facilities, and (2) equipping new buildings and existing buildings, whether or not acquired, expanded, remodeled, or altered.

#### § 57.2503 Eligibility.

(a) *Eligible applicants.* To be eligible for a grant under this subpart the applicant shall:

(1) Be a public or nonprofit private collegiate school of nursing.

(2) Be located in a State.

(b) *Eligible projects.* A grant under this subpart may be made to an eligible applicant to meet the cost of:

(1) A project to plan, develop, and operate an advanced nurse training program (which will enroll students before the end of the project period);

(2) A project to significantly expand an advanced nurse training program through one of the following activities:

(i) The addition to the program of a new clinical or functional (such as administration or teaching) specialty area,

(ii) A planned increase in student enrollment during the project period, or

(iii) The addition of a new training site for the program; or

(3) A project to maintain an existing advanced nurse training program.

#### § 57.2504 Application.

(a) Each eligible applicant desiring a grant under this subpart shall submit an application in such form and at such time as the Secretary may prescribe.<sup>1</sup>

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) In addition to such other pertinent information as the Secretary may require, an application for a grant under this subpart shall contain the following:

(1) A proposal for a project to (i) plan, develop, and operate, (ii) significantly expand, or (iii) maintain an existing, advanced nurse training program.

(2) Information documenting the need for the proposed project.

(3) A description of specific attainable and measurable objectives for the proposed project consistent with the purposes of section 821 of the Act.

(4) A detailed plan for achieving and measuring the stated objectives of the proposed project.

(5) A description of the anticipated impact of the proposed project, including its potential contribution to nursing.

(6) Evidence satisfactory to the Secretary that the applicant will have available adequate resources for the conduct of the proposed project, including adequate faculty, staff, equipment, facilities, and an appropriate clinical practice setting or settings.

(7) A detailed budget for the proposed project and a justification of the amount of grant funds requested.

(8) A description of any Federal financial support related to the proposed project which the applicant is currently receiving.

(9) A detailed timetable for carrying out the activities of the proposed project, including any plans for continuing such activities beyond the project period.

(10) A description of the background and qualifications of the project staff and any proposed consultants.

(11) Information concerning the source and number of potential students for the training program, and a description of plans, if any to encourage graduates of the training program to practice in States in need of nurses trained in the specialty in which training is to be provided.

<sup>1</sup> Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Md. 20782.

(d) In the case of a project to significantly expand or to maintain an existing advanced nurse training program, the application shall contain an assurance satisfactory to the Secretary that the applicant will expend, in carrying out such program during the fiscal year for which a grant under this subpart is sought, an amount of non-Federal funds (excluding costs of construction as defined in § 57.2502(k)) at least as great as the average amount of non-Federal funds (excluding expenditures of a nonrecurring nature, including costs of construction as defined in § 57.2502(k)) expended for this purpose during the three fiscal years immediately preceding the fiscal year for which such grant is sought.

#### § 57.2505 Project requirements.

(a) A project supported under this subpart shall be conducted in accordance with its approved application.

(b) A project supported under this subpart shall enroll only professional nurses, as defined in § 57.2502(i), in its advanced nurse training program.

#### § 57.2506 Evaluation and grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will, in his judgment, best promote the purposes of section 821 of the Act, taking into consideration among other pertinent factors:

(1) The need for the proposed project including, with respect to projects to provide training in professional nursing specialties determined by Secretary to require advanced training, (A) the current or anticipated need for professional nurses trained in such specialty; and (B) the relative number of programs offering advanced training in such specialty;

(2) The need for nurses in the specialty in which training is to be provided in the State in which the training program is located, as compared with the need for such nurses in other States;

(3) The degree to which the applicant proposes to recruit students from States in need of nurses in the specialty in which training is to be provided, and to promote their return to such States following training;

(4) The degree to which the applicant proposes to encourage graduates to practice in States in need of nurses in the specialty in which training is to be provided;

(5) The potential effectiveness of the proposed project in carrying out the training purposes of section 821 of the Act and this subpart;

(6) The capability of the applicant to carry out the proposed project;

(7) The soundness of the fiscal plan for assuring effective utilization of grant funds; and

(8) The potential of the project to continue on a self-sustaining basis after the period of grant support.

(b) In making awards under paragraph (a) of this section, the Secretary will give preference to applications for projects for advanced nurse training in geriatric nursing, community health nursing, and maternal-child nursing.

(c) The amount of any award under this subpart will be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(d) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee.

(e) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually and at such times and in such form as the Secretary may prescribe.

#### § 57.2507 Grant payments.

The Secretary will from time to time make payments to the grantee of all or a portion of any grant award, either by way of reimbursement for expenses incurred in the budget period, or in advance for expenses to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

#### § 57.2508 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with section 821 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost princi-

ples prescribed by Subpart Q of 45 CFR Part 74; *Provided*, That such funds shall not be expended for sectarian instruction or for any religious purpose.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during subsequent budget periods of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

#### § 57.2509 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and 45 CFR Part 83, which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his

handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such section 504, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 84).

(e) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965) as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(f) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.

#### § 57.2510 Human subjects.

No award may be made under this subpart unless the applicant has complied with 45 CFR Part 46 and any other applicable requirements pertaining to the protection of human subjects.

#### § 57.2511 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart; *Provided*, That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total or selected elements of the reimbursable direct costs incurred.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publication or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant shall be accounted for as follows:

(1) Royalties received during the period of grant support as a result of copyrights or patents may be retained by the grantee and, in accordance with the terms and conditions of the grant, use in either or both of the following ways:

(i) Used by the grantee for any purposes that further the objectives of section 821 of the Act.

(ii) Deducted from the total project costs for the purpose of determining the net costs on which the Federal share of costs will be based.

(2) Royalties received after the completion or termination of grant support shall be treated as follows:

(i) Patent royalties will be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) Copyright royalties may be retained by the grantee, unless the terms and conditions of the grant or a specific agreement negotiated between the Secretary and the grantee provide otherwise.

(c) *Grant closeout.*—(1) *Date of final accounting.* A grant shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section; and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the

grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

#### § 57.2512 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

#### § 57.2513 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded under this subpart:

##### Subpart

- A General.
- B Cash depositories.
- C Bonding and insurance.
- D Retention and custodial requirements for Records.
- F Grant-related income.
- G Matching and cost sharing.
- K Grant payment requirements.
- L Budget revision procedures.
- M Grant closeout, suspension, and termination.
- O Property.
- Q Cost principles.

#### § 57.2514 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc. 78-1913 Filed 1-23-78; 8:15 am]

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