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federal register

TUESDAY, MARCH 21, 1978

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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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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: This document corrects a final rule which appeared in 43 FR 7609 on February 24, 1978, under subparagraph 213.3312(a)(1), to show that one position of Confidential Assistant to the Secretary, which was omitted in error, is excepted under Schedule C.

EFFECTIVE DATE: March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(a)(1) is amended as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Five Confidential Assistants to the Secretary.

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

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-7240 Filed 3-20-78; 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 Assistant Secretary for Rural Development to reflect realignment of certain functions reporting to the Assistant Secretary. The Department has determined that the functions performed by the Rural Development Service should be combined with the Farmers Home Administration.

EFFECTIVE DATE: March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Carolyn Wright, Management Division, Office of the Assistant Secretary for Administration, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-5301.

Subpart I—Delegations of Authority by the Assistant Secretary for Rural Development

1. Section 2.70 is revised by adding new paragraphs (a)(15) through (a)(27) and § 2.71 is revoked and reserved as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) * * *

* * * * *

(15) Provide leadership and coordination within the executive branch of a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. (Sec. 526 (b) of the Revised Statutes, 7 U.S.C. 2204(b).)

(16) Coordinate activities relative to rural development among agencies under the Assistant Secretary for Rural Development and, through appropriate channels, serve as the coordinating agency for other departmental agencies having primary responsibilities for specific titles of the Rural Development Act of 1972 and allied legislation.

(17) Administer a national program of economic, social and environmental research and analysis, statistical programs, and associated service work related to rural people and the communities in which they live including rural industrialization; rural population and manpower; local government finance; income; development strategies; housing; social services and utilization; adjustments to changing economic and technical forces; and other related matters.

(18) Work with Federal agencies in encouraging the creation of rural community development organizations.

(19) Assist other Federal agencies in making rural community development organizations aware of the Federal programs available to them.

(20) Advise rural community development organizations of the availability of Federal assistance programs.

(21) Advise other Federal agencies of the need for particular Federal programs.

(22) Assist rural community development organizations in making contact with Federal agencies whose assistance may be of a benefit to them.

(23) Assist other Federal agencies and national organizations in developing means for extending their services effectively to rural areas.

(24) Assist other Federal agencies in designing pilot projects in rural areas.

(25) Conduct studies to determine how programs of the Department can be brought to bear on the economic development problems of the country and assure that local groups are receiving adequate technical assistance from Federal agencies or from local and State governments in formulating development programs and in carrying out planned development activities.

(26) Assist other Federal agencies in formulating manpower development and training policies.

(27) Authority to enter into contracts for the support of rural development.

§ 2.71 [Revoked and reserved]

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

For Subpart I:

Dated: March 13, 1978.

ALEX P. MERCURE,
Assistant Secretary for Rural Development.

Concurred: March 13, 1978.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 78-7412 Filed 3-20-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

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

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

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

Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document establishes a specific date for receipt of applications for special permits to be drawn on a lottery basis for the allotment of quarantine space for the first group of cattle to be imported through the Harry S Truman Animal Import Center. This action is being taken because of the necessity to coordinate and allocate personnel and resources for the operation of the Harry S Truman Animal Import Center during a given quarantine period. The intended effect of this action is to obtain applications for special permits to import cattle through the Harry S Truman Animal Import Center as soon as possible.

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On August 19, 1977, (42 FR 41848-41849) procedures were established for awarding special import permits to prospective importers of cattle from countries affected with foot-and-mouth disease (FMD). Included in these procedures were provisions to notify the public at least 90 days before a public drawing is held and to ensure receipt of completed applications for special permits by Veterinary Services at least 15 days prior to the announced date of the drawing.

Since these procedures were established, changes have occurred in the United States cattle market which may decrease the demand for quarantine space which will be available at the Harry S Truman Animal Import Center. The importation of semen from FMD infected countries and the importation of offspring of exotic breeds of cattle from FMD infected countries through FMD free countries has affected this demand. Additionally, due to the fact that the first drawing will initiate the operation of the facility, and it is anticipated that the drawing will be held some time in the early summer of 1978, and in order to ensure that the facility will be operated in a fiscally responsible manner when established, it is essential that the demand for quarantine space at the facility be determined as soon as possible. To accomplish this, the provision established whereby applications for special permits to import cattle through the Harry S Truman Animal Import Center were to be received 15 days prior to the announced date of the drawing, is changed to require receipt of such applications no later than April 15, 1978, for the first group of cattle to be quarantined at this animal import center only. Through the application response, the Department will be better able to coordinate and allocate personnel and materials to the facility.

The costs associated with the operation of the Fleming Key facility to be borne by the importers using this facility will vary in accordance with the actual number of animals utilizing the facility. At the present time, the Department estimates that the cost to each importer will be approximately $2,500 per animal if the facility is fully utilized, that such costs will necessarily increase if the facility is not fully utilized, and that such increase will be in proportion to the number of animals actually utilizing the facility. In this connection, the Department will publish a proposed schedule of costs in the near future.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respect:

In § 92.4, paragraph (e)(1), the second sentence is amended to read:

§ 92.4 Import permits for ruminants, swine, poultry, animal semen, animal specimens for diagnostic purposes,[5] and special permits for cattle entering Harry S Truman Animal Import Center.

* * * * *

(e) * * *

(1) * * * Each applicant shall complete an application for importing animals into this animal import center at least 15 days prior to the date of the drawing;[5a] *Provided*, That for the initial drawing on July 6, 1978, applications must be received by Veterinary Services on or before April 15, 1978, to be considered. * * *

(Sec. 2, 32 Stat. 792, as amended; sec. 1, 84 Stat. 202 (21 U.S.C. 111, and 135); 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes additional restrictions relating to the issuance of special permits for quarantine of cattle at the Harry S Truman Animal Import Center and is essential in order to allow the Department to better coordinate and allocate personnel and materials to the facility. The amendment is of an emergency nature and must be placed in effect immediately in order to serve the purpose intended.

Therefore, for such good cause the Department finds that notice and other public procedure regarding this amendment are impracticable, unnecessary and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of March 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-7437 Filed 3-20-78; 8:45 am]

[5] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J-1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

[5a] Application forms may be obtained upon request from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart B—Rules and Rulemaking Under Sec. 18(a)(1)(B) of the FTC Act As Amended by Public Law 93-637

RULEMAKING PROCEEDING

AGENCY: Federal Trade Commission.

ACTION: Final Rule.

SUMMARY: This rule specifies that motions to quash subpenas issued by a presiding officer in a Magnuson-Moss rulemaking proceeding are addressed to the presiding officer, who, in his

discretion, may certify his ruling to the Commission.

This change is designed to clarify the procedure to be used in Magnuson-Moss rulemaking proceedings in challenging subpenas.

EFFECTIVE DATE: March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Christopher C. Smallwood, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3619.

Accordingly, § 1.13(d)(6) of 16 CFR is amended to read as follows:

§ 1.13 Rulemaking proceeding.

* * * * *

(d) *Informal hearings.* * * *

(6) Requests to compel the attendance of persons or the production of documents or to obtain responses to written questions. During the course of the rulemaking proceeding the presiding officer shall entertain requests from interested persons to compel the attendance of persons or the production of documents or to obtain responses to written questions on behalf of the Commission's staff or any interested person. The presiding officer may require the payment of a fee to any person to whom such requests are directed in accordance with § 4.5 of this chapter. Requests to compel the attendance of persons or the production of documents or to obtain responses to written questions shall contain a statement showing the general relevancy of the material, information or presentation, and the reasonableness of the scope of the request, together with a showing that such material, information or presentation is not available by voluntary methods and cannot be obtained through examination, including cross-examination, of oral presentations or the presentation of rebuttal submissions, and is appropriate and required for a full and true disclosure with respect to the issues designated for consideration in accordance with paragraphs (d)(5) and (d)(6) of this section. Any motion to limit or quash a ruling to compel the attendance of persons or the production of documents or to obtain responses to written questions shall be filed with the presiding officer within ten (10) days after service thereof, or within such other time as the presiding officer may allow. The presiding officer may, in his sole discretion, certify a ruling on such motion to quash to the Commission pursuant to paragraph (c)(2) of this section. The Commission may, on its own motion, review a determination of the presiding officer under this subsection which requires the production of confidential Commission records or the appearance of an official or employee of the Commission or another government agency.

* * * * *

(15 U.S.C. 46(g)).

By direction of the Commission dated March 7, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-7358 Filed 3-20-78; 8:45 am]

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Exemption of Certain Emergency Gas Transportation Arrangements During the Coal Emergency

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is issuing this amendment on an emergency basis to provide an exemption from the certification requirements of section 7 of the Natural Gas Act for certain emergency gas transportation arrangements during the current coal emergency. The purpose of the amendment is to encourage pipelines to provide transportation services as necessary to permit qualifying natural gas sellers to make short-term sales in interstate commerce to eligible electric utilites during the coal emergency period.

EFFECTIVE DATES: March 21, 1978; expires May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-275-4006.

Walter A. Romanek, Director, Division of Coal Utilization, Economic Regulatory Administration, Room 7202, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Due to the present and prospective unavailability of coal supplies to certain electric utilities in the United States as a result of the coal shortage, the potential exists for harm to the public health and safety due to circumstances such as the curtailment of electric power. Alternate fuels, such as natural gas, should be made available to electic utilites to assist in alleviating the effects of low coal supplies. The areas most affected by this coal shortage at the present time are western Pennsylvania, western Maryland, West Virginia, Ohio, Indiana, Kentucky, Michigan, Illinois, Tennessee, northern Alabama, North and South Carolina, Missouri, Wisconsin, and northern Mississippi. Coal supplies at many coal-fired electric generating plants in those areas have declined to critical levels. As of March 3, 1978, of the 28 utilities surveyed by the Commission's Office of Electric Power Regulation[1] two indicated that they have less than 30 days of supply remaining, while 22 report less than 60 days' supply in a system average. The remaining utilities had at least 60 days' supply available.

Some of these coal-fired generating plants have the capability of burning natural gas for at least a portion of their fuel requirements. For example, of the 28 major electric utilities surveyed, our information indicated that 8 have the capability to use natural gas in lieu of coal in at least some units. The total generating capacity of these units is almost 7,000 megawatts.

Reports received by the Commission so far this winter through regular monitoring of interstate pipelines indicate that natural gas supplies, including substantial emergency supplies, are adequate at this time to serve high priority uses. At the beginning of March 1978, underground working storage supplies of interstate natural gas pipelines were 777 Bcf, approximately 90 Bcf (13 percent) more than last year at that time. Net storage withdrawals through March 14, 1978, are expected to be approximately 90 Bcf, which means that working gas storage at this time may approximate last year's level of 686 Bcf. Any further depletion of storage inventories, including part of the remaining working gas inventory, will depend primarily on weather conditions. No industrial shutdowns due to natural gas curtailment are projected by interstate pipelines at this time, nor is any industrial shutdown anticipated on the basis of other information available to the Commission. The Commission will

[1] Includes the major utilities in the East/Central Area Reliability Council (ECAR), the Tennessee Valley Authority and several utilities in the Mid America Interpool Network.

continue to monitor closely the supply and storage situation through the balance of winter and thereafter, and if that situation should deteriorate (or if coal supply conditions significantly improve), we will reevaluate this emergency program and consider early termination of the coal emergency period.

CURRENT REGULATIONS

While natural gas may be available to alleviate some of the effects of the coal shortage, the Commission's Rules and Regulations related to short-term emergency purchases of natural gas may not provide sufficient latitude to ensure that the natural gas will be available for that purpose. Section 2.68 of the Commission's General Policy and Interpretations governs 60-day sales or deliveries of natural gas in interstate commerce by non-jurisdictional distribution companies and intrastate pipelines to distribution companies and interstate pipelines in need of temporary emergency gas. Section 157.29 of the Commission's regulations provides that no certificate is required for the sale or transportation of natural gas by independent producers to interstate pipelines for a 60-day period where certain conditions are met. Section 157.22 specifies that no certificate is required for construction and operation of facilities for the sale of natural gas, where such operation or sale is necessary to assure maintenance of adequate natural gas service and will not last longer than 60 days.[2] Generally, these regulations are intended to cover situations where unacceptable levels of natural gas curtailment can be alleviated by 60-day emergency gas transactions.[3]

Surplus natural gas supplies exist which could be made available to make use of electric utilities' alternate fuel capability and to alleviate, in part, the potentially severe effects of the coal shortage. A recent Commission staff survey of the major intrastate pipelines and several large distribution companies indicates that up to 1.0 Bcf of gas per day is currently not being used. Depending upon a number of factors, including weather conditions and storage drawdowns, some of this gas could be made available immediately to the affected utilities for a limited period of time.

[2]In addition, § 2.79 of the Commission's General Policy and Interpretations provides the Commission's policy for certificating the transportation by interstate pipelines of natural gas sold directly to industrial companies for high priority use. In most instances, coal users would not qualify under this policy.

[3]Moreover, specific references in the regulations to classes of eligible purchasers and the Commission's past interpretation of these regulations may not permit electric utilities to obtain natural gas under the regulations.

NATURE OF THE COMMISSION'S ACTION

The Commission has determined that its Rules and Regulations should be amended to provide an exemption from the certification requirements of section 7 of the Natural Gas Act for certain short term emergency gas transportation and sale arrangements entered into during the current coal emergency. The Commission is taking this action because it finds that the current shortage of coal, and its unavailability for generation of electricity, will imperil the national health and safety, and that this action will contribute to the alleviation of the effects of the coal shortage.

The Commision's finding with respect to the peril to the national health and safety is grounded in part upon the March 9, 1978 determination by Judge Aubrey Robinson of the United States District Court for the District of Columbia, after findings by a board of inquiry appointed by the President, and upon a complaint by the United States with supporting exhibits and affidavits, that the current coal strike, if permitted to continue, would result in such peril and should be enjoined.

Our action here is authorized by section 7(c) of the Natural Gas Act, which provides for emergency exemption from certification requirements. This section has been given a narrow construction. In *Consumer Federation of America* v. *F.P.C.*, 515 F. 2d 347 (D.C. Cir. 1975), the Court recognized that sudden unanticipated demand for natural gas was one of the situations that would justify use of the emergency provision of the Act.[4] We believe the emergency brought on by the coal shortage permits its use.

PROVISIONS OF THE AMENDMENT

The Commission in this action amends its Rules and Regulations to add a new § 157.42 to Part 157, Title 18, CFR, to provide an exemption from the certification requirements of section 7 of the Natural Gas Act for certain short-term emergency gas transportation and sale arrangements entered into during the current coal emergency. The purpose of the amendment is to encourage pipelines and local distribution companies to provide the transportation services necessary to permit qualifying sellers to make up to 60-day emergency sales of natural gas in interstate commerce to eligible electric utilities. Deliveries must commence during the coal emergency period (March 15, 1978, to April 30, 1978) and may not extend beyond May 31, 1978. The amendment will become effective immediately and expires midnight, May 31, 1978.

An exemption under this section, available only to eligible electric utilities as defined in § 157.42(d), would be conditioned upon a determination of eligibility by the Administrator of the Economic Regulatory Administration. The Administrator of ERA can determine that an electric utility (or other person with electric generating capacity) is eligible to purchase emergency gas under this section only if, because of the unavailability of coal, the use by the utility of emergency gas supplies will contribute to alleviating the peril to the national health and safety which attends the continuation of the coal emergency, and in his judgment, will best meet the coal emergency and will serve the public interest. A determination of eligibility by the Administrator is required by § 157.42(c) to be in writing and to be transmitted to the Commission and the requesting parties.

Under the terms of these provisions, the Administrator has broad latitude to exercise his judgment, on the basis of information available to him, to determine which utilities qualify under this section. Electric utilities who wish to purchase gas pursuant to this section should apply to the Administrator of ERA for a determination of eligibility. The application should be addressed to the attention of:

Walter A. Romanek, Director, Division of Coal Utilization, Economic Regulatory Administration, Room 7202, 2000 M Street NW., Washington, D.C. 20461, 202-254-3910.

Paragraph (b) of the new § 157.42 defines other terms used in the section.

"Qualifying seller" is defined as any producer of natural gas which proposes, pursuant to § 157.42, to sell natural gas which is not produced from the Outer Continental Shelf, and the sale or transportation of which had not been previously certificated under the Natural Gas Act. An exception to these limitations is applicable to volumes of gas produced from the Outer Continental Shelf currently being transported under certificates authorizing producer reservation and not otherwise available to the interstate market. In addition, the term includes any intrastate pipeline, local distribu-

[4]From the onset of natural gas curtailments the Commission has recognized that situations may arise which require the authorization of emergency gas supplies to electric utilities under the extraordinary relief provision of Order No. 467-C (51 FPC 1199), in order to assure continuation of electric power service. See, e.g., *Panhandle Eastern Pipe Line Co.*, Docket No. RP74-31-16 (City of Monroe City, Mo.), order issued January 4, 1974; *El Paso Natural Gas Co.*, Docket No. RP75-42-2 (Community Public Service Commission and City of Lordsburg, N. Mex.), order issued October 3, 1975; *Texas Gas Transmission Corp.*, Docket No. RP75-76-1 (Mississippi Valley Gas Co.), order issued April 30, 1975; *Arkansas Louisiana Gas Co.*, Docket No. RP74-94-3 (City of Winfield, Kans.), order issued October 20, 1976.

tion company, or other person (other than an interstate pipeline, or producer of natural gas not otherwise qualified).

"Administrator" is defined as the Administrator of the Economic Regulatory Administration, or other officer or employee of the United States designated by him.

"Coal emergency period" is the period beginning on March 15, 1978, and ending midnight, April 30, 1978.

The terms "interstate pipeline," "intrastate pipeline," and "local distribution company" are also defined.

Paragraph (d) contains the exemption from the certification requirement of section 7 of the Natural Gas Act. It provides that the public interest does not require the issuance of a certificate under section 7 of the Natural Gas Act with respect to the transportation or sale in interstate commerce of natural gas sold by a qualifying seller to an eligible electric utility for delivery commencing during the coal emergency period and ending not later than 60 days after deliveries commence or May 31, 1978, whichever occurs first. It should be noted that the status of otherwise non-jurisdictional sellers, pipelines and local distribution companies under the Natural Gas Act will not be altered by a transaction under this section.

Paragraph (d) also specifies the conditions under which the exemption is applicable, including the following:

(1) Notwithstanding any outstanding Commission order, approved settlement agreement or approved tariff governing transportation services by a transporter (i.e., an interstate pipeline rendering transportation services), the transporter may charge and retain an amount for such transportation up to actual out-of-pocket expenses. Out-of-pocket expenses may include those administrative and general expenses directly associated with transportation services under this section. The purchaser must provide volumes of natural gas to the transporter for compressor fuel and for volumes lost and unaccounted for.

(2) The transportation and sales contracts must authorize the Commission to authorize the transporter, upon request of the transporter or upon its own motion, to purchase the transported gas for system supply if the Commission gives 2 days' notice to the purchaser and determines it is necessary for the public health and safety. A purchase by the transporter would be deemed to be a transaction under 18 CFR 2.68, 157.22 or 157.29. The contract authorization described in this paragraph may be provided by incorporation by reference of the applicable provisions of this regulation.

(3) Transportation under this section shall be subject to interruption by the transporter to the extent that the transporter has inadequate capacity available to maintain service to existing customers. The Commission anticipates that transporters will provide users adequate notice prior to interrupting deliveries under this provision.

(4) Finally, the transporter must comply with certain reporting requirements.

The Commission finds. (1) That the current shortage of coal and its unavailability for generation of electricity will imperil the national health and safety, thereby causing an emergency and permitting the Commission to exercise its exemption authority under section 7(c) of the Natural Gas Act; and that this action which the Commission will reevaluate if its monitoring of the gas supply and storage situation (or the coal supply situation) indicates that such reevaluation is appropriate, will contribute to the alleviation of the effects of the coal shortage;

(2) That because of the emergency caused by the current coal shortage, prior notice and opportunity for comment with respect to this amendment are impracticable, unnecessary and contrary to the public interest;

(3) That this amendment grants an exemption and therefore may be made effective immediately; and

(4) That this amendment is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(c), the Department of Energy Organization Act, 42 U.S.C. 7101, et seq., and E.O. 12009, 42 F.R. 46267, *orders:*

(A) Part 157 of Title 18, Code of Federal Regulations, is amended effective immediately and expiring May 31, 1978, by adding a new § 157.42 to read as follows:

§ 157.42 Exemption of certain emergency gas transportation arrangements during the coal emergency period.

(a) *Purpose.* The purpose of this section is to encourage pipelines and local distribution companies to provide such transportation services as are necessary to permit qualifying sellers to make short-term sales of natural gas in interstate commerce to eligible electric utilities during the coal emergency period.

(b) *Definitions.* For purposes of this section—

(1) "Qualifying seller" means

(i) Any producer of natural gas proposing pursuant to this section to sell natural gas—

(A) Which is not produced from the Outer Continental Shelf, and

(B) The sale or transportation of which had not been, immediately before the date on which a contract pursuant to this section was entered into, certificated under the Natural Gas Act, except for volumes of gas produced from the Outer Continental Shelf currently transported under certificates authorizing producer reservations and not otherwise currently available to the interstate market, or

(ii) Any intrastate pipeline, local distribution company, or other person (other than an interstate pipeline or a producer of natural gas).

(2) "Eligible electric utility" means an electric utility (or other person who has electric generating capacity), with respect to which the Administrator determines that the use of gas purchased pursuant to this section (i) will contribute to alleviating the peril to the national health and safety which attends the continuation of the coal emergency, and (ii) in his judgment (A) will best meet the coal emergency and (B) will serve the public interest.

(3) "Interstate pipeline" means any natural-gas company, as defined in section 2(6) of the Natural Gas Act, which is engaged in the transportation by pipeline of natural gas.

(4) "Intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

(5) "Local distribution company" means any person (including a governmental entity) which receives natural gas for local distribution and resale to natural gas users.

(6) "Administator" means the Administrator of the Economic Regulatory Administration, or any officer or employee of the United States designated by him.

(7) "Coal emergency period" means the period beginning on March 15, 1978, and ending midnight, April 30, 1978.

(c) *Determination of eligibility.* Any determination of the Administrator under paragraph (b)(2) of this section shall be in writing and shall be transmitted to the Commission and to the requesting parties.

(d) *Exemption of certain transportation arrangements.* The public interest does not require the issuance of a certificate under section 7 of the Natural Gas Act authorizing the transportation or sale in interstate commerce of natural gas sold by a qualifying seller to an eligible electric utility for delivery commencing during the coal emergency period and ending not later than 60 days after deliveries commence or May 31, 1978, whichever occurs first. Any interstate transportation or sales contract, as appropriate, under this section shall be subject to the following terms and conditions:

(1) Notwithstanding any outstanding Commission order, approved settlement agreement or approved tariff governing transportation services by an interstate pipeline rendering transportation services under this section (hereafter in this section referred to

as "transporter"), a transporter may charge and retain an amount for such transportation equal to actual out-of-pocket expenses. Out-of-pocket expenses may include those administrative and general expenses directly associated with such transportation. The purchaser shall provide volumes of natural gas for compressor fuel and for volumes lost and unaccounted for.

(2) Any contract for transportation or sale under this section shall provide that the Commission upon request of the transporter or upon its own motion shall have the authority to authorize the transporter to purchase the transported gas for system supply on those days on which the Commission determines the transporter (or local distribution companies served by the transporter) requires such gas for protection of the public health and safety. The transporter may not purchase the transported gas except upon 2 days' notice by the Commission to the eligible electric utility whose gas is to be purchased. If the transporter purchases gas under this subparagraph, the purchase shall be deemed to be a transaction under 18 CFR 2.68, 157.22 or 157.29, as appropriate.

(3) Transportation pursuant to this section shall be subject to interruption by the transporter to the extent the transporter has inadequate capacity available to maintain adequate service to existing customers.

(4) Within 24 hours after commencement of deliveries pursuant to this section, the transporter shall notify the Commission and the Administrator, by telegram, identifying: (i) the amount of gas to be transported (on a daily basis), (ii) the duration of the transportation, (iii) the date upon which deliveries are to commence, (iv) the seller, (v) the purchaser, (vi) the price of the gas, (vii) the transportation charges and calculations showing their derivation, and (viii) the pipelines participating in the transportation service.

(5) Within 10 days after the termination of deliveries, the transporter shall file with the Commission and the Administrator a sworn statement and four conformed copies thereof setting forth the volume of gas delivered and indicating: (i) the total compensation received by the seller, (ii) the rate schedule applicable to the sale, if any, or, alternatively, the method by which the price per Mcf was derived, (iii) the total amount of compensation received by the transporter (including amounts received for lost or unaccounted for volumes), (iv) the method by which the transporter's compensation was derived, and (v) a detailed description of the end-use of the gas.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Commissioner Holden, concurring in part, and dissenting in part, filed a separate statement which is filed as part of the original document.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7391 Filed 3-20-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 78N-0026]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegations of Authority From the Commissioner of Food and Drugs

Veterinary Medicine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations setting forth delegations of authority to certain officials in the Bureau of Veterinary Medicine. The amendment is required to modify the delegations of authority to officials appointed to new positions created as a result of a recent reorganization. The new delegations will establish a revised operating policy for the Bureau of Veterinary Medicine.

EFFECTIVE DATE: March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: The amendment to § 5.37(a)(3) gives the Associate Director and Deputy Associate Director for Surveillance and Compliance the authority to issue reports of minor violations. The amendment to § 5.71(c) gives the Associate and Deputy Associate Director for Scientific Evaluation the authority to terminate exemptions for new animal drugs for investigational use. The amendment to § 5.83 gives the Chief, Medicated Feeds Branch the authority to approval medicated feed applications.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), part 5 is amended by revising §§ 5.37(a)(3), 5.71(c), and 5.83 to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) * * *

(3) The Director of the Bureau of Veterinary Medicine and the Associate Director and Deputy Associate Director for Surveillance and Compliance and the Director and Deputy Director of the Division of Compliance of that Bureau.

* * * * *

§ 5.71 Termination for exemptions for new drugs for investigational use in human beings or in animals.

* * * * *

(c) The Director of the Bureau of Veterinary Medicine and the Associate Director and Deputy Associate Director for Scientific Evaluation of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the termination of exemptions for new animal drugs for investigational use in animals under § 511.1 of this chapter.

§ 5.83 Approval of new animal drug applications and their supplements.

The Director of the Bureau of Veterinary Medicine is authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new animal drug applications, and supplements thereto, for new animal drugs submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act. The Director of the Division of Animal Feeds of the Bureau of Veterinary Medicine and the Chief of the Medicated Feeds Branch of that Division and Bureau are authorized to perform the functions of the Commissioner with regard to the approval of applications for animal feeds containing new animal drugs.

Effective date: This regulation shall be effective March 21, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 15, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7369 Filed 3-20-78; 8:45 am]

[1505-01]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegation of Authority From the Commissioner of Food and Drugs

REGIONAL FOOD AND DRUG DIRECTORS, ET AL.

Correction

In FR Doc. 78-4891, appearing on page 7618 in the issue for Friday, February 24, 1978, make the following corrections:

1. On page 7618, third column, third line from the top, insert a comma after "of". In the third column, fifth line from the top, insert "§" in front of "1003.11(a)"; and third column, tenth line from the top, insert "§" in front of "1020.30(b)".

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 78N-0066]

PART 139—MACARONI AND NOODLE PRODUCTS

Standard of Identity for Enriched Macaroni Products With Fortified Protein; Stay of Effective Date of Standard

AGENCY: Food and Drug Administration.

ACTION: Stay of effective date of final regulation.

SUMMARY: This document announces that the effective date of the final regulation establishing a standard of identity for enriched macaroni products with fortified protein has been stayed pending a determination of whether a public hearing is necessary to resolve issues raised by objections. A notice specifying any issues on which a hearing is justified and other pertinent information will be published in the FEDERAL REGISTER at a later date.

FOR FURTHER INFORMATION CONTACT:

Harold Salwin, Bureau of Foods (HFF-416), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-8531.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 13, 1972 (37 FR 18525), the Commissioner of Food and Drugs issued a final regulation establishing a standard of identity for enriched macaroni products with fortified protein (21 CFR 16.15), later recodified as 21 CFR 139.117, to: (1) Set the protein content at not less than 20 percent by weight; (2) set the quality of the protein, at not less than 95 percent of the quality of the milk protein, casein; (3) provide that milled wheat is the principal ingredient; (4) permit the use, in part, of flours or meals made from nonwheat cereals or oilseeds; (5) permit the use, in part, of other edible protein sources; (6) provide that the product is enriched with vitamins and minerals; (7) permit the use of other ingredients that serve a useful purpose, e.g., to fortify the protein or facilitate production of the food; and (8) prescribe the name as "Enriched Wheat——Macaroni Products—with Fortified Protein," the blank being filled in with appropriate word(s), such as "Soy," to show the source of any flours or meals used that were made from nonwheat cereals or from oilseeds.

The final regulation provided that any person who would be adversely affected could on or before October 13, 1972, file written objections to the final regulation and, if desired, request a hearing on the specific provisions to which there were objections.

OBJECTIONS AND REQUESTS FOR A HEARING

Forty-six letters were received in response to the final regulation. They included numerous objections to one or more provisions of the standard.

A number of objections and requests for a hearing objected to: (1) The provision for the optional use of food-grade flours or meals made from nonwheat cereals or oilseeds and (2) the provision prescribing the name of the food, particularly to the use of the word "macaroni," as part of the name. In addition, there were several objections to the provision which permits the food to be formulated in the same shapes and sizes that are used for other macaroni products.

The basis for the objections was that macaroni products have traditionally been made from wheat and none of the present standards of identity for these products permits the use of other cereal grains. The objections maintained that the standards ensure the integrity of macaroni products and that the new standard would mislead consumers and damage the financial interests of the macaroni and wheat industries.

Several objections (1) questioned the Commissioner's statutory authority for establishing this particular standard, (2) claimed there is insufficient evidence that the standard will promote honesty and fair dealing in the interest of consumers, (3) urged withdrawal of the standard on the grounds that comparable products can be produced under existing standards, or (4) stated that the required labeling does not adequately inform the consumer of the composition of the food.

REGULATION STAYED

The objections filed to the final regulation published in the FEDERAL REGISTER of September 13, 1972, stayed the regulation in its entirety. A notice stating any issues on which a hearing is justified and setting out other pertinent information will be published in the FEDERAL REGISTER at a later date. During the period of the stay, the product defined in the stayed regulation (21 CFR 139.117) may be introduced into interstate commerce with appropriate labeling as a nonstandardized food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that objections and requests for a hearing were received and that § 139.117 *Enriched macaroni products with fortified protein* is stayed until further notice.

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7373 Filed 3-20-78; 8:45 am]

[4110-03]

[Docket No. 76P-354]

PART 146—CANNED FRUIT JUICES

Standards of Identity for Frozen Concentrate for Lemonade and Colored Lemonade; Partial Confirmation and Stay

AGENCY: Food and Drug Administration.

ACTION: Partial confirmation of effective date and stay of one provision.

SUMMARY: This document confirms, except for one provision, the effective

date of the final regulation that revised the frozen concentrate for lemonade and frozen concentrate for colored lemonade standards of identity. The provision that permits the use of one or any mixture of safe and suitable nutritive carbohydrate sweeteners is stayed pending a determination of whether a public hearing is necessary to resolve the issues raised by objections. A notice specifying any issues on which a hearing is justified and other pertinent information will be published in the FEDERAL REGISTER at a later date.

EFFECTIVE DATES: Compliance with the final regulation, except for the provision stayed, including any required labeling changes, may have begun December 14, 1976, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 15, 1976 (41 FR 45543), the Commissioner of Food and Drugs issued a final regulation revising the standards of identity for frozen concentrate for lemonade (21 CFR 27.101) and frozen concentrate for colored lemonade (21 CFR 27.102) to (1) remove the proportionality limitation on the use of sweeteners other than sugar; (2) permit the use of any safe and suitable nutritive carbohydrate sweetener; and (3) require the label declaration of all optional ingredients. Sections 27.101 and 27.102 subsequently were recodified as §§ 146.120 (21 CFR 146.120) and 146.126 (21 CFR 146.126), respectively, and published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302).

The final regulation provided that any person who would be adversely affected could at any time on or before November 15, 1976, file written objections to the final regulation and, if desired, request a hearing on the specific provisions to which there were objections.

OBJECTIONS AND REQUESTS FOR A HEARING

Three objections were received. Two objections were to specific provisions of the final regulation and requested a public hearing. These objections were from the Ventura Coastal Corp. and Sunkist Growers, Inc., who objected to (1) the provision that would permit the use of any safe and suitable nutritive carbohydrate sweeteners, and (2) the deletion of the proportionality limitation on the use of sweeteners other than sugar. Both of the objections were based on the premise that a frozen concentrate for lemonade utilizing low sweetness corn syrups as the sole sweetening ingredient would be a basically different product from the product now provided for by the existing standard of identity and would not be properly described by the same name.

The third objection, from the Processors Council of California-Arizona Citrus League, supported Ventura's objection and urged the Commissioner to grant their request for a hearing. Subsequent to the closing date of the objection period, the petitioner, the Corn Refiners Association, filed responses to the comments and stated objections.

PROVISION STAYED

The objections filed to the final regulation published in the FEDERAL REGISTER of October 15, 1976, stayed that part of the regulation to which objections were made. Accordingly, § 146.120(a) is stayed to the extent that it provides for the use of one or any mixture of safe and suitable nutritive carbohydrate sweeteners without any proportionality limitation. In the meantime, § 146.120(c) remains in effect. A notice stating any issues on which a hearing is justified and setting out other pertinent information will be published in the FEDERAL REGISTER at a later date.

EFFECTIVE DATE

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that objections under section 701(e) were received, and the provision to which objections were made is stayed until further notice. Accordingly, except as to the provision listed above as stayed, the effective date of §§ 146.120 and 146.126, as published in the FEDERAL REGISTER of October 15, 1976, is confirmed as follows: Compliance with these regulations may have begun on December 14, 1976, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7376 Filed 3-20-78; 8:45 am]

[4110-03]

[Docket No. 78F-0044]

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

Food Starch-Modified

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is issuing a regulation to specify a sequential or combination etherification treatment of food starch. This amendment, made in response to a petition, would include food starch modified by either method as safe for human consumption.

DATES: Effective March 21, 1978, objections by April 20, 1978.

ADDRESS: Written objections may be sent to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Section 172.892 *Food starch-modified* (21 CFR 172.892) currently provides for the use of a food starch etherified by treatment with epichlorohydrin, not to exceed 0.1 percent, combined with propylene oxide, not to exceed 10 percent.

In the FEDERAL REGISTER of August 15, 1973 (38 FR 22041), the Commissioner of Food and Drugs proposed to amend the regulation by specifying that the etherification of the food starch with epichlorohydrin and propylene oxide is by a sequential rather than a combination treatment. The proposal was issued to identify the currently regulated modified food starch as a starch etherified by sequential treatment. The currently regulated modified food starch has been shown to be safe by feeding studies.

Only one comment was received in response to the proposal. Data were submitted with the comment to support the commentor's contention that starches can be modified to essentially the same degree using propylene oxide and epichlorohydrin in either a sequential or a combination treatment.

The Commissioner finds that the data demonstrate that food starches etherified either by the combined treatment with epichlorohydrin and

propylene oxide or the sequential treatment with these two chemicals produce modified food starches similar in chemical structure, composition, and function. There would be, therefore, no significant toxicological difference between the food starches modified by the different modes of treatment.

Having considered the comment received and other relevant information, the Commissioner concludes that the food additive regulations should be amended, as set forth below, to provide for food starches to be modified by either the combined or the sequential treatment with epichlorohydrin and propylene oxide.

Therefore under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371)) and under the authority delegated to him (21 CFR 5.1), the Commissioner is amending § 172.892(e) by revising the item "Epichlorohydrin, not to exceed 0.1 percent, combined with propylene oxide * * *" to read as follows:

§ 172.892 Food starch-modified.

* * * * *

(e) * * *

	Limitations
* * * * *	
Epichlorohydrin, not to exceed 0.1 pct, and propylene oxide, not to exceed 10 pct, added in combination or in any sequence.	...
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 20, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective March 21, 1978.

(Sec. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056, 72 Stat. 1784–1788 (21 U.S.C. 321(s) 342, 348, 371).)

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7375 Filed 3-20-78; 8:45 am]

[1505-01]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Resinous and Polymeric Coatings

Correction

In FR Doc. 78-4003, appearing at page 6216 in the issue for Tuesday, February 14, 1978, in (b)(3)(xx) of § 175.300, first line, "*n*-butyl" should read "*n*-Butyl".

[4110-03]

[Docket No. 77N-0044]

SORBOSE

Use as Indirect Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that sorbose is generally recognized as safe (GRAS) as an indirect human food ingredient. The safety of this ingredient has been evaluated pursuant to the comprehensive safety review being conducted by this agency.

EFFECTIVE DATE: This regulation shall be effective April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Food (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: In the FEDERAL REGISTER of July 29, 1977 (42 FR 38611), a proposal was published to affirm that sorbose is generally recognized as safe for use as an indirect human food ingredient. This proposal was published in accord with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), relating to the affirmation of GRAS food ingredients, copies of the scientific literature review on sorbose and the report of the Select Committee on GRAS Substances have been made available for public review in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Copies of these documents have also been made available for public purchase from the National Technical Information Service as announced in the proposal.

In addition to proposing to affirm the GRAS status of sorbose, the Commissioner gave public notice that he was unaware of any prior-sanctioned food ingredient use for this ingredient other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or the Food and Drug Administration prior to September 6, 1958, were given notice to submit proof of such sanction so that the safety of the prior-sanctioned use could be determined at this time. That notice was also an opportunity to have prior-sanctioned uses of sorbose approved by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), provided the prior-sanctioned use could be affirmed as safe on the basis of information and data now available to the Commissioner. Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned use for sorbose were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for a use of sorbose under conditions different from those set forth in this regulation has been waived.

No comments were received in response to the Commissioner's proposal and supporting data and information on sorbose. The Commissioner therefore concludes that no change in the proposal to affirm the GRAS status of sorbose is warranted. Accordingly, it is being promulgated without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 176, 182, and 186 are amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.180 [Amended]

1. In § 176.180 *Components of paper and paperboard in contact with dry food*, paragraph (b)(2), by deleting the entry for "Sorbose" from the list of substances.

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.70 [Amended]

2. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging*, by deleting the entry for "Sorbose" from the list of substances.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 186.1839 to read as follows:

§ 186.1839 Sorbose.

(a) Sorbose (L-sorbose, sorbinose) ($C_6H_{12}O_6$, CAS Reg. No. 87-79-6) is an orthorhombic, bisphenoidal crystalline ketohexose. It was originally identified in the juice of mature berries from the mountain ash (*Sorbus aucuparia*) where it occurs as the result of microbial oxidation of sorbitol. It also occurs naturally in other plants. Sorbose can be synthesized by the catalytic hydrogenation of glucose to D-sorbitol. The resulting sorbitol can be oxidized by *Acetobacter xylinum* or by *Acetobacter suboxydans*.

(b) The following specifications are recognized by the Food and Drug Administration as suitable for sorbose when permitted for indirect food use:

Assay—not less than 95 percent.
Melting point—165° C±2°C.
Optical rotation—between −42.9° and −43.2° at 20° C.
Density—between 1.650 and 1.654 at 15° C.
Total heavy metals (as lead, Pb)—not more than 40 ppm.
Arsenic (as As)—not more than 3 ppm.

(c) The ingredient is used or intended for indirect food use as a constituent of cotton, cotton fabrics, paper, and paperboard in contact with dry food.

(d) The ingredient migrates to food at levels not to exceed good manufacturing practice.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Effective date: This regulation is effective April 20, 1978.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7374 Filed 3-20-78; 8:45 am]

[4110-03]

[Docket No. 77N-0036]

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

Potassium Iodide and Potassium and Calcium Iodates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that potassium iodide and potassium and calcium iodates are generally recognized as safe for use as direct human food ingredients with specific limitations. The safety of these ingredients has been evaluated under the comprehensive safety review being conducted by this agency.

EFFECTIVE DATE: This regulation shall be effective April 20, 1978.

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: In the FEDERAL REGISTER of June 10, 1977 (42 FR 29925), a proposal was published to affirm that potassium iodide and potassium and calcium iodates are generally recognized as safe (GRAS) for use as direct human food ingredients with specific limitations. The proposal was made on the initiative of the Commissioner of Food and Drugs. This action is in accord with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 relating to the affirmation of GRAS food ingredients, copies of the Scientific Literature Review of iodine and iodine salts, a report of mutagenic tests on potassium iodide, and the report of the Select Committee on GRAS Substances have been made available for public review in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

In addition to proposing to affirm the GRAS status of potassium iodide and potassium and calcium iodates with specific limitations, the Commissioner gave public notice that he was unaware of any prior-sanctioned food ingredient use for these ingredients other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or the Food and Drug Administration prior to September 6, 1958, were given notice to submit proof of such sanction so that the safety of the prior-sanctioned use could be determined at this time. That notice was also an opportunity to have prior-sanctioned uses of potassium iodide and potassium and calcium iodates approved by issuance of an appropriate regulation under part 181—Prior-Sanctioned Food Ingredients (21 CFR part 181): *Provided*, The prior-sanctioned use could be affirmed as safe on the basis of information and data no available to the Commissioner. Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned uses for potassium iodide, and potassium and calcium iodates were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for a use of potassium iodide, and potassium and calcium iodates under conditions different from those set forth in this regulation has been waived.

No comments were received in response to the Commissioner's proposal and supporting data and information on potassium iodide, and potassium and calcium iodates. However, an oral inquiry was concerned with whether this regulation could be construed to imply that increased levels of iodine pose no potential human health hazards. The Commissioner wishes to stress that this regulation deals only with very limited uses of iodine at current levels of use. This regulation does not address any potential problems associated with increasing the total dietary intake of iodine. If new information concerning the adverse health effects of excess dietary iodine necessitates, a separate regulation restricting the use of iodine compounds in food or food-producing animals will be published. The Commissioner concludes that no change in the proposal to affirm the GRAS status of potassium iodide, and potassium and calcium iodates for the specific uses cited in these regulations (21 CFR 184.1206, 184.1614, and 184.1635) is warranted. Accordingly, it is being promulgated without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat.

1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), parts 182 and 184 are amended as follows:

§ 182.5634 [Deleted]

1. In part 182 by deleting § 182.5634 *Potassium iodide.*

2. In part 184 by adding new §§ 184.1206, 184.1634, and 184.1635 to read as follows:

§ 184.1206 Calcium iodate.

(a) Calcium iodate [$Ca(IO_3)_2 \cdot H_2O$, CAS Reg. No. 7789-80-2], also referred to as lautarite, does not occur naturally but can be prepared by passing chlorine into a hot solution of lime ($CaCO_3$) in which iodine has been dissolved.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a dough strengthener as defined in § 170.3(o)(6) of this chapter.

(d) The ingredient is used in the manufacture of bread in accordance with § 184.1(b)(2) of this chapter in an amount not to exceed 0.0075 percent based on the weight of the flour.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

§ 184.1634 Potassium iodide.

(a) Potassium iodide (KI, CAS Reg. No. 7681-11-0) is the potassium salt of hydriodic acid. It occurs naturally in sea water and in salt deposits, but can be prepared by reacting hydriodic acid (HI) with potassium bicarbonate ($KHCO_3$).

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(d) The ingredient is used in table salt in accordance with § 184.1(b)(2) of this chapter as a source of dietary iodine at a maximum level of 0.01 percent.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

§ 184.1635 Potassium iodate.

(a) Potassium iodate (KIO_3, CAS Reg. No. 7758-05-6) does not occur naturally but can be prepared by reacting iodine with potassium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a dough strengthener as defined in § 170.3(o)(6) of this chapter.

(d) The ingredient is used in the manufacture of bread in accordance with § 184.1(b)(2) of this chapter in an amount not to exceed 0.0075 percent based on the weight of the flour.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Effective date: This regulation is effective April 20, 1978.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: March 15, 1978.

NOTE.—Incorporation by reference approved by the Director of the Federal Register on July 10, 1973, and is on file in the Federal Register Library.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7370 Filed 3-20-78; 8:45 am]

[1]Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, D.C. 20037.

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

EVSCO PHARMACEUTICAL CORP.; CHANGE OF SPONSOR ADDRESS

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This document amends the animal drug regulations to reflect change of corporate address as requested by the sponsor, Evsco Pharmaceutical Corp.

EFFECTIVE DATE: March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Under section 512(i) of the Federal Food, Drug, and Cosmetic Act, § 510.600 Names, addresses, and code numbers of sponsors of approved applications (21 CFR 510.600) of the animal drug regulations is amended to reflect a change of corporate address. This amendment to the regulations reflects approval of the following supplemental NADA's:

NADA No., and drug name and form

32-322 Prednisolone-neomycin sulfate-tetracaine-hexamethyltetracosame ointment.
32-984 Squalane-pyrethrins-piperonyl butoxide otic solution.
44-655 Neomycin sulfate ophthalmic ointment.
45-288 Neomycin sulfate-prednisolone ophthalmic ointment.
45-626 Kaolin-pectin-neomycin sulfate-methscopolamine bromide liquid (oral).
55-005 Chloramphenicol-prednisolone-tetra- caine-squalane otic suspension.
55-034 Chloramphenicol ophthalmic solution.
55-052 Chloramphenicol tablets (oral).
65-157 Chloramphenicol-prednisolone ophthalmic ointment.
65-158 Chloramphenicol ophthalmic ointment.
65-259 Chloramphenicol-prednisolone ophthalmic ointment.
100-689 Diethylcarbamazine citrate syrup.
100-690 Diethylcarbamazine citrate tablets (oral).

Amendment of the regulations to reflect this change does not require a reevaluation of the NADA's nor does it constitute a reaffirmation of the drugs' safety and effectiveness.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 510.600(c)(1) and (2) are amended by revising the address of Evsco Pharmaceutical Corp. as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *
(1) * * *

Firm name and address and drug listing No.

* * * * *

Evsco Pharmaceutical Corp., P.O. Box 209, Harding Highway, Buena, N.J. 08310; 017030

* * * * *

(2)
* * *

Drug listing No. firm name and address:

* * * * *

017030—Evsco Pharmaceutical Corp., P.O. Box 209, Harding Highway, Buena, N.J. 08310.

* * * * *

Effective date: March 21, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 14, 1978.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc. 78-7372 Filed 3-20-78; 8:45 am]

[4110-03]

[Docket No. 75N-0020]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Reinstatement of Certain Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document reinstates provisions for the certification of a new animal drug containing penicillin G procaine with procaine hydrochloride. The provisions were inadvertently deleted by a previous document.

EFFECTIVE DATE: March 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank G. Pugliese, Bureau of Veterinary Medicine (HFV-234), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3460.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 22, 1977 (42 FR 59852), Part 440 (21 CFR Part 440) was amended and revised to update the provisions for certification of antibiotic drugs for human use. A comment on the regulation properly pointed out that the amendment to § 440.255c *Sterile penicillin G benzathine G procaine suspension* (21 CFR 440.255c) not only deleted provisions for certification for human use of the drug containing procaine hydrochloride, but also inadvertently deleted provisions for its certification as an animal drug. The deletion occurred because § 540.255c, which continues to provide for use of the drug in animals, cross-references and incorporates the certification provisions of § 540.255c. Section § 440.255c is therefore being amended to reinstate and include certain provisions for certification of the animal drug.

Therefore, under the Federal Food, Drug, and Cosmetic Act, (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended by revising § 540.255c(b) to read as follows:

§ 540.255c Sterile benzathine penicillin G and procaine penicillin G suspension.

* * * * *

(b) *Tests and methods of assay.* The tests and methods of assay for benzathine penicillin G and procaine penicillin for aqueous injection are described in § 440.255c of this chapter, except that if the drug contains procaine hydrochloride, total potency, benzathine penicillin G content, and procaine penicillin G content are determined as follows:

(1) *Total potency.* Place one dose of the suspension in each of two centrifuge tubes. Label one tube "sample" and the other "blank." Add 9.0 milliliters of 20-percent sodium sulfate solution to each tube and mix well. Centrifuge them at 10,000 r/min for 15 minutes or until a clear supernatant solution is obtained. Pour the supernatant solution from the sample tube into a 50-milliliter volumetric flask and dilute to mark with 1 percent pH 6.0 buffer. Determine the amount of penicillin in this flask by the iodometric assay procedure as directed in § 436.204 of this chapter. Wash the penicillin residue from the tube labeled "sample" into a 200-milliliter volumetric flask quantitatively with about 150 milliliters of water. Add 10 milliliters of 1.0*N* sodium hydroxide and allow to stand for 15 minutes. Acidify the solution with 10 milliliters of 1.2*N* hydrochloric acid and dilute to mark with water. Determine the amount of penicillin in this solution by the iodometric assay procedure. Use as a blank a suspension prepared by discarding the supernatant from the tube labeled "blank," washing the penicillin residue into a 200-milliliter volumetric flask, and making to mark with water. The total potency of the dose is the sum of the penicillin in the sample supernatant solution and in the insoluble residue of the sample.

(2) *Procaine penicillin content.* Transfer 5.0 milliliters of the solution from the 200-milliliter volumetric flask containing the residue from the "sample" tube to a 50-milliliter volumetric flask and make to mark with water. Assay 2.0 milliliters of the solution by the Bratton-Marshall method. The amount of procaine penicillin is the sum of the amount of penicillin in the sodium sulfate supernatant solution and the amount of penicillin determined by the Bratton-Marshall method.

(3) *Benzathine penicillin content.* The amount of benzathine penicillin is the difference between the total potency and the amount of procaine penicillin.

* * * * *

Effective date: March 21, 1978.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-351 (21 U.S.C. 357, 360b).)

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7368 Filed 3-20-78; 8:45 am]

[1505-01]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Amoxicillin Trihydrate Oral Suspension

Correction

In FR Doc. 78-2722 appearing on page 4601 in the issue of Friday, February 3, 1978 in the "SUMMARY" paragraph, the 5th line should read, "[Laborato-]ries providing for oral use of an amoxicil-[lin]".

[4110-03]

[Docket No. 77F-0184]

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

Selenium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the food additive regulations to provide for the safe use of selenium in sheep feed. A petition was filed by the American Feed Manufacturers Association requesting such use.

DATES: Effective March 21, 1978; objections by April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Notice was given in the FEDERAL REGISTER of October 21, 1977 (42 FR 56154), that a food additive petition (MF 3433) had been filed by American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to provide for the safe use of selenium in the feed of sheep.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulation § 573.920 should be amended to provide for the use of the petitioned additive.

The environmental impact analysis report and other relevant material

have been reviewed, and it has been determined that the use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), paragraphs (b) and (c) of 21 CFR 573.920 are revised to read as follows:

§ 573.920 Selenium.

* * * * *

(b) It is added to feed as follows:

(1) Growing chickens up to 16 weeks of age: In complete feed at a level not to exceed 0.1 part per million.

(2) Swine: In complete feed at a level not to exceed 0.1 part per million.

(3) Turkeys: In complete feed at a level not to exceed 0.2 part per million.

(4) Sheep (ewes and ewes with lambs up to 8 weeks of age):

(i) In complete feed at a level not to exceed 0.1 part per million.

(ii) In a feed supplement for limit feeding at a level not to exceed an intake of 0.23 milligram per head per day.

(iii) Up to 30 parts per million in a salt-mineral mixture for free choice feeding at a rate not to exceed an intake of 0.23 milligram per head per day.

(c) The additive shall be incorporated into feed as follows:

(1) It shall be incorporated into each ton of the complete feed of growing chickens up to 16 weeks of age and of swine by a premix containing no more than 90.8 milligrams of added selenium and weighing not less than 1 pound.

(2) It shall be incorporated into each ton of the complete feed of turkeys by a premix containing no more than 181.6 milligrams of added selenium and weighing not less than 2 pounds.

(3) It shall be incorporated into each ton of salt-mineral mixture for sheep by a premix containing no more than 27.2 grams of added selenium in not less than 4 pounds of premix.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 20, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 21, 1978.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: March 15, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7371 Filed 3-20-78; 8:45 am]

[1410-03]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket RM 78-2]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Deposit Requirements

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting interim amendments to §§ 202.20 and 202.21 of our regulations. The effect of the amendments is to liberalize requirements governing the nature of the deposit required in connection with applications for copyright registration of three-dimensional works. The amendments are issued on an interim basis in order to permit their immediate application while allowing full public comment.

DATES: The interim regulations are effective on March 21, 1978.

Comments should be received on or before April 28, 1978.

ADDRESSES: Five copies of all written comments should be provided, if by hand, to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Crystal, Mall Building No. 2, Room 519, Arlington, Va., or, if by mail to: Office of the General Counsel, U.S. Copyright Office, Library of Congress, Caller No. 2999, Arlington, Va. 22202.

Copies of all written comments will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m. Monday through Friday, in the Public Information Office of the Copyright Office, Room 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION, CONTACT:

Jon Baumgarten, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

SUPPLEMENTARY INFORMATION: Under 17 U.S.C. 407 the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit copies of the work in the Copyright Office for the use or disposition of the Library of Congress. 17 U.S.C. 408 also requires deposit of material in connection with applications for copyright registration of unpublished and published works. After establishing general rules governing the nature of the required deposit, section 408 authorizes the Register of Copyrights to prescribe regulations governing "the nature of the copies or phonorecords to be deposited" and to "require or permit * * * the deposit of identifying material instead of copies or phonorecords * * *."

On Janurary 4, 1978, we published in the FEDERAL REGISTER (43 FR 763, effective January 1, 1978) final regulations implementing the deposit requirements of sections 407 and 408. After reconsideration in the light of our experience under those regulations we have decided to make several changes in their application to three-demensional works.

1. *Definition of "complete" copy or phonorecord.* For purposes of copyright registration under 17 U.S.C. 408, the regulations as originally issued defined a "complete" copy or phonorecord of a published work as one that included all elements comprising the unit of publication of the work. This definition followed the definition of "complete" copy we adopted (37 CFR 202.19(b)(2)) for purposes of mandatory deposit for the Library of Congress under 17 U.S.C. 407, thus allowing a single deposit to meet the re-

quirements of both sections. In several cases applications have been submitted for copyright registration of two-dimensional works (for example, instructions or illustrations) packaged together with uncopyrightable three-dimensional objects (for example, yarn and knitting needles). Although the entire unit was exempt from mandatory deposit for the Library, application of the same "complete" copy definition, taken together with other provisions requiring the deposit of identifying material in lieu of actual three-dimensional objects, appeared to require an applicant to prepare and submit photographs or the like of uncopyrightable material as a condition to registration of some two-dimensional works. In order to remove this possible burden, we have: (i) Amended § 202.20(b)(2) to provide that "in the case of a published work exempt from * * * deposit * * * under section 407 of title 17 * * * a 'complete' copy of phonorecord is a copy or phonorecord representing the entire coyrightable content of the work for which registration is sought;" and (ii) revised § 202.20(c)(2)(ix) to remove the necessity of depositing identifying material of two-dimensional works which are "complete" under the new definition.[1]

2. *Special relief.* The regulations originally issued generally require the deposit of identifying material, such as drawings or photographs, in lieu of actual copies of works reproduced in or on three-dimensional objects. This general requirement was designed to reduce the substantial administrative and storage expenses faced by the Copyright Office. However, we recognize that there are circumstances where our insistence on the deposit of identifying material may impose an undue burden on copyright owners. Accordingly, we have added a new § 202.20(d)(1)(iii) to permit the deposit of actual copies, as "special relief", in appropriate cases. We are also amending § 202.20(c)(2)(ix) to make clear that, unless special relief is asked for and granted, the general requirement for identifying material does apply to three-dimensional works contained in boxes or the like.

3. *Identifying material.* In an effort to minimize further the possible burden and cost to copyright owners in submitting identifying material in lieu of copies, we have also reduced the minimum size requirements of § 202.21(c), other than as applied to photographic transparencies, from 5 x 7 to 3 x 3 inches. This will permit the submission of inexpensive photographs of works to satisfy the "identifying material" requirement. At the same time, however, applicants must understand that the ability of the Copyright Office to preserve an archival record of the work registered may be affected by the relative impermanence of some less expensive photographic prints. We have also amended this section to: (i) Eliminate the specific size requirements for less-than-life-size images represented in photographs, and (ii) make clear that the entire section, as amended, applies to the deposit of identifying material in lieu of copies of both published and unpublished works. This section, and § 202.21(e), have also been amended to make it clear that where drawings of a copyright notice are required to be submitted as a part of identifying material, the drawing need not be of "uniform size" with the material showing the work itself. For example, a 35 mm. transparency or a 3 x 3 inch photograph could be accompanied by a drawing of the copyright notice on 8 x 10 inch paper.

INTERIM REGULATIONS

Part 202 of 37 CFR Chapter II (as amended on January 1, 1978) is amended, on an interim basis: 1. By amending § 202.20 to read as follows:

§ 202.20 Deposit of copies and phonorecords for copyright registration.

* * * * *

(b) * * *

(2) A "complete" copy or phonorecord of an unpublished work is a copy or phonorecord representing the entire copyrightable content of the work for which registration is sought. A "complete" copy or phonorecord of a published work includes all elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter; however, in the case of a published work exempt from the deposit of copies or phonorecords under section 407 of title 17 and § 202.19(c) of these regulations, a "complete" copy or phonorecord is a copy or phonorecord representing the entire copyrightable content of the work for which registration is sought. In the case of a contribution to a collective work, a "complete" copy or phonorecord is the entire collective work including the contribution or, in the case of a newspaper, the entire section including the contribution. In the case of published sound recordings, a "complete" phonorecord has the meaning set forth in § 202.19(b)(2) of these regulations. In the case of a musical composition published only by the rental, lease, or lending of copies consisting of a full score and parts, a full score is a "complete" copy; in the case of a musical composition published only by the rental, lease, or lending of copies consisting of a conductor's score and parts, a conductor's score is a "complete" copy.

* * * * *

(c) * * *

(2) * * *

(ix) *Works reproduced in or on three-dimensional objects.* (A) In the following cases the deposit must consist of identifying material complying with § 201.21 of these regulations instead of a copy or copies: (*1*) Any three-dimensional sculptural work, including any illustration or formulation of artistic expression or information in three-dimensional form. Examples of such works include statues, carvings, ceramics, moldings, constructions, models, and maquettes; and (*2*) Any two-dimensional or three-dimensional work that, if unpublished, has been fixed, or, if published, has been published only in or on jewelry, dolls, toys, games, or any three-dimensional useful article.

(B) In the following cases, the requirements of paragraph (A) of this § 202.20(c)(2)(ix) for the deposit of identifying material shall not apply: (*1*) Works that are reproduced by intaglio or relief printing methods on two-dimensional materials such as paper or fabrics; (*2*) Three-dimensional cartographic representations of area, such as globes and relief models; (*3*) Works that have been fixed or published in or on a useful article that comprises one of the elements of the unit of publication of an educational or instructional kit which also includes a literary or audiovisual work, a sound recording, or any combination of such works; and (*4*) Published works exempt from the deposit of copies under section 407 of title 17 and § 202.19(c) of these regulations, where the "complete" copy of the work within the meaning of paragraph (b)(2) of this section consists of a reproduction of the work on a two-dimensional materials such as paper or fabrics.

* * * * *

(d) *Special relief.* (1) In any case the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation: (i) Permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the one or two copies or phonorecords otherwise required by paragraph (c)(1) of this section; (ii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or (iii) permit the deposit of

[1] Under § 202.19(c)(2)(i)(A) the deposit of an actual copy of three-dimensional cartographic representations of area, such as globes and relief models, is required. An exception has also been added to § 202.20(c)(2)(ix) to make clear that identifying material is not required in such cases.

an actual copy or copies, in lieu of the identifying material otherwise required by this section.

* * * * *

2. By amending § 202.21 to read as follows:

§ 202.21 Deposit of identifying material instead of copies.

(a) *General.* Subject to the specific provisions of paragraphs (f) and (g) of this section, in any case where the deposit of identifying material is permitted or required under § 202.19 or § 202.20 of these regulations for published or unpublished works, the material shall consist of photographic prints, transparencies, photostats, drawings, or similar two-dimensional reproductions or renderings of the work, in a form visually perceivable without the aid of a machine or device. In the case of pictorial or graphic works, such material shall reproduce the actual colors employed in the work. In all other cases, such material may be in black and white or may consist of a reproduction of the actual colors.

* * * * *

(c) *Size.* All pieces of identifying material must be of uniform size (except drawings or the like of copyright notices under paragraph (e) of this section). Photographic transparencies must be 35 mm. in size, and must be fixed in cardboard, plastic, or similar mounts to facilitate identification, handling and storage. All other types of identifying material must be not less than 3 x 3 inches and not more than 9 x 12 inches, but preferably 8 x 10 inches. Except in the case of transparencies, the image of the work must be either lifesize or larger, or if less than lifesize must be large enough to show clearly the entire copyrightable content of the work.

* * * * *

(e) *Copyright notice.* In the case of works published with notice of copyright, the notice and its position on the work must be clearly shown on at least one piece of identifying material. Where necessary because of the size or position of the notice, a separate drawing or the like, no larger than 9 x 12 inches, showing the exact appearance and content of the notice, its dimensions, and its specific position on the work shall be submitted.

(17 U.S.C. 408, 702)

Dated: March 14, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc. 78-7359 Filed 3-20-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DETERMINATIONS OF INCOMPETENCY AND COMPETENCY

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration establishes the effective dates of incompetency and competency determinations. The effective date of an incompetency determination shall be the date the incompetency determination is made. The effective date of a competency determination shall be the date shown by the evidence of record that competency was regained. The need for this authority was brought to light be a Veterans Administration field office request for advice. The effect of the new rules will be to establish a uniform effective date rule for incompetency and competency determinations. In a few cases overpayments will be eliminated.

EFFECTIVE DATE: March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: On page 62396 of the FEDERAL REGISTER of December 12, 1977, there was published a notice of proposed regulatory development to amend § 3.400 relative to the effective date of incompetency and competency determinations.

Interested persons were given 30 days to submit comments, suggestions, or objections to the proposed regulation. One comment was received which expressed concern that fixing the effective date of incompetency as the date the incompetency determination is made might adversely affect entitlement to certain types of Veterans Administration insurance authorized by 38 U.S.C. 722.

Under 38 U.S.C. 722 a person must make application for insurance within certain specified periods. Exceptions, however, are granted to persons who were or became incompetent during the time to make application. Therefore, for insurance purposes under 38 U.S.C. 722 the date incompetency began can be a material entitlement factor.

The concern expressed by the commentator has merit. Accordingly, the regulation fixing the effective date of an incompetency determination as the date the incompetency determination is made is amended to specifically indicate that it does not apply to incompetency determinations made for the purpose of determining entitlement to insurance under 38 U.S.C. 722. The amended regulation is set forth below.

Approved: March 10, 1978.

RUFUS H. WILSON,
Deputy Administrator.

In § 3.400, paragraphs (x) and (y) are added to read as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, which ever is the later. (38 U.S.C. 3010 (a))

* * * * *

(x) *Effective date of determination of incompetency* (*§ 3.353*). Date of rating of incompetency. (Not applicable to an incompetency determination made for insurance purposes under 38 U.S.C. 722)

(y) *Effective date of determination restoring competency* (*§ 3.353*). Date shown by evidence of record that competency was regained.

[FR Doc. 78-7424 Filed 3-20-78; 8:45 am]

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 172—TEACHER CORPS

Educational Personnel Development System Objectives; Correction

AGENCY: Office of Education, HEW.

ACTION: Correction, final regulations.

SUMMARY: This document corrects a final rule that appeared in the FEDERAL REGISTER of Thursday, February 23, 1978 (43 FR 7524) relating to the Teacher Corps.

FOR FURTHER INFORMATION CONTACT:

Russell Wood, telephone, 202-245-8224.

In FR Doc. 78-4356 appearing at page 7524, make the following correction:

On page 7533, third column in § 172.63(b), 4th line, delete "§ 172.63(b)" and insert "§ 172.62(b)".

Dated: March 13, 1978.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-7410 Filed 3-20-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[RM-2965; FCC 78-173]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Domestic Telegraph Speed of Service Studies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Section 64.233 of the Commission's rules and regulations requires the Western Union Telegraph Co. to conduct "speed of service" studies on certain messages. This rule changes from 4 p.m. to 2 p.m. the time that the Western Union Telegraph Co. may notify its offices that they shall conduct the speed of service study. This action will allow the carrier, on non-study days, to mail confirmation copies of telegrams earlier in the day and will result in a higher percentage of next-day receptions by the addressees.

EFFECTIVE DATE: March 24, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Roger J. Hertz, Complaints and Service Standards Branch, Common Carrier Bureau, 202-632-7164.

Adopted: March 8, 1978.

Released: March 17, 1978.

Order. In the matter of amendment of § 64.233 of the Commission's rules and regulations governing domestic telegraph speed of service studies, RM-2965.

1. Part 64, subpart B, of our rules and regulations, 47 CFR 64.202 et seq., provides, among other things, for a method to evaluate the performance of The Western Union Telegraph Co. (Western Union) in the terminal handling of telegrams; i.e., the elapsed time from when a message is received at the destination office until a first attempt at delivery is made. This "speed of service" study is conducted weekly at each of the 22 Western Union major metropolitan area offices denominated in § 64.230 of the rules, 47 CFR 64.230. The day for each office in any week is determined by a random number table and is not communicated to that office until 4 p.m. local time on that day.

2. The messages, which initially are to be delivered by telephone, are mailed to the addressee, when requested, as a confirmation copy. In many of Western Union's offices, the time of telephonic delivery is noted only on this hard copy of the message. Since it becomes the confirmation copy that is to be mailed to the addressee, it must be retained in the office until after 4 p.m. to assure an accurate and representive record of that office's performance if it should be a day for measuring "speed of service."

3. On July 22, 1977, Western Union filed a petition for Rulemaking (RM-2965) in which it seeks to have § 64.233 of the rules, 47 CFR 64.233, amended to advance the time when notification to the designated cities may be made from 4 p.m. to 2 p.m. Western Union believes that a larger number of next day deliveries of these confirmation copies could be effected by turning them over to the U.S. Postal Service earlier in the day. The mailing of these confirmation copies would then be delayed only on the day selected for the "speed of service" study at that office.

4. We agree with Western Union that, on the whole, the public interest would be served by this amendment. It should lead to a higher percentage of next-day deliveries to the addressees. While we recognize that this earlier notification could distort the results on a "speed of service" day, amply cross-checks are available to the staff to determine whether the reports accurately reflect the performance of these Western Union offices.

5. Generally, section 553 of the Administrative Procedure Act, 5 U.S.C. 553, provides that a final rule cannot be promulgated unless, and until, all interested persons are afforded an opportunity to participate in this proceeding. However, when the agency can show that such a step is impracticable, contrary to the public interest, or unnecessary, it may dispense with it. See 5 U.S.C. 553 (b)(3)(B). We believe in this instance that it is unnecessary to go through a formal rulemaking proceeding. Since what is being changed is the internal procedure of a Commission-directed performance study, the public will not be directly affected by this change, except beneficially to the extent the percentage of next-day deliveries increases. Furthermore, no adverse comments were received about Western Union's petition. We therefore find that a formal rulemaking proceeding is unnecessary in this instance and that the public interest will not be adversely affected by this change.

6. *Accordingly, it is ordered,* That, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. 154(i), 154(j), and 303(r), that § 64.233 of the Commission's Rules, 47 CFR 64.233, is amended as set forth below, effective March 24, 1978.

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

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 64 of title 47, Code of Federal Regulations, is amended to read as follows:

1. Section 64.233 is amended to read as follows:

§ 64.233 Hours to be included and selection of study date.

Speed of service studies shall be made on messages received at delivery office between the hours of 9 a.m. and 6 p.m. local time, on one designated business day each week, except as provided in §§ 64.235 and 64.282. The day to be designated each week, for each of the offices listed in § 64.230, shall be selected at a central point, from a random number table, and the date so determined shall not be communicated to the office involved prior to 2 p.m. local time at that office on the designated date.

[FR Doc. 78-7392 Filed 3-20-78; 8:45 am]

[6712-01]

[Docket No. 21456; RM-2909]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Walla Walla, Wash.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a third Class C FM channel to Walla Walla, Wash. The assignment could bring service to areas, some of which now are unserved or underserved.

EFFECTIVE DATE: April 20, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: March 7, 1978.

Released: March 13, 1978.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Walla Walla, Wash.), Docket No. 21456, RM-2909.

1. The Commission here considers a proposal for the assignment of Class C FM Channel 239 to Walla Walla, Wash., as that community's third FM assignment. This proceeding was initiated by a Notice of Proposed Rulemaking, adopted October 26, 1977, 42 FR 57977, based on a petition filed by what is now Capricorn Communications Corp. ("Capricorn"),[1] licensee of AM Station KUJ, Walla Walla, Wash. Comments were filed by Capricorn in which it reaffirms its intent to apply for the channel, if assigned. Opposing comments were filed by STL, Inc. ("STL"), licensee of AM Station KHIT and permittee of FM Station KHXT (Channel 246).[2]

2. Walla Walla, (pop. 23,619),[3] seat of Walla Walla County (pop. 42,176), is located in the southeastern corner of Washington State, approximately 338 kilometers (210 miles) east of Portland, Oreg. Walla Walla is served by two FM stations (both Class C). The community has three AM stations—two full-time, and one daytime-only. The daytime-only AM station (KHIT) operates in conjunction with FM Station KSXT.

3. The station proposed to be operated by Capricorn would provide first FM and nighttime aural service to 433 persons in a 926 square kilometer (1,369 square miles) area and a second nighttime aural service to 6,229 persons in a 3,487 square kilometer (1,341 square miles) area.

4. Capricorn's comments assert that the continued growth in population and the flourishing economy of Walla Walla indicate that the area is quite capble of sustaining a third FM station. It contends that an additional channel would in no way degrade existing programming service to the community. It notes that the Commission has made exceptions to its guidelines for third FM assignments to communites the size of Walla Walla, when a need has been shown, and it points out that the proposed assignment would bring service to unserved and underserved areas. It also asserts that the preclusionary effect of the proposed assignment would be minimal. Capricorn contends that assignment of Channel 239 to Walla Walla will not result in an unfair or inequitable distribution of facilities since the assignment can be accomplished without depriving any other area of a needed FM channel.

5. In reply comments, STL argues that the assignment is violative of the Commission's assignment guidelines and was based on misleading information concerning population and economic growth in Walla Walla. STL claims that Walla Walla has had no significant population growth in the past forty years. STL asserts that if Capricorn wants to serve unserved areas, a Class A station would be more appropriate than a Class C in Walla Walla. In sum, it contends that the Commission should adhere to its population guidelines and reject the proposal to assign a third channel. STL states that it is not advancing the economic argument that this paricular area could not support an additional station, although it questions whether it could.

6. The additional comments offered by Capricorn center on a news release from STL's station which mentions a 10,000 increase in jobs in the Mid-Columbia area. Capricorn offers this as support for the view that the area is growing. STL disputes whether Walla Walla is part of the Mid-Columbia area.

7. We have carefully considered the record in this proceeding and find it would be in the public interest to assign Channel 239 to Walla Walla, Wash. Normally, the Commission's FM assignment criteria would limit the number of assignments to a community the size of Walla Walla to one or two channels. However, on occasion this limit in number of assignments has been relaxed. As stated in *Fresno*, 38 FCC 2d 525, 526 (1972), they "are a guide and not an immutable standard." In this instance, a showing has been made that the proposed assignment could bring service to areas which now are unserved and underserved. Another consideration in favor of the proposed assignment is that no serious preclusion would result and the assignment could be accomplished without depriving any other area of a needed FM channel. Thus, there is reason to assign the channel even if the area is not a fast growing one. As to whether or not Walla Walla could support another station is a question normally deferred for resolution at the application stage rather than in a rule making proceeding.[4]

8. The Canadian Government has given its concurrence to the assignment of Channel 239 to Walla Walla, Wash.

9. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules: *It is ordered*, That effective April 20, 1978, the FM Table of Assignments (§ 73.202(b) of the rules) is amended with respect to the community listed below:

City: Walla Walla, Wash.; Channel Nos.: 227, 239, 246.

It is further ordered, That the Motions to accept the late-filed pleadings are granted.

11. *It is further ordered*, That the Motion filed by STL to accept newly discovered evidence, is denied.

12. *It is further ordered*, That this proceeding is terminated.

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

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

[FR Doc. 78-7383 Filed 3-20-78; 8:45 am]

[1]The petition was filed under its earlier name of VBR Broadcasters.

[2]Capricorn filed additional comments after the filing deadline along with a Motion requesting their acceptance. STL made no objection and also filed a response to Capricorn's late-filed comments. It, too, moved to have its late response accepted. Since there was no objection and the information mentioned in the comments was not obtainable until after the filing deadline, we believe there is reason to accept these comments. They, as well as STL's response, will be accepted.

[3]Population figures are taken from the 1970 U.S. Census.

[4]On February 28, 1978, STL filed a Motion to Accept Newly Discovered Evidence stating that it has recently uncovered some evidence pertaining to the economy of Walla Walla. Since this information does not go to an issue to be resolved in this proceeding, STL's Motion will be denied.

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. 35819]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210a(a) OF THE INTERSTATE COMMERCE ACT

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1303—PASSENGER SERVICE SCHEDULES—RAIL AND WATER CARRIERS

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

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

PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

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

Regulations Governing the Form of ICC Designations To Be Shown on Tariffs and Schedules, and Assignment of Alpha Code Carrier and Agent Designations

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rule.

SUMMARY: In the above proceeding published at 43 FR 8531, March 2, 1978, the effective date was inadvertently stated as April 3, 1978. This correction is to show the effective date as being April 10, 1978.

EFFECTIVE DATE: April 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William P. Geisenkotter, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7739.

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

[FR Doc. 78-7445 Filed 3-20-78; 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.

[3410-05]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Proposed 1978 Price Support Levels and Program Methods

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation is preparing to determine and announce the levels of support and the method by which price support will be made available to producers of 1978 crop tobacco. The levels of support must, if practicable, be announced prior to the planting season. This document invites all interested parties to submit views and recommendations with respect to administering price support operations for 1978 crop tobacco.

DATE: Written comments must be received by April 20, 1978, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, 202-447-6695.

SUPPLEMENTARY INFORMATION: The Agricultural Act of 1949, as amended (the "Act"), requires the Secretary through loans, purchases, and other operations, to make price support available on any crop of tobacco for which marketing quotas are in effect, or for which marketing quotas have not been disapproved by producers. Under section 106 of the Act, the level of support in cents-per-pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of (i) the average of the index of prices paid by farmers for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (ii) the average index of prices paid by farmers for the 1959 calendar year. The average of the index of such prices paid for calendar years 1975-77 will be used in computing the 1978 tobacco support levels. The average is 651. The average index of prices paid for the calendar year 1959 is 298. The resulting ratio is 2.18. Thus, the support level for the 1978 crop of each eligible kind of tobacco will be 218 percent of the 1959 level, effective upon approval by Commodity Credit Corporation.

Prior to the beginning of the marketing season for each eligible kind of tobacco, pursuant to section 403 of the Act, Commodity Credit Corporation will issue proposed advance rates for the various types and grades of tobacco, and comments on such rates may be made at that time.

It is contemplated that the method of supporting tobacco will continue to be through loans on all eligible kinds of tobacco and provision continued for the purchase of Puerto Rican tobacco if certain situations occur. Regulations currently in effect with respect to the tobacco price support program are set forth in 7 CFR part 1464. No substantive changes are contemplated in those regulations.

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submission will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741, South Building, USDA, 14th and Independence Avenue SW., Washington, D.C. 20013.

NOTE.—Commodity Credit Corporation has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107, and certifies that an Economic Impact Statement has been prepared. Based on an assessment of the environmental impact of the proposed action, it has also been determined that an Environmental Impact Statement need not be prepared since the proposals will have no significant effect on the quality of the human environment.

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

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 78-7413 Filed 3-20-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

APPLICATION TO ACCEPT OR CONTINUE EMPLOYMENT BY G-4 NONIMMIGRANTS

Proposed Rulemaking

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed amendment of the regulations of the Immigration and Naturalization Service establishes a formal procedure under which the alien spouses and unmarried dependent sons and unmarried dependent daughters of officers or employees of international organizations, classified as G-4 aliens under the Immigration and Nationality Act, may apply for permission to work. It also establishes the procedure by which such permission is granted or denied. At present, the Department of State informally adjudicates requests by G-4 aliens for permission to be employed. The informal procedures presently in use developed on an ad hoc basis over the years. As a result, the criteria for granting G-4 aliens permission to work are not uniform. The proposed regulation will ensure the application of uniform criteria. It is also designed to afford a reasonable opportunity for the spouses of international civil servants to work and enjoy greater participation in their communities, while their spouses are employed in this country.

DATE: Representations must be submitted on or before, April 21, 1978.

ADDRESS: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, telephone: 202-376-8373.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

This proposed rule will amend 8 CFR 214.2(g) to add a new subparagraph (2) which will establish formal regulations governing the employment of spouses and unmarried dependent children of officers or employees of international organizations admitted to the United States as nonimmigrants under section 101(a)(15)(G)(iv) of the Immigration and Nationality Act (G-4 aliens). The matter of employment of nonimmigrant aliens in the United States is one within the jurisdiction of the Immigration and Naturalization Service. However, the immigration laws and regulations have consistently been interpreted to vest primary responsibility for determining the status of G-4 aliens in the Department of State. For that reason, that Department has accepted requests for employment from spouses and children of G-4 aliens and approved or disapproved them on an informal basis. However, for some time both the Immigration and Naturalization Service and Department of State have felt that the informal method of handling these requests should be replaced by a formal procedure published in the regulations. This will have the advantage of setting forth eligibility requirements, liberalizing the existing opportunities for employment for G-4 spouses and dependent children, and will ensure that the stated criteria are uniformly applied.

There are approximately 5,500 spouses, sons and daughters of G-4 aliens in the United States who would be potentially affected by this proposed regulation. About 550 of them are presently employed under permission granted under the present procedure. It is estimated that the total number of G-4 dependents employed might eventually rise to a peak of 850 or 900 after the regulation has been in effect for several years.

The effect of this proposal on the U.S. labor market has been examined and it has been determined that any adverse effects would be minimal or nonexistent for several reasons. The persons who would be eligible to apply to accept or continue employment under this proposal are primarily in the Washington, D.C., and New York, N.Y., areas. They will seek employment primarily in the professional or white-collar sector of the economy. With certain exceptions for dependents who are full-time students, the regulation will prohibit the granting of permission to accept employment in occupations listed in schedule B of the Department of Labor (20 CFR part 656) which are unskilled or semi-skilled jobs, or jobs for which the Department of Labor has found no shortage of U.S. workers in the area of employment. In addition, the Labor Department will monitor the procedure and add additional jobs to the listing of those for which permission to work cannot be granted, should that become necessary.

B. OUTLINE OF PROPOSED RULE

New subparagraph (2) will provide that the G-4 spouse, unmarried dependent son, or unmarried dependent daughter of an alien who is an employee or officer of an international organization admitted to the United States as a nonimmigrant under section 101(a)(15)(G)(iv) of the Act, may apply for permission to accept or contine employment on form I-566. The application is to be submitted first to the Director of the Visa Office of the Department of State. The application may be approved if the Visa Office and the Service are satisfied that the applicant and principal alien are maintaining their G-4 status, that the employment (except for unmarried dependent children who are full-time students) is not in an occupation on schedule B of the Labor Department or in an occupation in which there is an oversupply of U.S. workers in the employment area, and that the employment is not contrary to the interests of the United States. Permission to accept or continue employment granted under this section will be for incremental periods of 2 years each; there shall be no appeal from a denial of an application under this section; and the Service shall inform the Internal Revenue Service and Department of Labor whenever an I-566 application is approved.

C. PROPOSED REGULATIONS

In the light of the foregoing, it is proposed to amend 8 CFR 214.2(g) by designating the existing paragraph as subparagraph (1) General, and by adding a new subparagraph (2) Employment. As amended, 8 CFR 214.2(g) reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(g) *Representatives to international organizations*—(1) *General* * * *

(2) *Employment.* The spouse, unmarried dependent son, or unmarried dependent daughter habitually residing with an officer or employee of an international organization, classified as a G-4 nonimmigrant under section 101(a)(15)(G)(iv) of the Immigration and Nationality Act may be granted permission to accept or continue employment in the United States if an application to do so has first been favorably recommended by the Director of the Visa Office of the Department of State and approved by the District Director of the Service having jurisdiction over the applicant's place of employment. To apply, the spouse or unmarried dependent son or unmarried dependent daughter shall first submit form I-566 to the Visa Office of the Department of State. The form shall be accompanied by a certification by the international organization that the applicant is the spouse or unmarried dependent son or unmarried dependent daughter of an officer or employee of that organization. The applicant shall also submit with the application a sworn statement from the prospective employer describing the position and salary offered, the duties of the position, and verification that the applicant possesses the necessary qualifications for the position. The application may be approved if both the Director of the Visa Office and the District Director of this Service having jurisdiction over the applicant's place of employment are satisfied that: (i) Both the principal alien and the applicant desiring employment are maintaining G-4 status; (ii) the proposed employment is not in an occupation listed in the Department of Labor Schedule B (20 CFR part 656) or otherwise determined by the Department of Labor to be one for which there is an oversupply of qualified U.S. workers in the area of proposed employment, except in the case of the employment of an unmarried dependent son or unmarried dependent daughter in G-4 status who is a full-time student, if the employment is part-time, consisting of not more than 20 hours per week and/or if it is temporary employment of not more than 12 weeks at a time during school holiday periods; and (iii) the proposed employment would not be contrary to the interests of the United States. Employment of G-4 aliens who have criminal records, or who have violated the immigration and nationality laws or regulations, or who worked illegally, or who cannot establish that they paid income taxes on income from previous U.S. employment may be considered contrary to the interests of the United States. Permission to accept employment may not be granted to G-4 spouses or unmarried dependents where the principal alien will be stationed in this country for a definite period of 6 months or less. Permission to accept or continue employment under this section shall be granted in increments of not more than 2 years each. There shall be no appeal from a denial of permission to accept or continue employment under this section. The service will inform the G-4 applicant by letter whether his application has been granted or denied, and if

denied, of the reasons therefor. When an application is approved, the Service shall inform the Internal Revenue Service and Department of Labor.

* * * * *

(Secs. 103 and 214 (8 U.S.C. 1103 and 1184).)

D. COMMENTS INVITED

In accordance with the provisions of section 553 of title 5 of the United States Code, interested persons are invited to submit relevant data, views, and arguments concerning this proposed rule to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street NW., Washington, D.C. 20536, on or before April 21, 1978. Comments should be submitted in writing, in duplicate. Oral representations may not be submitted in any manner.

Dated: March 14, 1978.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

Dated: March 15, 1978.

ROBERT T. HENNEMEYER,
Acting Assistant Secretary of State For Consular Affairs.

[FR Doc. 78-7393 Filed 3-20-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 771-0005]

CALIFORNIA MEDICAL ASSOCIATION

Provisional Consent Agreement

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a San Francisco, Calif. medical association to cease publishing, promulgating, or participating in the development and use of relative value studies that set forth comparative numerical values and have the effect of establishing prices for medical and surgical services. The order would further require association to withdraw previously disseminated relative value studies; and send copies of the complaint and order to association members and others, together with a request for the return of all relative value studies they have in their possession.

DATE: Comments must be received on or before May 18, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William A. Arbitman, Director, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, Calif. 94102, 415-556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

CALIFORNIA MEDICAL ASSOCIATION

[File No. 771-0005]

AGREEMENT CONTAINING CONCENT ORDER TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of certain acts and practices of the California Medical Association (hereinafter sometimes referred to as "CMA"), an unincorporated association, and it now appearing that CMA is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between the California Medical Association, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. CMA is an unincorporated association organized, existing and doing business under and by virtue of the laws of the State of California, with its principal offices located at 731 Market Street, San Francisco, Calif. 94103.

2. CMA admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. CMA waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by CMA that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to CMA, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time as provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to CMA's address as stated in this agreement shall constitute service. CMA waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. CMA has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, CMA will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalities in the amount provided by law for each violation of the order after it becomes final.

8. Nothing in this Agreement shall affect any complaint or order which the Commission may issue with respect to CMA if this Agreement is not accepted by the Commission.

ORDER

I

A. The term "relative value study" means any list or compilation of medical procedures and/or services which sets forth comparative numerical values for such procedures performed and/or services rendered by physicians and other health care providers, without regard to whether those values are expressed in monetary or non-monetary terms.

B. The term "CMA" means the California Medical Association.

C. The term "component" means a county or district medical society chartered by CMA.

D. The term "conversion factor" means any monetary value multiplier used or intended to be used to convert non-monetary values in a relative value study to monetary fees.

E. The term "third party" means any organization which is or may be required by contract or statute to pay or reimburse the whole or any part of any financial obligation for health care incurred by any recipient of such care.

F. The term "historical data" means complete and unprocessed responses obtained from surveying fees charged for procedures performed and/or services rendered by physicians or other health care providers, accurate tabulated summaries of such responses, or accurate statistical representations of such responses such as arithmetic means, medians or percentiles.

G. The term "effective date of this order" means the date of service of this order.

II

It is ordered, That CMA, its successors, or assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, shall:

A. Cease and desist from directly or indirectly initiating, originating, developing, publishing, or circulating the whole or any part of any proposed or existing relative value study;

B. Cease and desist from directly or indirectly suggesting or instructing that conversion factors may be computed and applied to the relative value units contained in any relative value study.

C. Cease and desist from directly or indirectly advising in favor of or against the use of, or contributing to, the whole or any part of any proposed or existing relative value study. It shall not be considered a violation of this paragraph, however, for CMA to furnish testimony, information, or advice to any government body, committee, or instrumentality, or to furnish to any third party such information as may be requested, relating to the use by such government entity or third party of the whole or part of any relative value study for purposes of establishing payment, compensation or reimbursement levels to be made to physicians or other health care providers by such government entity or third party; *Provided,* That any information furnished by CMA which may bear directly or indirectly on compensation levels for procedures performed and/or services rendered by physicians or other health care providers shall be limited to historical data, as defined herein, and shall be completely described as to methodology.

D. Permanently cancel, repeal, abrogate, and withdraw any and all relative value studies which it has heretofore developed, published, circulated, or disseminated; *Provided, however,* That nothing contained in this order shall prohibit CMA from initiating, originating, developing, publishing, circulating, adopting, contributing to, recommending, suggesting, or advising in favor of or against the use of any list or compilation of standardized terminology describing procedures performed and/or services rendered by physicians and other health care providers, so long as such list or compilation does not directly or indirectly set forth absolute or comparative numerical values for any such procedures or services.

E. Within thirty (30) days after the effective date of this order, distribute by first class mail a copy of the Commission's complaint and order in this matter, as well as a letter, in the form shown in Appendix "A" to this order, to each of its members, to each state medical association known to CMA to have received from it the 1974 edition of the California Relative Value Studies, and to each of its components, third-party payers and others listed in Appendix "B" to this order, notifying such members, associations, components, third-party payers and others to return to CMA all copies of CMA relative value studies in their possession. Except for printing and mailing costs, CMA is not obligated to incur any expense under this paragraph.

III

It is further ordered, That CMA notify the Commission at least thirty (30) days prior to any proposed change in its organization which might affect compliance obligations under this order, such as, but not limited to, dissolution, the emergence of a successor association or corporation, and the creation and/or dissolution of subsidiaries.

IV

It is further ordered, That CMA shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

V

Nothing in this order shall be construed to exempt CMA from complying with the antitrust laws or the Federal Trade Commission Act. The fact that any activity is not prohibited by this order shall not bar a challenge to it under such laws.

APPENDIX A

(CMA LETTERHEAD)

To: Recipients of CMA Relative Value Studies—

As you may be aware, the FTC has been investigating various components of health care, including relative value study activities of CMA. The Association no longer desires to continue such activities and has discontinued them. It has entered into an agreement with the Federal Trade Commission to formalize the discontinuance of its relative value studies.

This agreement resulted in the issuance by the Federal Trade Commission on _____ of a complaint and the entry of a consent order which requires, in essence, that CMA:

(a) Stop publishing and participating in the development of relative value studies;

(b) Withdraw the relative value studies it has already published;

(c) Stop suggesting and instructing that conversion factors may be computed and applied to units contained in relative value studies;

(d) Distribute a copy of the complaint and consent order to CMA relative value study recipients; and

(e) Notify recipients of CMA's relative value studies to return them to CMA.

The complaint alleges basically that CMA's relative value studies have the effect of influencing fees charged by physicians. The consent agreement with the FTC states that it is for settlement purposes only and does not constitute an admission by the CMA of the charges in the complaint or that the law has been violated.

In accordance with the provisions of the FTC's order, you are to cease using and to return all copies of any CMA relative value study in your possession.

The proper mailing address: California Medical Association, 731 Market Street, San Francisco, Calif. 94103.

Copies of the FTC's complaint and order are enclosed.

Sincerely,

_____

President.

Enclosures.

APPENDIX "B"

Commissioner, Medical Services Administration, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201.

Commissioner of Social Security, Department of Health, Education, and Welfare, 6401 Security Boulevard, Baltimore, Md., 21235.

National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

Health Application Systems, 1633 Bayshore Highway, Burlingame, Calif. 94010.
Blue Cross and Blue Shield of Alabama, 930 South 20th Street, Birmingham, Ala. 35298.
Blue Cross of Arizona, Inc., 321 West Indian School Road, Box 13466, Phoenix, Ariz. 85002.
Arizona Blue Shield Medical Service, 321 West Indian School Road, Box 13466, Phoenix, Ariz. 85002.
Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Box 2181, Little Rock, Ark. 72203.
Deputy Assistant Secretary for Health Resources and Programs, Department of Defense, Washington, D.C. 20301.
Directorate, OCHAMPUS, Department of Defense, Washington, D.C. 20301.
OCHAMPUS, Department of Defense, Denver, Colo. 80240.
Blue Cross of Southern Califirnia, Box 27747, 4777 Sunset Boulevard, Los Angeles, Calif. 90027.
Blue Cross of Northern California, 1950 Franklin Street, Oakland, Calif. 94659.
Blue Shield of California, 2 North Point San Francisco, Calif. 94113.
Colorado Hospital Service—BC, 244 University Boulevard, Denver, Colo. 80206.
Colorado Medical Service, Inc.—BS, 244 University Boulevard, Denver, Colo. 80206.
Connecticut Medical Service, Inc., 221 Whitney Avenue, New Haven, Conn. 06509.
Blue Cross and Blue Shield of Delaware, Inc., 201 W. 14th Street, Box 1991, Wilmington, Del. 19899.
Group Hospitalization, Inc.—BC, 550 12th Street SW., Washington, D.C. 20024.
Medical Service of the District of Columbia—BS, 550 12th Street, SW., Washington, D.C. 20024.
Blue Cross of Florida, Inc., 532 Riverside Avenue, Box 1798, Jacksonville, Fla. 32201.
Blue Shield of Florida, Inc., 532 Riverside Avenue, Box 1798, Jacksonville, Fla. 32201.
Blue Cross of Georgia/Atlanta, Inc., 1010 West Peachtree St. NW., Box 4445, Atlanta, Ga. 30302.
Blue Cross of Georgia/Columbus, Inc., 2357 Warm Springs Road, Box 1520, Columbus, Ga. 31902.
Blue Shield of Georgia/Atlanta, Inc., 1010 West Peachtree St. NW., Box 4445, Atlanta, Ga. 30302.
Blue Shield of Georgia/Columbus, Inc., 2357 Warm Springs Road, Box 1520, Columbus, Ga. 31902.
Connecticut Blue Cross, Inc., Box 504, 370 Bassett Road, North Haven, Conn. 06473.
Hawaii Medical Service Association—BS, 1504 Kapiolani Boulevard, Box 860, Honolulu, Hawaii 96808.
Blue Cross of Idaho, Inc., 1501 Federal Way, Box 7408, Boise, Idaho 83707.
North Idaho District Medical Service Bureau, Inc.,—BS, 1602 21st Avenue, Box 1106, Lewiston, Idaho 83501.
Illinois Hospital and Health—BC Service, Inc., 227 N. Wyman Street, Rockford, Ill. 61101.
Hospital Service Corporation—BC, 233 North Michigan Avenue, Box 1364, Chicago, Ill. 60601.
Illinois Medical Service—BS, 233 North Michigan Avenue, Chicago, Ill. 60601.
Blue Cross of Indiana, 120 W. Market Street, Indianapolis, Ind. 46204.
Mutual Medical Insurance Inc., B, 120 W. Market Street, Indianapolis, Ind. 46204.
Blue Cross of Iowa, Liberty Building, Sixth Street and Grand Avenue, Des Moines, Iowa 50307.
Blue Shield of Iowa, Liberty Building, Des Moines, Iowa 50307.
Kansas Hospital Service Association, Inc., 1133 Topeka Avenue, Box 239, Topeka, Kans. 66601.
Kansas Blue Shield, 1133 Topeka Avenue, Box 239, Topeka, Kans. 66601.
Blue Cross Hospital Plan Inc., 3101 Bardstown Road, Louisville, Ky. 40205.
Kentucky Physicians' Mutual, Inc., 3101 Bardstown Road Louisville, Ky. 40205.
Blue Cross of Louisiana, 10225 Florida Boulevard, Box 15699, Baton Rouge, La. 70815.
Hospital Service Association of New Orleans—BC, 2026 St. Charles Avenue, New Orleans, La. 70130.
Maine Blue Cross and Blue Shield, 110 Free Street, Portland, Maine 04101.
Blue Cross of Maryland, 700 E. Joppa Road, Box 9836, Towson, Md. 21204.
Blue Shield of Maryland, Inc., 700 E. Joppa Road, Towson, Md. 21204.
Blue Cross of Massachusetts, 133 Federal Street, Boston, Mass. 02106.
Blue Cross of Michigan, 600 Lafayette East, Detroit, Mich. 48226.
Blue Shield of Michigan, 600 Lafayette East, Detroit, Mich. 48226.
Blue Cross and Blue Shield of Minhesota, 3535 Blue Cross Road, Box 3560, St. Paul, Minn. 55165.
Blue Cross and Blue Shield of Minnesota, 2344 Nicollet Avenue, Minneapolis, Minn. 55404.
Blue Cross and Blue Shield of Mississippi, Inc., 530 E. Woodrow Wilson Drive, Box 1043, Jackson, Miss. 39205.
Blue Cross of Kansas City, 3637 Broadway, Box 169, Kansas City, Mo. 64141.
Blue Cross Hospital Service, Inc of Missouri, 1430 Olive Street, St. Louis, Mo. 63103.
Blue Shield of Kansas City, 3637 Broadway, Box 169, Kansas City, Mo. 64141.
St. Louis Blue Shield, 5775 Campus Parkway, Hazelwood, Mo. 63042.
Blue Cross of Montana, 3360 10th Avenue South, Great Falls, Mont. 59405.
Montana Physicians' Service—BS, 404 Fuller Avenue, Box 1677, Helena, Mont. 59601.
Blue Cross and Blue Shield of South Carolina, I-20 East at Alpine Road, Columbia, S.C. 29219.
Blue Cross of Western Iowa and South Dakota, Third & Pierce Streets, Box 1677, Sioux City, Iowa 51102.
South Dakota Medical Service, Inc., 711 North Lake Avenue, Sioux Falls, S. Dak. 57104.
Blue Cross-Blue Shield of Tennessee, 801 Pine Street, Chattanooga, Tenn. 37402.
Kitsap Physicians' Service, 820 Pacific Avenue, Box 339, Bremerton, Wash. 98310.
Blue Cross Hospital Service, Inc., Commerce Square, Box 1343, Charleston, W. Va. 25325.
West Virginia Hospital Service, Inc., 20th & Chapline Streets, Wheeling, W. Va. 26003.
Blue Shield of Southern West Virginia, Inc., Commerce Square, Box 1353, Charleston, W. Va. 25325.
Blue Cross of Virginia, 2015 Staples Mill Road, Box 27401, Richmond, Va. 23279.
Blue Cross of Southwestern Virginia, 1212 Third Street SW., Box 2770, Roanoke, Va. 24001.
Blue Shield of Virginia, 2015 Staples Mill Road, Box 27401, Richmond, Va. 23279.
Blue Shield of Southwestern Virginia, 1212 Third Street SW., Box 2770, Roanoke, Va. 24001.
Associated Hospitals, Inc., 401 Federal Street, Box 131, Bluefield, W.Va. 24701.
Parkersburg Hospital Service, Inc., 203 Union Trust Building, Box 1948, Parkersburg, W. Va. 26101.
Surgical Service, Inc., Commercial Bank Building, Box 131, Bluefield, W. Va. 24701.
Medical-Surgical Service, Inc., Union National Bank Building, Clarksburg, W. Va. 26301.
Morgantown Medical-Surgical Service, Inc., 265 High St., Morgantown, W. Va. 26505
West Virginia Medical Service, Inc., 20th and Chapline Sts. Box 6246, Wheeling, W. Va. 26003.
Associated Hospital Service, Inc., 4115 North Teutonia Ave., Box 2025, Milwaukee, Wis. 53201.
Wisconsin Physicians' Service, 330 East Lakeside St., Box 1109, Madison, Wis. 53701.
Surgical Care, The Blue Shield Plan of the Medical Society of Milwaukee County, 756 North Milwaukee St., Milwaukee, Wis. 53202.
Blue Cross of Wyoming, 4020 House Ave., Box 2266, Cheyenne, Wyo. 82001.
Genesee Valley Medical Care, Inc., 41 Chestnut St., Rochester, N. Y. 14647.
Memphis Hospital Service and Surgical Association, Inc., 85 North Danny Thomas Blvd., Box 98, Memphis, Tenn. 38101.
Group Hospital Service, Inc., Main at North Central Expressway, Dallas, Tex. 75201.
Group Life and Health Insurance, Co., Main at North Central Expressway, Dallas, Tex. 75021.
Blue Cross of Utah, 2455 Parley's Way, Box 270, Salt Lake City, Utah 84110.
Blue Shield of Utah, 2455 Parley's Way, Box 270, Salt Lake City, Utah 84110.
Blue Shield of Wyoming, 4020 House Ave., Box 2266, Cheyenne, Wyo. 82001.
Medical Mutual of Cleveland, Inc., 2060 East Ninth St. Cleveland, Ohio 41115.
Blue Shield of Central New York, Inc., 344 South Warren St., Syracuse, N.Y. 13202.
Medical and Surgical Care, Inc., 5 Hopper St., Utica, N.Y. 13501.
Blue Cross and Blue Shield of North Carolina, P.O. Box 2291, 1830 Chapel Hill-Durham Blvd., Durham, N.C. 27702.
Blue Cross of North Dakota, 301 South Eighth St., Fargo, N. Dak., 58102.
Blue Shield of North Dakota, 301 South Eighth St., Fargo, N. Dak., 58102.
Blue Cross Hospital Plan, Inc., 201 Ninth St. NW., Canton, Ohio 44702.
Blue Cross of Southwest Ohio, 1351 William Howard Taft Rd., Cincinnati, Ohio 45206.
Blue Cross of Northeast Ohio, 2066 East Ninth St., Cleveland, Ohio 44115.
Blue Cross of Central Ohio, 174 East Long St., Columbus, Ohio 43215.
Ohio Medical Indemnity, Inc., 6740 North High St., Worthington, Ohio 43085.
Blue Cross and Blue Shield of Oklahoma, 1215 South Boulder Ave., Box 3283, Tulsa, Okla. 74102.
Blue Cross of Oregon, 100 SW. Market St., Box 1271, Portland, Oreg. 97207.
Oregon Physicians' Service, 619 SW. 11th Ave., Box 1071, Portland, Oreg. 97207.
Blue Cross of Lehigh Valley, 1221 Hamilton St., Allentown, Pa. 18102.
Capital Blue Cross, 100 Pine St., Harrisburg, Pa. 17101.
Blue Cross of Greater Philadelphia, 1333 Chestnut St., Philadelphia, Pa. 19107.
Blue Cross of Western Pennsylvania, 1 Smithfield St., Pittsburgh, Pa. 15222.

Blue Cross of Northeastern Pennsylvania, 15 South Franklin St., Wilkes-Barre, Pa. 18701.
Blue Cross of Lima, Ohio, 7 Public Sq., Box 1046, Lima, Ohio 45802.
Blue Cross of Northwest Ohio, Inc., 3737 Sylvania Ave., Box 943, Toledo, Ohio 43656.
Blue Cross of Nebraska, Box 3248, Main P.O. Station, Omaha, Nebr. 68103.
Blue Shield of Nebraska, Box 3248, Main P.O. Station, Omaha, Nebr. 68103.
Nevada Blue Shield, 3660 Baker Lane, Reno, Nev. 89502.
New Hampshire-Vermont Hospitalization Service—Blue Cross, 2 Pillsbury St., Concord, N.H. 03301.
New Hampshire-Vermont Physicians' Service, 2 Pillsbury St., Concord, N.H. 03301.
Hospital Service Plan of New Jersey—Blue Cross, 33 Washington St., Box 420, Newark, N.J. 07101.
Medical-Surgical Plan of New Jersey—Blue Shield, 33 Washington St., Newark, N.J. 07102.
Pennsylvania Blue Shield, Blue Shield Bldg., Camp Hill, Pa. 17011.
Blue Cross and Blue Shield of Rhode Island, Box 1298, 444 Westminster Mall, Providence, R.I. 02901.
Chautauqua Region Hospital Service Corp., 306 Spring St., Box 1119, Jamestown, N.Y. 14701.
Associated Hospital Service of New York, 622 Third Ave., New York, N.Y. 10017.
Rochester Hospital Service Corp., 41 Chestnut St., Rochester, N.Y. 14647.
Blue Cross of Central New York, Inc., 344 South Warren St., Box 271, Syracuse, N.Y. 13201.
Hospital Plan, Inc., 5 Hopper St., Utica, N.Y. 13501.
Hospital Service Corp. of Jefferson County, 158 Stone St., Watertown, N.Y. 13601.
Blue Shield of Northeastern New York, Inc., Box 8650, Albany, N.Y. 12208.
New Mexico Blue Cross and Blue Shield, Inc., 12800 Indian School Rd. NE., Albuquerque, N. Mex. 87112.
Blue Cross of Northeastern New York, Inc., 1251 New Scotland Rd., Box 8650, Albany, N.Y. 12208.
Blue Cross of Western New York, Inc., 298 Main St., Buffalo, N.Y. 14202.
Blue Cross of Washington-Alaska, Inc., 15700 Dayton Ave. North, Seattle, Wash. 98133.
The Indiana State Medical Association, 3935 North Meridian St., Indianapolis, Ind. 46208.
Continental Service Life & Health Insurance Co., Box 3397, 5353 Florida Blvd., Baton Rouge, La. 70821.
Blue Cross & Blue Shield of Greater New York, 622 Third Ave., New York, N.Y. 10016.
Missouri Medical Service, 5775 Campus Parkway, Hazelwood, Mo. 63042.
Washinton Physicians' Service, 220 West Harrison St., Seattle, Wash. 98119.
Blue Shield of Western New York, Inc., 298 Main St., Buffalo, N.Y. 14202.
Chautauqua Region Medical Service, Inc., 306 Spring St., Jamestown, N.Y. 14701.
United Medical Service, Inc., 2 Park Ave., New York, N.Y. 10016.
California Physicians' Service, P.O. Box 7608, San Francisco, Calif. 94120.
Colorado Medical Service, Inc., 244 University Blvd., Denver, Colo. 80206.
Connecticut General Life Insurance Co., Hartford, Conn. 06115.
Medical Association of Georgia, 938 Peachtree St. NE., Atlanta, Ga. 30309.
Mississippi State Medical Association, 735 Riverside Dr., Jackson, Miss. 39216.
Medical-Surgical Care, Inc., 203 Union Trust Bldg., Box 1948, Parkersburg, W. Va. 26101.
New York Life Insurance Co., 51 Madison Ave., New York, N.Y. 10010.
Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.
Continental Assurance Co., CNA Plaza, Chicago, Ill. 60605.
Bankers Life Co., 711 High St., Des Moines, Iowa 50307.
Nationwide Life Insurance Co., 246 North High St., Columbus, Ohio 43216.
Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
Reliance Insurance Group, 4 Penn Center Plaza, Philadelphia, Pa. 19103.
Occidental Life Insurance Co. of California, Box 2101 Terminal Annex, Los Angeles, Calif. 90054.
Blue Shield of Massachusetts, Inc., 133 Federal St., Boston, Mass. 02106.
Nevada State Medical Association, 3660 Baker Lane, Reno, Nev. 89502.
Metropolitan Life Insurance Co., 1 Madison Ave., New York, N.Y. 10010.
The Travelers Insurance Co., 1 Tower Sq., Hartford, Conn. 06115.
Aetna Life Insurance Co., 151 Farmington Ave., Hartford, Conn. 06115.
Employers Life Insurance Co. of Wausau, 2000 Westwood Dr., Wausau, Wis. 54401.
Colonial Penn Life Insurance Co., 5 Penn Center Plaza, Philadelphia, Pa. 19103.
Firemen's Fund Insurance Co., 3333 California St., San Francisco, Calif. 94118.
Zurich Life Insurance Co., 111 West Jackson Blvd., Chicago, Ill. 60604.
Mutual of Omaha Insurance Co., Dodge at 33d St., Omaha, Nebr. 68131.
Blue Cross of Eastern Ohio, 2400 Market St., Youngstown, Ohio 44507.
Alameda-Contra Costa Medical Association, 6230 Claremont Avenue, Oakland, Calif. 94618.
Butte-Glenn Foundation for Medical Care, 815 East Fifth Avenue, Chico, Calif. 95926.
Fresno-Madera Medical Society, P.O. Box 31, Fresno, Calif. 93707.
Humboldt-Del Norte County Medical Society, P.O. Box 1395, 3100 Edgewater Drive, Eureka, Calif. 95501.
Imperial County Medical Society, 200 South Imperial Avenue, Imperial, Calif. 92251.
Kern County Medical Society, 1314 17th Street, Bakersfield, Calif. 93301.
Kings County Medical Society, P.O. Box 1003, Hanford, Calif. 93230.
Los Angeles County, Medical Association, P.O. Box 3465, Terminal Annex, Los Angeles, Calif. 90054.
Marin Foundation for Medical care, Inc., P.O. Box 4344, San Rafael, Calif. 94903.
Butte-Glenn Medical Society, 811 East Fifth Avenue, Chico, Calif. 95926.
Forty First Medical Society, 3250 Wilshire Boulevard, Suite 606, Los Angeles, Calif. 90010.
Foundation for Medical Care of Fresno County, P.O. Box 31, Fresno, Calif. 93707.
Humboldt-Del Norte Foundation for Medical Care, P.O. Box 1395, Eureka, Calif. 95501.
Inyo-Mono County Medical Society, c/o Owen R. Walker, MD, President, 293 Willow Street, Bishop, Calif. 93514.
Foundation for Medical Care of Kern County, 2603 G Street, Bakersfield, Calif. 93301.
Lassen-Plumas-Modoc-Sierra County Medical Society, c/o Herman H. Gray, MD, President, P.O. Box 519, Chester, Calif. 96020.
Marin Medical Society, P.O. Box 4344, 4460 Redwood Highway, San Rafael, Calif. 94903.
Mendocino-Lake County Medical Society, P.O. Box 722, 215 West Standley Drive, Ukiah, Calif. 95482.
Merced-Mariposa Medical Society, 2835 North G Street, Merced, Calif. 95340.
Monterey County Medical Society, P.O. Box 308, 19045 Portola Drive, Salinas, Calif. 93901.
Napa County Medical Society, 1041 Lincoln Avenue, P.O. Box 2158, Napa, Calif. 94558.
Foundation for Medical Care of Orange County, 300 South Flower Street, Orange, Calif. 92668.
Riverside County Medical Association, 6833 Indian Avenue, Riverside, Calif. 92506.
Sacremento County Medical Society, 5380 Elvas Avenue, Sacramento, Calif. 95819.
San Benito County Medical Society, c/o Fisk Brooks, MD, President, 565 Monterey Street, Hollister, Calif. 95023.
San Bernardino Foundation for Medical Care, P.O. Box 6186, San Bernardino, Calif. 92412.
San Diego Foundation for Medical Care, 3702 Ruffin Road, San Diego, Calif. 92123.
San Francisco Medical Society, Health Plan, Inc., 250 Masonic Avenue, San Francisco, Calif. 94118.
Foundation for Medical Care of Merced County, 2835 G Street, Bear Creek Plaza, Merced, Calif. 95340.
Monterey Bay Area Foundation for Medical Care, P.O. Box 308, Salinas, Calif. 93901.
Orange County Medical Association, 300 South Flower Street, Orange, Calif. 92668.
Placer-nevada County Medical Society, 1212 High Street, Auburn, Calif. 95603.
Foundation for Medical Care of Riverside County, 6833 Indiana Avenue, Riverside, Calif. 92506.
Medical Care Foundation, 650 Universidy Avenue, Sacramento, Calif. 95825.
San Bernardino County Medical Society, P.O. Box 5216, San Bernardino, Calif. 92412.
San Diego County Medical Society, P.O. Box 23015, 3702 Ruffin Road, San Diego, Calif. 92123.
San Francisco Medical Society, 250 Masonic Avenue, San Francisco, Calif. 94118.
San Joaquin County Medical Society, P.O. Box 230, 445 West Acacia Street, Stockton, Calif. 95201.
San Joaquin Foundation for Medical Care, P.O. Box 230, Stockton, Calif. 95203.
Medical Care Foundation of Santa Barbara County, Nine East Pedrogosa, Santa Barbara, Calif. 93101.
The Health Care Foundation of San Mateo County, Inc., 3080 La Selva, San Mateo, Calif. 94403.
Medical Care Foundation of Santa Barbara County, Nine East Pedrogosa, Santa Barbara, Calif. 93101.
Foundation for Medical Care of Santa Clara County, P.O. Box 50003, San Jose, Calif. 95150.
Monterey Bay Area Foundation for Medical Care, P.O. Box 308, Salinas, Calif. 93901.
Siskiyou County Medical Society, c/o Donald Meamber, MD, President, 750 South Main, Yreka, Calif. 96097.
Sonoma County Medical Association, 3452 Mendocino Avenue, Santa Rosa, Calif. 95401.
Stanislaus Medical Society, P.O. Box 1755, Modesto, Calif. 95354.
Tehema County Medical Society, 343 Oak Street, Red Bluff, Calif. 96080.

San Louis Obispo County Medical Society, P.O. Box 319, San Luis Obispo. Calif. 93406.
San Mateo County Medical Society, 3080 La Selva, San Mateo, Calif. 94403.
Medical Society of Santa Barbara County, Nine East Pedrogosa, Santa Barbara, Calif. 93101.
Santa Clara County Medical Society, 700 Empey Way, San Jose, Calif. 95128.
Santa Cruz County Medical Society, P.O. Box 308, Salinas, Calif. 93901.
Shatsa-Trinity County Medical Society, P.O. Box 959, Redding, Calif. 96001.
Solano County Medical Society, 773 Tuolumne Street, Vallejo, Calif. 94590.
Foundation for Medical Care of Sonoma County, 3452 Mendocino Avenue, Santa Rosa, Calif. 95401.
Stanislaus Foundation for Medical Care, P.O. Box 1755, Modesto, Calif. 95354.
Tulare County Medical Society, P.O. Box 16, 1821 West Meadow Lane, Visalia, Calif. 93277.
Foundation for Medical Care of Tulare County, 1821 West Meadow Lane, Suite A, Visalia, Calif. 93277.
Ventura County foundation for Medical Care, 3212 Loma Vista Road, Ventura, Calif. 93993.
Medical Care Foundation, 650 University Avenue, Sacramento, California. 95825
Los Angeles County Medical Association, District 1—Metropolitan, 1925 Wilshire Boulevard, Los Angeles, Calif. 90057.
Los Angeles County Medical Association, District 3—Long Beach, 115 East Eighth Street, Long Beach, Calif. 90813.
Los Angeles County Medical Association, District 4—Glendale, 545 West Glenoaks Boulevard, Glendale, Calif. 91202.
Los Angeles County Medical Association, District 6—West San Fernando Valley, 15910 Ventura Boulevard, Suite 1403, Encino, Calif. 91436.
Los Angeles County Medical Association, District 7—Beverly Hills, 184 North Canon Drive, Beverly Hills, Calif. 90213.
Ventura County Medical Society, 2977 Loma Vista Road, Ventura, Calif. 93003.
Yolo County Medical Society, P.O. Box 1312, 117 West Main Street, Suite 20, Woodland, Calif. 95695.
Yuba-Sutter-Colusa County Medical Society, P.O. Box L, Marysville, Calif. 95901.
Los Angeles County Medical Association, District 2—Pasadena, 127 North Madison Avenue, Suite 110, Pasadena, Calif. 91101.
Long Beach Foundation for Medical Care, P.O. Box 887, Long Beach Calif. 90813.
Los Angeles County Medical Association, District 5—Bay, 2901 Wilshire Boulevard, Suite 101, Santa Monica, Calif. 90403.
San Fernando Valley Foundation for Medical Care, 15910 Ventura Boulevard, Encino, Calif. 91436.
Los Angeles County Medical Association, District 8—South, 438 South Gaffey, San Pedro, Calif. 90731.
Los Angeles County Medical Association, District 9—Southwest, 3655 Lomita Boulevard, Suite 319, Torrance, Calif. 90505.
Los Angeles County Medical Association, District 11—East, 13766 East Philadelphia Street, Whittier, Calif. 90601.
Los Angeles County Medical Association, District 13—Foothill, 735 West Duarte Road, Suite 405, Arcadia, Calif. 91006. Los Angeles County Medical Association, District 15—Centinela Valley, P.O. Box 2368, Inglewood, Calif. 90305.
Los Angeles County Medical Association District 17—East San Fernando Valley, 14724 Ventura Boulevard, Suite 604, Sherman Oaks, Calif. 91403.
Los Angeles County Medical Association, District 10—Southeast, 14724 Ventura Boulevard, Suite 604, Sherman Oaks, Calif. 91403. Los Angeles County Medical Association, District 12—San Gabriel Valley, P.O. Box 848, San Gabriel, Calif. 91778.
Los Angeles County Medical Association, District 14—Pomona, 1798 North Garey Avenue, Pomona, Calif. 91767.
Los Angeles County Medical Association, District 16—Antelope Valley, P.O. Box 2469, Lancaster, Calif. 93534.

ANALYSIS TO FACILITATE PUBLIC COMMENT ON PROPOSED CONSENT ORDER

The Federal Trade Commission has accepted an agreement containing a proposed consent order from the California Medical Association ("CMA"). The agreement culminates an investigation conducted pursuant to File No. CF6 0076.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become a part of this record. At the conclusion of the public record period, the Commission will review the agreement and all comments and determine whether to withdraw the agreement or make the order final.

The California Medical Association is an unincorporated association with about 25,000 members. Membership in CMA is open to doctors of medicine licensed to practice in California and to certain other persons and limited classes established by CMA.

The investigation of CMA has been one of several investigations into various components of health care. Of particular concern in this case is the promulgation and publication of relative value studies by physician groups. A relative value study sets forth comparative numerical values for surgical and medical procedures and services. These values are usually stated in nonmonetary units, but each value is convertible into a monetary fee by the application to the basic unit of a dollar conversion factor. Adherence to a relative value study freezes the relationship among fees for different procedures. For instance, even where physicians individually set conversion factors, if they follow a relative value study that assigns Procedure "A" three times the number of units as Procedure "B," Procedure "A" will always be three times as costly as Procedure "B." In addition, publication of a relative value study makes it convenient for physicians to fix prices across the board merely by agreeing on a uniform conversion factor.

According to a complaint proposed by the Commission's staff, CMA, since 1956, has allegedly prepared, published, and circulated to its members and others "relative value studies," which set forth comparative numerical values for various medical procedures or services performed by physicians and other health care practitioners. These values could be converted into a fee schedule by the application of a monetary conversion factor. The proposed complaint further alleges that CMA has provided detailed instructions for computing conversion factors to be used in determining physician's fees, and that CMA's relative value studies have been widely disseminated and used both within and outside the State of California. The complaint alleges that these activities have established, maintained, or otherwise influenced fees charged health care consumers in violation of the FTC Act.

The proposed order would require the respondents to:

(a) Cease publishing or participating in the development of relative value studies;[1]

(b) Cease suggestions or instructions for the use of conversion factors; and

(c) Withdraw the relative value studies already published.

In addition, CMA would be required to distribute a copy of the complaint and order to each of its members, components, and other recipients notifying them to return such relative value studies to it.

The order would also require CMA, within sixty (60) days of the effective date of the order, to file with the Commission written reports showing in detail the manner and form of its compliance. Moreover, CMA would be required to notify the Commission at least thirty (30) days prior to any proposed change in its organization which might affect its obligations under the order. Finally, the order contains a provision affirming that activities not specifically encompassed by the order would nonetheless be subject to challenge under the antitrust laws or the Federal Trade Commission Act.

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[1]Under the "Noerr-Pennington" doctrine (see, e.g., "Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.," 365 U.S. 127 (1961), however, CMA may testify before, provide information to, and advise Congressional committees and other government bodies. It may only furnish information to non-governmental organizations which request it. In any event, any information relating to fee levels must be limited to historical data, and fully described as to methodology. The order does not prohibit the publication of lists of standardized terminology describing medical services or procedures, so long as the lists do not directly or indirectly set forth absolute or relative values for such services or procedures. Peer review functions are not affected by this order as long as relative value studies are not employed or recommended and they are otherwise in compliance with the antitrust laws.

This analysis is intended to encourage public comment; it does not constitute an official interpretation of the agreement and proposed order or a modification of their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-7357 Filed 3-20-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social Security Administration

[20 CFR Parts 404 and 416]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; AND SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Evaluation of Disability

AGENCY: Social Security Administration, HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Social Security Administration is planning to publish proposed regulations which will revise the medical evaluation criteria currently used in the supplemental security income and social security disability programs. These criteria describe, for particular medical conditions, the level of impairment severity deemed sufficient to prevent an individual from engaging in any gainful activity. The criteria provide a means of efficiently indentifying disability applicants who have impairments which are severe enough to support a finding of disability based solely on medical considerations where the duration requirement is met. Where a finding of disability is made based on these medical criteria, it is not necessary to consider the vocational factors of age, education, and work experience.

This revision recognizes medical advances and case experience occuring since the last revision in 1968. The revision does not alter the basic definition of disability or the level of severity it requires. the revisions are of a technical-medical nature and would not measurably alter the current disability allowances and denials.

FOR FURTHER INFORMATION CONTACT:

Ray E. Easley, Division of Disability Policy, OPR, Room T7427, Dickinson Tower, 1500 Woodlawn Drive, Baltimore, Md. 21214, telephone 594-4064.

Dated: March 8, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

[FR Doc. 78-7269 Filed 3-20-78; 8:45 am]

[1505-01]

Food and Drug Administration

[21 CFR Part 436]

[Docket No. 77N-0129]

Sterility Test; Isopropyl Myristate

Correction

In FR Doc. 78-4889 appearing on page 7653, in the issue of Friday, February 24, 1978, in the middle column, the 4th line should read, "the acidity are adsorbed, and the tox-[icity] * * *".

In the 3rd column, the signature should read as follows:

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[4110-03]

[21 CFR Part 448]

[Docket No. 78N-0028]

STERILE COLISTIMETHATE SODIUM

Revised Chemical Tests

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend a regulation on the antibiotic drug sterile colistimethate sodium by substituting certain new certification tests and by revising the pH and loss-on-drying tests. These changes will improve drug quality assurance and are based on experience in the certification testing program.

DATE: Written comments by May 22, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposes to amend the antibiotic drug regulations for sterile colistimethate sodium to: (1) Substitute new tests for free colistin, iodine reduction, and infrared identity for the existing tests for residue on ignition and color identity; and (2) revise the pH and loss-on-drying tests.

The new pH and moisture limits are consistent with actual values found for batches tested in the certification program.

The addition of the tests for free colistin and iodine reduction are important new steps in assuring the safety of this injectable antibiotic drug. Sterile colistimethate sodium is a less toxic sulfomethyl derivative of colistin. The solico-tunstic acid test for free colistin assures that the injectable form is free from traces of unreacted colistin, which is more toxic than colistimethate sodium.

The test for iodine reduction identifies the sulfomethyl-radicals present in colistimethate sodium. The iodine reduction test replaces the test for residue on ignition, which measured the sodium present in the sulfomethyl substituents. It is a substantial improvement because the test for residue on ignition is biased by the presence of other forms of sodium and is not a true measure of the important attribute of sulfomethylation.

The infrared identity test is a more specific test for identity than is the original color test.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 448 be amended in § 448.20a by revising paragraphs (a)(1)(v), (vi), (viii), and (3)(i) and (b) (6), (7), and (8) to read as follows:

§ 448.20a Sterile colistimethate sodium.

(a) * * *

(1) * * *

(v) Its loss on drying is not more than 6 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 8.5.

* * * * *

(viii) It passes the test for free colistin.

* * * * *

(3) * * *

(i) Results of tests and assays on the batch for potency, sterility, safety,

pyrogens, loss on drying, pH, identity, free colistin, and heavy metals.

* * * * *

(b) * * *

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using a 1-percent aqueous solution prepared in the following manner: Weigh accurately 0.5 gram of sample and transfer to a 125-milliliter Erlenmeyer flask. Add 50 milliliters of freshly boiled distilled water, stopper, and shake until the sample is in solution.

(7) *Identity.*—(i) *Infrared.* Proceed as directed in § 436.211 of this chapter, using a 1-percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(ii) *Iodine reduction.* Dissolve 40 milligrams of sample in 1.0 milliliter of 1.0*N* hydrochloric acid and add 0.5 milliliter of 0.2*N* iodine. The color is rapidly discharged.

(8) *Free colistin.* Dissolve 80 milligrams of sample in 3 milliliters of distilled water and add 0.05 milliliter of 10 percent w/v solution of silico-tungstic acid. It passes the test for free colistin if no immediate precipitate is produced.

* * * * *

Interested persons may, on or before May 22, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 14, 1978.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 78-7239 Filed 3-20-78; 8:45 am]

[4110-03]

[21 CFR Part 455]

[Docket No. 78N-0029]

CHLORAMPHENICOL OPHTHALMIC SOLUTION

Deletion of Chemical Assay

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This document proposes to delete the spectrophotometric potency assay as an alternative assay method for chloramphenicol ophthalmic solution because that method can produce errors. The amendment will improve quality control of the product.

DATE: Comments by May 22, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs proposes to amend the antibiotic drug regulations by deleting the spectrophotometric potency assay from the monogaph providing for chloramphenicol ophthalmic solution. Currently, chloramphenicol ophthalmic solution can be assayed by either the microbiological turbidimetric assay, which is the conclusive method, or the spectrophotometric assay.

When chloramphenicol ophthalmic solution deteriorates, it contains a certain degradation product, aminonitrophenylpropanediol (AMPD), which absorbs light at the same wavelength as chloramphenicol. The FDA laboratory has been informed, and has confirmed, that when the degraded product containing AMPD is assayed for potency spectrophotometrically, the AMPD is measured in addition to the remaining chloramphenicol, resulting in an erroneously high value for chloramphenicol. Thus, subpotent samples would meet the potency standards when tested by the chemical procedure.

The microbiological turbidimetric assay does not measure the degradation product and is therefore a more accurate measure of actual chloramphenicol.

The Commissioner finds that the regulations should reflect only the most accurate methods of assay and is therefore proposing that the optional spectrophotometric method be deleted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 455 be amended in § 455.310a by revising paragraph (b)(1), to read as follows:

§ 455.310a Chloramphenicol ophthalmic solution.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative aliquot of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0, (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

Interested persons may, on or before May 22, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 14, 1978.

MARY A. MCENIRY,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 78-7238 Filed 3-20-78; 8:45 am]

[1505-01]

[21 CFR Part 558]

[Docket No. 77N-0318]

NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Animal Feeds Containing Penicillin and Tetracycline

Correction

In FR Doc. 78-1482 appearing on page 3032 in the issue of Friday, January 20, 1978, on page 3035, the 1st column, 1st full paragraph, 3rd line from the bottom should read, "bacterial population, and continuous antibiotic * * *."

On page 3038 in the 1st column, the 2nd full paragraph, the 3rd line from the bottom should read, "a final order based upon this proposal * * *."

On page 3043 in the middle column, § *558.78 Bacitracin, zinc,* (c)(2), the 4th line should read, [para-] graph (e) (1) and (2) of this section are * * *."

[1505-01]

[21CFR Part 558]

[Docket No. 77N-0318]

ANIMAL FEEDS CONTAINING PENICILLIN AND TETRACYCLINE

Public Hearings

Correction

In FR Doc. 78-3275 appearing on page 5010 in the issue of Tuesday, February 7, 1978, on page 5011, the 1st column, the 4th paragraph, the 2nd sentence should read, "The presiding officer will be Robert Elder, Deputy Associate Commissioner for Science.".

[4110-03]

[21 CFR Parts 610 and 680]

[Docket No. 77N-0436]

BLOOD GROUP SUBSTANCES A, B AND AB

Proposed Additional Standards

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposal prescribes standards for the manufacture of Blood Group substances A, B, and AB to ensure their safety, purity, potency, and effectiveness, and it amends the regulation that prescribes the dating period for specific products to reflect the new name for the products. This action is taken as a result of the Food and Drug Administration's Bureau of Biologics review of many licensed products to revise and update older standards of production and testing for codification in the Code of Federal Regulations.

DATE: Comments by May 22, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Al Rothschild, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, Md. 20014, 301-443-1920.

SUPPLEMENTARY INFORMATION: Blood Group Substances A and B are preparations of swine (porcine) and horse (equine) gastric mucins, respectively, and are used as immunogens in the production of commercial diagnostic reagents. Swine gastric mucosa and mucin are rich sources of water-soluble glyco-proteins which possess group A activity, and preparations from swine are identified as Blood Group substance A. The gastric tissues and secretions of horses are rich in B substance but they also contain variable quantities of inseparable group A activity. If the antigenicity of group A substance is less than the potency requirements for group A substance, the material is identified as Blood Group Substance B. If the antigenicity of group A substance in horse preparations equals or exceeds the potency requirements for group A substance, the material is identified as Blood Group Substance AB. Injections of these animal gastric mucins can cause increases in antibody titers of up to 250 times the original value. For this reason, Blood Group Substances are widely used as immunizing antigens by suppliers of hyperimmune blood, plasma or serum. Blood obtained from individuals who have been immunized with Blood Group Substances is used in the manufacture of diagnostic reagents for ABO grouping procedures.

Section 351 of the Public Health Service Act requires that each manufacturer of Blood Group Substances be licensed before marketing its products in interstate commerce. Licenses for establishments manufacturing Blood Group Substances are issued only after the particular establishment has demonstrated that Blood Group Substances are safe, pure, potent, and effective. Currently, licensing for the production and distribution of Blood Group Substances is guided by standards published in 1948 (revised 1954) by the Department of Health, Education, and Welfare, identified as "Minimum Requirements: Blood Group Specific Substances A and B."

The Bureau of Bioligics has been reviewing many licensed products, including Blood Group Substances, to revise and update older standards of production and testing for codification as additional standards in the Code of Federal Regulations. The proposed additional standards for Blood Group Substances prepared for immunization include many of the provisions of the published uncodified standards; they also contain changes and additions that reflect more recent scientific experience and developments.

When first licensed in 1946, Blood Group Substances were added to the blood of group O donors (universal donor blood) to combine with the anti-A and anti-B alloantibodies of the donor plasma in order to neutralize their capacity to react with incompatible antigens on the red blood cells of a nongroup O recipient. Thus, the plasma from a group O donor, with its potentially hazardous alloantibody, was not removed from group O blood before transfusion into nongroup O individuals possessing A and/or B antigens on their red blood cells. As a result of technical advances permitting rather simple removal of plasma (containing antibodies) from whole blood and the potential dangers resulting from intravenous infusion of large amounts of purified Blood Group Substances from animals, the practice of adding Blood Group Substances to whole blood has been abandoned. Presently, Blood Group Substances are administered to humans only for deliberate immunization of plasma donors. Accordingly, the additional standards in proposed § 680.20 *Blood Group Substances* prescribe use of Blood Group Substances for immunization and not for neutralization of anti-A and anti-B alloantibodies. The other major differences between the proposed additional standards and existing minimum requirements are:

(1) In proposed § 680.20 *Blood Group Substances,* the proper name has been changed from "Blood Group Specific Substance" to "Blood Group Substance" in conformity with current usage. The proper name of Blood Group Specific Substances "A and B" has been discontinued and the proper name Blood Group Substance "AB" will now be used. Correspondingly, the Commissioner proposes to amend § 610.53 *Dating periods for specific products* to reflect the new name of the products.

(2) In proposed § 680.21 *Reference preparations,* it is required that Reference Blood Grouping Serum and Reference Blood Group Substances for

use in the potency test shall be obtained from the Bureau of Biologics.

(3) In proposed § 680.22 *Potency and identity tests,* the potency test has been modified by deleting the requirement to ascertain the effectiveness of the final product in neutralizing antibodies of group O blood. The testing is no longer needed because the use of Blood Group Substances to neutralize the incompatible alloantibodies in group O blood has been abandoned and the regulations and package inserts do not provide for such use.

(4) The Commissioner believes that, wherever possible and practical, potency testing should be conducted with samples representing the final product intended for commerce rather than with samples taken from bulk or taken during processing. Accordingly, proposed § 680.22 *Potency and identity tests* requires that the inhibition test for potency be performed on the contents of a final container.

(5) Because the material is stable, sterile, and packaged in single-dose containers, paragraph (c) of proposed § 680.24 *General requirements* requires that Blood Group Substances shall contain no preservatives.

(6) To preclude the possibility of compromising the sterility of the product, the Commissioner is proposing in paragraph (d) of § 680.24 *General requirements* that the contents of the final container of Blood Group Substance shall not exceed 1 milliliter of product and be sufficient only for a single human dose.

The Commissioner has carefully considered the environmental effects of the proposed regulation, and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the FDA environmental impact assessments and other pertinent data on which the Commissioner relies in proposing this regulation are on file in the office of the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Subchapter F in 21 CFR Chapter I be amended as follows:

1. In Part 610, § 610.53 is amended by changing the proper names of the products "Blood Group Specific Substances A and B," "Blood Group Specific Substance A," and "Blood Group Specific Substance B" to read as follows:

§ 610.53 Dating periods for specific products.

* * * * *

* * * * *

Blood Group Substance AB..... 2 years.
Blood Group Substance A..... 2 years.
Blood Group Substance B..... 2 years.

* * * * *

2. In Part 680, a new Subpart C is added to read as follows:

Subpart C—Blood Group Substances

Sec.
680.20 Blood Group Substances.
680.21 Reference preparations.
680.22 Potency and identity tests.
680.23 Other tests.
680.24 General requirements.
680.25 Labeling.
680.26 Samples; protocols; official release.

Subpart C—Blood Group Substances

§ 680.20 Blood Group Substances.

(a) *Proper names and definitions.* The proper names of these products shall be Blood Group Substance A, Blood Group Substance B, and Blood Group Substance AB. Each Blood Group Substance product shall consist of a sterile, pyrogen-free, nonanaphylactogenic, aqueous solution of purified polysaccharide-amino acid complexes for use in immunization.

(b) *Source.* Blood Group Substance A shall be prepared from porcine stomachs; Blood Group Substance B and Blood Group Substance AB shall be prepared from equine stomachs.

§ 680.21 Reference preparations.

The following reference preparations shall be obtained from the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, Md. 20014, for use in determining the potency of Blood Group Substance as described in § 680.22 and in the manufacturer's package insert:

Reference Anti-A Blood Grouping Serum.
Reference Anti-B Blood Grouping Serum.
Reference Blood Group Substance A.
Reference Blood Group Substance B.

§ 680.22 Potency and identity tests.

An inhibition test for potency shall be performed on the contents of a final container of each lot of each product as follows:

(a) *Cell suspensions.* Separate 1 percent suspensions of A_1 and of B red blood cells in isotonic saline shall be prepared daily after washing the cells at least twice with isotonic saline and shall result in a clear supernate. The cell suspensions shall be prepared from blood within 7 days after collection.

(b) *Reference serum.* (1) Reference Anti-A and Reference Anti-B Blood Grouping Serums shall be used in the inhibition test.

(2) Two-fold dilutions (1:2, 1:4, 1:8, etc.) of each of the reference serums shall be prepared in isotonic saline containing a final concentration of 1 to 2 percent bovine albumin.

(3) A clean pipette shall be used for each dilution and each serum. Mechanical devices that avoid carryover may be used.

(c) *The test for selection of serum dilution for use in the inhibition test for potency.* (1) Reference Anti-A and Anti-B Blood Grouping Serums shall each be tested using A_1 and B cells, respectively.

(2) To a series of clean small test tubes (approximately 10 x 75 millimeters), add 0.1 milliliter of each successive serum dilution prepared as described in paragraph (b)(2) of this section and 0.1 milliliter of the appropriate 1 percent cell suspension prepared as described in paragraph (a) of this section.

(3) Mix throughly and centrifuge immediately for 1 minute at approximately 150 relative centrifugal force (rcf) or at approximately 1,000 rcf for 20 seconds.

(d) *Interpretation of the test.* The cell buttons shall be gently dislodged and observed macroscopically. The reactions shall be graded as follows:

4+ Cell button remains in one clump.
3+ Cell button dislodges into several clumps.
2+ Cell button dislodges into many small clumps of nearly equal size.
1+ Cell button dislodges into finely granular, but definite, small clumps.

(e) *Selection of serum dilution for use in the inhibition test.* The proper dilution of the reference serum for use in the inhibition test is the next to the highest dilution showing a 4+ agglutination reaction (e.g., with the following dilution/reaction table:

Dilution Un. 1:2 1:4 1:8 1:16 1:32 1:64 1:128 1:256 1:512/
Reaction 4+ 4+ 4+ 4+ 4+ 3+ 2+ 1+ 0 0

the proper dilution is 1:8).

(f) *Preparation for the inhibition test for potency*—(1) *Reference serum dilution.* A minimum of 3 milliliters of Reference Blood Grouping Serum shall be prepared in a proper dilution as described in paragraph (e) of this section.

(2) *Blood group subtance dilution.* (i) A series of 11 separate 3-fold dilutions (1:3, 1:9, 1:27, etc.) of Blood Group Substance shall be prepared in isotonic saline in concentrations ranging from 1:1 (undiluted) to 1:59,049.

(ii) A clean pipette shall be used for each dilution. Mechanical devices that avoid carryover may be used.

(g) *Performance of the inhibition tests for potency*—(1) *Blood group substance A.* (i) Transfer 0.1 milliliter of each dilution of Blood Group Substance A prepared as described in paragraph (f)(2) of this section to each one of 11 small test tubes (approximately 10 x 75 millimeters).

(ii) Place 0.1 milliliter of isotonic saline into a 12th test tube.

(iii) To each of the 12 test tubes, add 0.1 milliliter of the properly diluted Reference Anti-A Blood Grouping Serum prepared as described in paragraph (f)(1) of this section.

(iv) Mix thoroughly and incubate at room (temperature 20°-24° C) for 10 minutes.

(v) To each of the 12 test tubes, add 0.1 milliliter of the 1 percent A_1 cell suspension described in paragraph (a) of this section.

(vi) Mix gently and incubate at room temperature (20°-24° C) for 15 minutes.

(vii) Centrifuge for 1 minute at approximately 150 rcf or at approximately 1,000 rcf for 20 seconds.

(viii) Repeat steps in paragraph (g)(1) (i) through (vii) of this section using Reference Blood Group Substance A.

(ix) Repeat steps in paragraph (g)(1) (i) through (vii) of this section using Reference Anti-B Blood Grouping Serum, the B cell suspension, and the Blood Group Substance A under test.

(2) *Blood Group Substance B.* For Blood Group Substance B or for Blood Group Substance AB, repeat steps in paragraph (g)(1) (i) through (vii) of this section using each of the following sets of reagents.

(i) Blood Group Substance B plus Reference Anti-B Blood Grouping Serum plus B cell suspension.

(ii) Blood Group Substance B plus Reference Anti-A Blood Grouping Serum Plus A_1 cell suspension.

(iii) Reference Blood Group Substance B plus Reference Anti-B Blood Grouping Serum plus B cell suspension.

(iv) Reference Blood Group Substance A plus Reference Anti-A Blood Grouping Serum plus A_1 cell suspension.

(h) *Interpretation of the test.* The cell buttons shall be gently dislodged and observed macroscopically. The reactions shall be graded as described in paragraph (d) of this section. The highest dilution of Blood Group Substance that will totally inhibit agglutination is taken as the inhibition end point.

(i) *Potency test requirements.* Blood Group Substance A shall have a potency inhibition titer value equal to or greater than that of the Reference Blood Group Substance A. Blood Group Substance B shall have a potency inhibition titer value equal to or greater than that of the Reference Blood Group Substance B and less than that of Reference Blood Group Substance A. Blood Group Substance AB shall have potency inhibition titer values equal to or greater than those of Reference Blood Group Substance A and Reference Blood Group Substance B.

§ 680.23 Other tests.

(a) *Safety.* A safety test shall be performed on the contents of final containers of each lot of each product as prescribed in § 610.11 of this chapter.

(b) *Sterility.* A sterility test shall be performed on the contents of final containers of each lot of each product as prescribed in § 610.12 of this chapter.

(c) *Pyrogens.* A pyrogen test shall be performed on the contents of final containers of each lot of each product as prescribed in § 610.13(b) of this chapter.

(d) *Anaphylaxis.* An anaphylactic test shall be performed on the contents of a sufficient number of final containers of each lot of each product to perform the test as follows:

(1) A 1-milliliter sample shall be injected intraperitoneally into each of 10 normal guinea pigs.

(2) After 3 weeks, each guinea pig shall be challenged intravenously with a 0.2-milliliter sample of the same product.

(3) None of the 10 sensitized guinea pigs shall exhibit anaphylactic shock.

680.24 General requirements.

(a) *Processing.* (1) The processing method shall be one that has been shown consistently to yield a specific, potent final product, free of properties that would affect the product for its intended use throughout the dating period.

(2) Only material that has been fully processed, sterile filtered into a single vessel, and thoroughly mixed in that vessel shall constitute a lot.

(3) Each lot shall be filled in a single continuous operation.

(b) *Total nitrogen.* Blood Group Substances shall contain not more than 8 percent total nitrogen when determined on moisture-free and ash-free samples.

(c) *Preservative.* Blood Group Substances shall contain no preservatives.

(d) *Final containers.* Final containers shall be sterile, pyrogen-free, colorless and transparent. The contents of the final container shall not exceed 1 milliliter of product containing not more than 1.25 milligrams of Blood Group Substance powder.

(e) *Date of manufacture.* The date of manufacture shall be the date the manufacturer initiates the last valid potency test that is reported on a protocol and submitted to the Director, Bureau of Biologics.

(f) *Dose.* A single human dose for intramuscular, subcutaneous or intradermal injection shall not exceed the contents of a final container.

§ 680.25 Labeling.

In addition to the labeling requirements of § 610.62 of this chapter and in lieu of the requirements in §§ 610.60 and 610.61 of this chapter, the following shall appear on the labels of Blood Group Substance:

(a) *Label affixed to each final container.* (1) Proper name of the product.

(2) Name, address (including ZIP code) and license number of the manufacturer.

(3) Lot number.

(4) Expiration date.

(5) The statement "CONTAINS NO PRESERVATIVE".

(6) The statement "DERIVED FROM PORCINE (OR EQUINE) STOMACHS", as applicable.

(7) Net quantity of contents expressed in terms of dry weight of Blood Group Substance in milligrams and volume of final product in milliliters.

(8) The route of administration.

(9) The statement "THIS CONTAINER CONTAINS A SINGLE DOSE".

(10) Recommended storage temperature.

(b) *Container as package label.* If the final container is not enclosed in a package, all items required for a package label in paragraph (c) of this section shall appear on the container label.

(c) *Package label.* (1) Proper name of the product.

(2) Name, address (including ZIP code) and license number of the manufacturer.

(3) Lot number.

(4) Expiration date.

(5) The statement "CONTAINS NO PRESERVATIVE".

(6) Number of containers, if more than one.

(7) The statement "DERIVED FROM PORCINE (OR EQUINE) STOMACHS", as applicable.

(8) Net quantity of contents expressed in terms of dry weight of Blood Group Substance in milligrams and volume of final product in milliliters.

(9) Recommended storage temperature.

(10) The statement "DO NOT ADMINISTER INTRAVENOUSLY".

(11) The statement "DO NOT ADMINISTER TO FERTILE WOMEN".

(12) Recommendations for use.

(13) For Blood Group Substance B, the statement "CAUTION: MAY CONTAIN IMMUNOGENIC A ACTIVITY".

(14) The statement "CAUTION: FEDERAL LAW PROHIBITS DISPENSING WITHOUT A PRESCRIPTION".

(15) Reference to enclosed package insert.

(16) The statement "THIS CONTAINER CONTAINS A SINGLE DOSE".

§ 680.26 Samples; protocols; official release.

For each lot of product, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29A, 8800 Rockville Pike, Bethesda, Md. 20014:

(a) *Samples.* Randomly selected samples consisting of 70 final containers packaged for distribution.

(b) *Protocol.* A protocol consisting of a summary of the history of the manufacture including the results of all tests, and the dates of testing for which test results are required by regulations.

(c) *Official release.* The product shall not be issued by the manufacturer until written notification of official release is received from the Director, Bureau of Biologics.

Interested persons may, on or before May 22, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7367 Filed 3-20-78; 8:45 am]

[4110-07]

Social Security Administration

[45 CFR Part 282]

Special Section 1115 Demonstration Projects

AGENCY: Social Security Administration, HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Department of Health, Education, and Welfare plans to publish proposed regulations to implement new Section 1115(b) of the Social Security Act, added to Section 1115 by the 1977 Amendments. Proposed regulations for State demonstration work projects under Section 1115(a) were previously published. Demonstration projects under this new Section 1115(b) will require entirely voluntary participation; States are encouraged by the provision to make employment attractive, particularly in projects to employ AFDC recipients.

The proposed regulations define terms; direct the form of applications; provide for public notice and comment periods; delineate the 2-year period for projects; provide for State waiver of the Work Incentive Program; provide for reimbursement of State expenses; suggest priorities for selecting participants; regulate income disregard; give rules on health, safety, other work conditions, workmen's compensation protection, prevailing hourly wage, and related matters; explain conditional approval of a State application; provide for cancellation of waiver after initial approval and for termination of a project; and provide for evaluation of projects.

FOR FURTHER INFORMATION CONTACT:

Virginia Casey Kohan, Social Security Administration, Room 451, West High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235 telephone 301-594-6629.

Dated: March 8, 1978.

DON WORTMAN,
Acting Commissioner of Social Security.

[FR Doc. 78-7270 Filed 3-20-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 20840; FCC 78-80]

TELEPHONE SERVICE

Use of Recording Devices

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Interstate telephone tariffs now require, by order of the Federal Communications Commission, that telephone calls be recorded only when the recorder is directly electrically connected to the telephone system and an automatic tone warning device (beep tone) is employed. Penalty for violation is discontinuance of telephone service. The proposed rule making would rescind the beep tone requirement and, instead, require that calls be recorded only after prior consent had been obtained. Exceptions to the prior consent requirement would be allowed in certain law enforcement and emergency situations. The investigation also will examine expansion of the consent requirement to include interstate private lines and will consider whether inclusion of the requirement in the Commission's rules will subject a violator to additional fines under 47 U.S.C. 502.

DATES: Comments must be received on or before June 1, 1978 and reply comments must be received on or before August 1, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Danny E. Adams, Common Carrier Bureau, 632-6910.

SUPPLEMENTARY INFORMATION:

Adopted: February, 8, 1978.

Released: March 20, 1978.

By the Commission: Commissioner Lee absent.

In the matter of use of recording devices in connection with telephone service, Docket No. 20840.[1]

I. INTRODUCTION AND BACKGROUND

1. Since 1948 this Commission has required tariff regulations allowing the use of recording devices in connection with two-way telephone conversations[1a] using interstate Message Telecommunications Service (MTS) or Wide Area Telephone Service (WATS) or their facilities.[2] At the same time we wished to minimize the potential invasion of personal privacy inherent in the recording of conversations without one party's knowledge or consent. For that reason we required that, whenever such calls are recorded, an automatic tone warning device (beep tone) be employed. We also required that the recorder be capable of disconnection or switching off at the will of the user and we prohibited entirely the use of recording devices not directly electrically connected to the telephone system.[3] This restriction was intended to insure use of the beep tone device and to facilitate detection of the attachment of recording devices to the phone system, thereby enhanc-

[1] See 41 FR 26073, June 24, 1976.

[1a] "Use of Recording Devices in Connection with Telephone Service", Docket No. 6787, 11 FCC 1033 (1947); 12 FCC 1005 (1947); 12 FCC 1008 (1948). An example of a one-way conversation is a caller speaking to an electronic answering device. The beep-tone requirement does not apply to such calls. The recording of intrastate and local exchange telephone calls is governed by the regulations in the tariffs offering those services to the public, on file with the various state commissions.

[2] Private line communications systems were not included in the Commission Orders except when being used in conjunction with MTS, WATS or exchange service or facilities.

[3] Public Notice, released March 28, 1951. This ruling means that telephone conversations may not be recorded by either acoustic or inductive means under any circumstances without violating the tariff.

ing the enforceability of the regulations. These restrictions are not codified in Commission rules or regulations; instead we ordered that they be included in the telephone company's interstate tariff.[4]

2. Since the institution of the beep tone regulations we have permitted only four very limited exceptions to these requirements. They are: When the recording equipment is being used by a Commission-licensed broadcast station to record a two-way conversation solely for broadcast;[5] a subsequent expansion of the broadcast exception to include conversations recorded solely for broadcast but recorded by a broadcast network or by a cooperative programming entity not itself a Commission licensee, but composed exclusively of Commission broadcast licensees;[6] when the recording equipment is used by the United States Secret Service to record conversations which concern the safety and security of the President of the United States, members of his immediate family, or the White House and its grounds;[7] and when the recording equipment is being used at United States Department of Defense Command Centers to record emergency communications transmitted in part over the Command Center's private line network.[8] Initially, we required that the beep tone device be provided by the carrier,[9] but we have ruled subsequently that the customer may provide the beep tone device under the proper circumstances.[10]

[4]See, American Telephone and Telegraph Company, Long Lines Department (AT&T) Tariff FCC No. 263, § 2.6.4(D).

[5]Granted in "Use of Recording Devices", 38 FCC 2d 579 (1972). This exception was a result of Broadcast of Telephone Conversations, Docket No. 18601, 23 FCC 2d 1 (1970). The exception was granted because § 73.1206 of the Commission's rules, 47 CFR 73.1206, requires all broadcast licensees to inform parties to telephone calls of the broadcaster's intent to broadcast the call. Consent to such broadcast, where the call may be heard and freely recorded by the public, was deemed sufficient consent to the recording of the conversation and the beep tone therefore was found to be unnecessary.

[6]57 FCC 2d 334 (1975).

[7]*McCann* v. *American Telephone and Telegraph Company*, 50 FCC 2d 905 (1975).

[8]59 FCC 2d 538 (1976). Another very limited exception may be found in *Maller* v. *New England Telephone Co.*, 44 FCC 2d 614 (1974). See discussion at para. 29, infra. A later decision found *Maller* to be an interpretation of the existing beep tone restrictions not requiring a tariff amendment. 51 FCC 2d 1 (1975).

[9]12 FCC 1008 (1948).

[10]"Interstate and Foreign Message Toll Telephone", Docket No. 19528, 59 FCC 2d 83 (1976). The proper circumstances referred to require that the customer's recording device be suitable for direct connection to the telephone system.

II. Docket No. 20840

3. This proceeding was instituted to re-examine the desirability and enforceability of our beep tone requirements.[11] We indicated in our "Notice of Inquiry" our belief that the beep tone requirements need new scrutiny in light of the profound technological and regulatory changes which have occurred since the termination of Docket No. 6787 in 1948. In the Notice we listed several issues that were under consideration, FCC 77-536 at para. 3, and solicited comments and reply comments from all interested persons. Numerous comments have been received; a list of commenting parties is included herewith as Appendix B below.

III. Comments of the Parties

4. Comments were received from many parties having widely differing interests in the beep tone requirement. For the sake of clarity we have grouped a synopsis of the comments according to the filing parties' particular interest in the beep tone regulations.

A. Governmental Entities

1. Law Enforcement-Public Safety

a. *Consensual recording.* 5. Two specific types of problem were raised concerning the application of the beep tone requirement to consensual recording for law enforcement and public safety purposes. The Associated Public Safety Communications Officers, Inc. (APCO) believes a limited exception should be granted for hospitals and health care centers, specifically to allow the recording of communications between doctors and paramedics in emergency situations. The beep tone is said to obscure vital transmissions and to hinder patient telemetering, for instance electrocardiagrams. APCO believes an exception for these purposes could be limited to telephone numbers dedicated to emergency medical uses. In another area, the Administrative Office of the United States Courts (United States Courts) states that Rule 41 of the Federal Rules of Criminal Procedure has been amended by the United States Supreme Court to permit the issuance of a search warrant upon oral testimony. This would encompass the issuance of telephonic search warrants; the rule requires that in such cases the telephonic testimony be recorded. The United States Courts ask that this situation be made an exception to our beep tone requirement. The requirement allegedly is a burden on federal magistrates because it would greatly restrict the means of recording available. It is anticipated that magistrates will be asked to receive telephonic testimony at all hours of the day and in all sorts of locations. Directly electrically connected recorders with beep tone devices are said generally not to be transportable enough to be carried conveniently everywhere the magistrate travels.

b. *Nonconsensual recording.* 6. The Federal Bureau of Investigation (FBI) states that it supports two new exceptions to the beep tone requirement for nonconsensual recordings. The first exception would apply to situations, such as kidnapping or extortion, where the FBI says recording is needed but might, if it became known, hinder a safe resolution of the situation. The second proposed exception would apply to court ordered or Attorney General approved electronic telephone surveillance.

2. Administrative Bodies

7. The United States Department of Defense (DOD) states that it makes use of videotaped telephone depositions and asks that an exception to the beep tone requirement be made for that purpose. In addition, DOD seeks an exception for the monitoring and recording of official defense information transmitted over selected DOD owned or leased telephone lines.[12] Activities under this program are said to have been received and approved by Congress and the Department of Justice. The beep tone would negate the purpose of the recording, which is to evaluate the frequency of unintentional and inadvertent disclosure of classified defense information. All DOD personnel are said to be aware of the program and thus would have knowledge of the recording.

8. The staff of the Domestic Council Committee on the Right of Privacy, Executive Office of the President (Domestic Council) believes the beep tone requirement should be eliminated and only verbal notice and consent required. Although it states that if finds no constitutional protection against the surreptitious recording of telephone conversations, it believes that the notice requirement, if combined with greater publicity and stricter penalties for violation, will discourage most surreptitious recording. In addition, the Domestic Council states its belief that those surreptitious recordings which are made will be less likely to be made public. Finally, it is argued that some notice requirement is needed to contribute symbolically to the public sense of privacy.

9. The Engineer in Charge of the San Francisco office of our own Field

[11]"Use of Recording Devices", FCC 76-536, released June 24, 1976.

[12]Letter of July 12, 1977, from Dellon E. Coker, Esq., Chief, Regulatory Law Office of DOD to Mr. Walter R. Hinchman, Chief Common Carrier Bureau. We note that the beep tone requirement applies to private lines only when being used in conjunction with MTS, WATS or exchange service or facilities. See text accompanying note 2, supra.

Operations Bureau agreed with the Domestic Council that the beep tone should be eliminated but thinks no replacement warning method is feasible. He comments that recent technology has made inductive recording easy, inexpensive, and virtually beyond detection. He further notes that recording by one of the parties is not prohibited by Section 605 of the Communications Act of 1934, 47 U.S.C. 605. The beep tone is said to create an artificial atmosphere inhibitive of conversation and to induce a false sense of security in the public who believes the beep tone regulations are enforceable. Legal safeguards against the invasion of privacy, according to the Engineer's comments, should concern the act of recording, not the technological method of inserting warnings.

B. NON-GOVERNMENTAL TELEPHONE USERS

10. State Farm Automobile Insurance Co. and State Farm Fire & Casualty Co. (State Farm) filed comments recommending elimination of the beep tone requirement and replacement with a requirement of express verbal consent both at the beginning and at the end of the recorded conversation. State Farm argues that this method will be equally enforceable while decreasing costs and increasing flexibility. For the same reasons, State Farm would allow the use of acoustic and inductive recorders.

11. Aeronautical Radio, Inc. (ARINC) has requested an exception for communications between airline carriers and their pilots in flight. All such communications are required by law to be recorded and retained by the carrier for thirty days. 14 CFR 121.771. ARINC states that all such calls are between informed parties and are consensual. ARINC further seeks to permit the recording of reservation calls for training purposes. Finally, the airlines would like to record bomb threats, hijacking calls and the like without the calling party's consent.

12. Geldermann & Co., Inc. (Geldermann) filed comments requesting a waiver for commodity brokerage houses whose customers consent to recording by formal written agreement. It complains that the beep tone sometimes obliterates a crucial part of a recording, potentially causing expensive litigation between the parties. Geldermann considers our beep tone requirement an unwarranted governmental intrusion into the relations between a group of informed, consenting telephone users.

13. Mr. Henry H. Grimm, states that the beep tone requirement is difficult to enforce and has little deterrent effect. Mr. Grimm maintains that communications costs should not be increased for so little benefit as is derived from the beep tone. The National Broadcasting Co., Inc. (NBC) filed comments only tangentially related to this inquiry.[13] It seeks modification of 47 CFR 73.1206, which requires broadcast licensees to get prior consent to the broadcasting of a telephone call.[14] NBC would like to be permitted to get consent to broadcast at the end of the conversation. It also wishes permission to keep the recording of the conversation intact to verify any accounts of the conversation when consent to broadcast has been refused.

C. EQUIPMENT MANUFACTURERS OR SUPPLIERS

14. Communication Certification Laboratory (CCL), an independent telecommunications equipment testing laboratory, believes the beep tone should be eliminated and no replacement notification requirement should be imposed.[15] The technological ease of recording makes the existing tariff regulations unenforceable, according to CCL, and serves only to give the telephone using public a false sense of security. CCL states that there is no way for one party to a telephone conversation to detect monitoring or recording by the other party. Moreover, CCL believes acoustic and inductive recorders should be allowed since they are not physically attached to the telephone network and therefore pose no potential harm to the system. CCL also suggests that only the telephone company should be forbidden from recording telephone conversations and the only warning to the public should be a statement that the telephone company cannot prevent others from recording.

15. Dictaphone Corp. (Dictaphone), a manufacturer of dictating and recording equipment, filed comments suggesting that there are a number of types of telephone conversations which justify the elimination of the use of a beep tone or other warning device. Most of the situations posed involve emergency recording, such as calls to police or fire departments, where Dictaphone believes constructive notice of recording should exist. Flexibility to accommodate future needs also is urged as a prime consideration in framing new rules.

D. COMMUNICATIONS COMMON CARRIERS

16. The American Telephone and Telegraph Co. (AT&T) comments that it believes telephone conversation should have the same degree of privacy as face-to-face conversation. AT&T does not purport to take a position on the beep tone requirement. It states, however, that it enforces the requirement as scrupulously as it can, but much recording is difficult to detect. The proliferation or recording equipment over the past decade, in AT&T's opinion, has greatly increased the potential abuses of the beep tone requirement. To enhance enforceability AT&T recommends that the ban on acoustic and inductive recording be continued if the beep tone requirement is retained.

17. GTE Service Corp. (GTE) also commented without taking a position. GTE stated, however, that the tariff regulation implies that absence of a beep tone indicates the conversation is not being recorded, while in reality GTE's best efforts to enfoce the requirement cannot insure such freedom from recording. It also states that discontinuance of telephone service, the penality for violating the tariff, appears to be of little deterrent value in the face of Section 605 of the Communications Act and suggests similar penalities for unlawful recording.[16] GTE further states that if the beep tone requirement is retained the Commission should amend Part 68[17] of our rules to require that all registered recording devices include a beep tone generator. GTE also believes that the telephone companies should be required to enforce the requirement only when the telophone companies supply the beep tone generator.

18. ITT World Communications, Inc. (ITT Worldcom) suggests that the beep tone is unenforceable and should be eliminated. The Commission should have either a positive enforcement mechanism or eliminate the requirement. In the alternative, ITT Worldcom proposes an exception to the beep tone to allow common carriers to record calls for service and quality control purpose, including the training of personnel. ITT Worldcom believes such recording is analogous to the area of record communications where the carrier keeps a copy of the communication.

19. The National Telephone Cooperative Association (NTCA) filed reply comments. NTCA states its belief that because telephone conversation lacks the visual and demeanor aspects of face-to-face conversation, telephone conversation requires a greater degree of protection for privacy interests.

[13] Broadcast licensees are exempt from the beep tone requirement when recording solely for broadcast. See para. 2, supra. Thus, its comments are only indirectly related to the beep tone.

[14] See text accompanying note 5, supra.

[15] In February 1976, we denied a similar request made by CCL for elimination of the beep tone. 58 FCC 2d 6 (1976). Subsequently, we opened this docket to re-examine the beep tone requirement, including the contentions raised by CCL in its previous petition.

[16] 47 U.S.C. 605. In general that provision makes it unlawful to intercept or divulge interstate communications.

[17] 47CFR Parts 68 et seq.

However, NTCA argues that no protection is necessary where no expectation of privacy exists, such as where all parties consent to recording. It maintains that if the privacy interest to be protected is so low that it can be overridden by the entertainment objectives of broadcasters, as requested by NBC, the beep tone requirement should be eliminated without replacement. NTCA states they the beep tone is uneforceable and a verbal warning should be recorded at the beginning of the conversation and should be included in the Commission rules, as well as in the telophone companies' tariffs. NTCA further suggests that the threat of disconnection of telephone service is an insufficient deterrent; it believes a better approach would be enforcement under Sections 401(b) and 502 of the Communications Act. 47 U.S.C. 401(b), 502.

20 NTCA believes that exceptions to the verbal warning policy it suggests should be narrowly drawn, based on compelling evidence and limited to situations necessary for the protection of human life or where consent is obvious. It states that law enforcement presents difficulties because there is a need to record only a few of the thousands of incoming calls, but those few cannot be identified in advance. Finally, NTCA believes this Commission should state an intent not to preempt state rules on this subject and recognize state created exemptions to the requirements.

IV. Discussion

21. Initially, we believe our 1947 statement concerning privacy in telophone conversations merits reiteration.

> The Commission is of the opinion that the use of telephone recording devices should be permitted in connection with interstate and foreign message toll telephone service * * *. The Commission is, however, keenly appreciative of the importance and desirability of privacy in telephone conversations.

11 FCC 1033. All of the commenting parties have agreed in principle with this statement, and we see no reason to depart from this public interest policy sua sponte. Our objective is to find the least expensive and intrusive warning technique which is consistent with the protection of the privacy of the telephone users.

22. The comments filed in this docket generally conclude that there is a privacy interest worth protecting in telephone conversation, that the beep tone requirement is unenforceable in its present form, that current enforcement methods and penalties are inadequate, that acoustic and inductive recording devices should be permitted, that the beep tone requirement should be eliminated, and that, if the beep tone is retained, additional exceptions should be granted. The parties offer varying suggestions on whether, and if so what, type of warning should replace the beep tone requirement and what penalties should be employed for enforcement.

23. The parties are nearly unanimous, however, in their belief that the existing beep tone regulations are unenforceable in light of modern technological innovation. Some of the parties believe the unenforceability of the requirement is counterproductive, inducing a false sense of security in a public unaware of the beep tone rule's alleged widespread abuse; those parties thus argue that the unenforceability of the beep tone requirement is itself a reason for revocation of the requirement. Others argue that the economic and technical burdens imposed by the beep tone serve to stifle legitimate recording of conversations while doing little to prevent widespread abuse or protect privacy interests.

24. We agree that the beep tone is too narrow a limitation on the recording of telephone conversations under contemporary circumstances. The requirement serves to prohibit all recording not using a particular warning method, whether consensual or nonconsensual. Moreover, no explanation of the significance of the beep tone is required; the current requirements are complied with when the uninformed are recorded without their consent but a beep tone device is employed. The significant factor in protecting privacy in telephone conversation should be the consent of all parties prior to recording, not whether a particular method of warning is utilized. The protection of privacy interests is not furthered by non-consensual recording when a beep tone is used, while if the parties consent to the recording of their conversation the beep tone serves no useful purpose. Furthermore, we believe consideration should be given to expansion of the consent requirement to cover recordings made over private line services as well.

A. Consensual Recording

25. We conclude that the privacy interest to be protected in this matter is the prevention of the recording of telephone conversations by one party to the conversation without the prior knowledge and consent of all other parties. The different nature of telephone conversations from face-to-face conversations justifies a greater concern for privacy when using the telephone. While persons conversing via telephone may have nearly the same expectation of privacy as in face-to-face conversation, the visual, demeanor and other usual means of gauging that expectation are absent. On the other hand, the loss of privacy in telephone conversations would not be in the public interest. We thus conclude that protection should be afforded against recording without consent. As the commenting parties have pointed out, however, the beep tone requirement is costly and burdensome to those who obey it, while those who violate it are seldom detected.

26. For the reasons discussed above, we believe the beep tone requirement should be eliminated and all restrictions lifted on consensual recording of telephone conversations. It had never been our intent to hinder legitimate recording. No particular method of obtaining consent is proposed, so long as it is obtained prior to the recording of the conversation. It would seem advisable, however, for the recording party to have the other party repeat his unequivocal statement of consent at the beginning of the taped conversation[15] or embody the consent agreement in a written document; in disputes before this Commission the recording party will have the burden of proving that all parties to the taped conversation consented to its recording. We note that our policy has always been limited to two-way telephone conversations using interstate MTS or WATS service or facilities. We see no reason, however, for continued exclusion of interstate private line voice services from our consent requirements. Thus we solicit comments in this inquire on the desirability of such ans expansion of the requirement.

Nonconsensual Recording

27. The area of nonconsensual recording presents more difficult problems. Although it is this type of recording which we generally are trying to prevent, in many emergency or law enforcement situations nonconsensual recording is necessary or desirable. These situations would include the recording of emergency calls to fire and police departments, bomb threats, kidnap ransom requests and obscene telelphone calls. It is in these areas that the commenting parties have advocated nonconsensual recording.

28. We believe that where incoming calls to telephone numbers publicized as emergency fire, health care, or police numbers are concerned, the public interest requires that we find constructive consent to recording of the conversation. In calls to those numbers there often is not time to obtain consent. We emphasize, however, that this constructive consent should be limited to incoming calls received at telephone numbers publicized and actually used for emergency situations. It is not intended to grant carte blanche permission to any orga-

[15] Taping of a telephone conversation should not begin until after consent has been obtained. Thus verbal consent should be included on the recording only by repetition of the unrecorded consent statement after the recording starts.

nization for the recording of all incoming telephone calls, nor to allow nonconsensual recording of outgoing calls originated at such telephone numbers unless made in immediate response to an emergency incoming call. We also believe constructive consent exists where the calling party calls a radio or television station with the intent of having his call broadcast live.

29. As for the non-emergency, nonconsensual recording of telephone calls made for an unlawful purpose, we believe our holding in Maller, supra, is instructive.

> We are of the opinion that the tariffs of (the telephone company) should be construed as imposing the "beep tone" requirements only with respect to telephone calls that are made in accordance with the fundamental terms of the service offering made to the public * * *. Furthermore, we believe that any person who makes a call that is clearly prohibited by the tariffs or by some statutory provision such as Section 223 of the Act, should be considered as waiving any rights he may have under the tariffs to receive the "beep tone" warning of the recordation of any such prohibited call.

44 FCC 2d at 623. This reasoning applies equally well to the pre-recording consent requirement proposed herein. Whenever a call is made for an unlawful purpose, such as a bomb threat, obscene call or kidnap ransom demand, the public interest requires that the originator of such a call be considered to have waived his right to be notified of any recording by the receiving party. The exception from our requirements for the recordation of these types of calls without consent will not violate any legitimate privacy interests nor inhibit expectations of privacy for lawful uses. On the contrary, the public interest is furthered by the recording of unlawful calls.

30. Thus far the nonconsensual recording discussed as in the public interest herein primarily concerns recording by the receiving party of telephone calls where the originator of the telephone call normally would have little expectation of privacy or has waived his legitimate claim to any such expectations. In the situations discussed the public interest will best be served by recording without the explicit consent of the originating party. Nonconsensual recording by an originator of a telephone call, however, should be limited to recordings made pursuant to an explicit and lawful order of a court issued pursuant to 18 U.S.C. 2516, unless the call is an immediate response to an unlawful or emergency call of the type described in paragraphs 28 and 29, supra.

C. Recording by Broadcasters

31. In its comments NBC has suggested that broadcasters, who heretofore have been exempted from the beep tone requirements when recording conversations solely for broadcast, 47 CFR 73.1206, be granted an even broader exception and be allowed to record telephone conversations for broadcast without prior consent. If consent for broadcast were not subsequently obtained, NBC suggests that the tape not be available for broadcast but be retainable by the recording party for verification purposes. This scheme is proposed to preserve spontaneity in conversation, allegedly inhibited by the knowledge of recording, and to further investigative journalism.

32. We do not believe that expansion of the broadcasters' exception to allow recording without prior consent is in the public interest in the proposed circumstances. When we exempted broadcasters from the beep tone requirement we did not exempt them from the requirement of prior consent; our clear intent was only to allow them freedom from the prescribed warning technique.

> (The Commission's) rules require that a broadcast licensee, *prior to recording a telephone conversation for broadcast*, shall inform any party to the call that the licensee intends to broadcast the conversation * * *. We believe that these broadcast rules *and strict adherence thereto* render unnecessary the present "beep tone" requirement of the tariffs insofar as it is applicable to the recording of telephone conversations for broadcast.

38 FCC 2d 579 at paras. 3-4. (Emphasis added). The heart of the privacy interest in need of protection, as discussed *supra*, is freedom from the recording of telephone conversations without the consent of all the parties involved. It logically follows that any recording done without prior consent was, at the time the recording was made, without the consent of all the parties. Although consent to broadcast after recording but prior to actual broadcast would be sufficient to protect the public from unwanted broadcast of their telephone conversations, it would not protect the public from recording without their consent. While subsequent consent to broadcast could be sufficient consent to recording as well, a refusal to consent to recording would be too late. The recording already would be made. Thus we believe broadcasters and broadcast organizations must, prior to the recording of a telephone conversation, obtain consent to record the conversation. Prior consent to broadcast will continue to be interpreted to encompass prior consent to recording.

D. Enforcement

33. While the commenting parties seemingly were unanimous in stating their belief in the unenforceability of the beep tone requirement, no new enforcement techniques were proposed. A few of the parties suggested that greater penalties for violation of the requirement would serve as a preventive measure by increasing the deterrent effect, but none of the parties suggested changes which might increase the detection of violators.

34. We agree with the suggestion that the present penalties for violation are unsufficient for deterrent purposes. Section 502 of the Communications Act provides for a fine of "not more than $500" for

> [a]ny person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act * * *.

47 U.S.C. 502. We propose to make the prior consent requirement a tariff regulation prescribed by this Commission pursuant to the Act and, in addition, a rule of this Commission. Any violation of the tariff regulation will subject the violator to possible discontinuance of telephone service. In this rulemaking we will examine whether violation of the prescribed and codified regulation also will subject the violator to the above-described sanctions of Section 502 of the Communications Act, as well as the injunctive sanctions of Section 401(b) of the Act, 47 U.S.C. 401(b). Comments in this proceeding should address this issue. The proposed rule is attached hereto as Appendix A. We believe that the penalties outlined above should be of greater significance in deterring violation of the prior consent requirement if adequately publicized.[19]

E. Existing Beep Tone Exceptions

35. We believe that under the new requirement proposed herein the need for any of the four existing exceptions to the beep tone will be mooted. The effect on the exception for broadcasters and broadcast organizations has been discussed supra. Our discussion of the nonconsensual recording of incoming telephone calls made for an unlawful purpose would exempt the Secret Service from seeking prior consent before recording threatening calls to the White House. Finally, the Department of Defense Command Centers may simply arrange prior written consent agreements for all necessary parties to allow emergency recording without getting explicit consent for each individual call. This type of prearranged blanket consent also would be useful for other situations, such as that posed by Geldermann, where the parties wish to record their conversations on a regular and continuing basis. We conclude therefore that none of the existing explicit exceptions to the beep tone requirement

[19] We solicit comments about the most effective means of publicizing our proposed rules. Tentatively, we expect that the burden of such publicity will be borne by the carriers.

would need to be continued in analogous exceptions to the recording requirements proposed herein.

V. SUMMARY AND CONCLUSIONS

36. After considering the comments submitted in response to our "Notice of Inquiry", FCC 76-536, released June 24, 1976, we propose herein to rescind our prescription of the use of the beep tone when recording two-way telephone conversations made over interstate MTS or WATS facilities or service. We further propose to rescind our prescribed rule against use of acoustic and inductive-type recorders when making such recordings. In order to protect the interests of privacy in telephone conversation we propose to replace the beep tone requirement with a prescribed regulation in the telephone companies' interstate MTS and WATS tariffs prohibiting the recording of two-way, interstate calls without the prior consent of all parties to the conversation; the only exceptions would be for the recording of incoming calls made for an unlawful purpose (e.g. bomb threats, obscene telephone calls), or for the purpose of having the call broadcast, for incoming calls made to bona fide emergency telephone numbers (police, fire or health care emergencies) and for the nonconsensual recording of outgoing calls when recorded pursuant to a lawful court order issued pursuant to 18 U.S.C. 2516, or when the call is an immediate response to an incoming call made for an unlawful or emergency purpose, as discussed in paragraphs 28-29, supra. The burden of proving that consent was obtained would be on the recording party in all disputes before this Commission. In addition, we intend to determine in this proceeding whether the sanctions of 47 U.S.C. 401 and 502 would become applicable to telephone users by inclusion of this regulation in our rules. See below. Application of those statutes would mean that the penalties for unlawful recording may include, in addition to discontinuance of telephone service for violation of the telephone company tariff, a fine of not more than $500 for each and every day unlawful recording occurs, 47 U.S.C. 502 and possible injunctive action against continuing or future unlawful recording, 47 U.S.C. 401(b). Finally, we intend to examine whether the consent requirement proposed herein should be expanded beyond current beep tone requirements to include private line services.

37. This "Notice of Proposed Rule Making" is being issued to investigate whether implementation of the proposed tariff prescription and rule making outlined above is just, fair, and reasonable and in the public interest. We expect to develop in this notice and comment rule making all the relevant, material and probative data and information needed to make the public interest determination.

38. *Accordingly, it is ordered,* That the aforementioned proposed rule making proceeding is hereby instituted to determine whether the changes in our rules and in the telephone companies' tariffs governing the recording of two-way telephone conversations using interstate MTS or WATS service or facilities, as proposed herein, are just, fair and reasonable and in the public interest. This proceeding is instituted pursuant to Sections 2(a), 4(i), 4(j), 201, 205, 303(r), and 403 of the Communications Act of 1934, as amended. 47 U.S.C. 152(a), 154(i), 154(j), 201, 205, 303(r), and 403.

39. *It is further ordered,* That interested persons may file written comments on or before June 1, 1978 and reply comments on or before August 1, 1978. In reaching its decision in this matter the Commission may consider any other relevant information before it in addition to the comments filed pursuant to this notice. All comments and reply comments shall be filed with the Secretary of this Commission in accordance with § 1.419 of this Commission's rules and regulations, 47 CFR 1.419. All materials filed in this proceeding will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.

40. *It is further ordered,* That the Secretary shall cause this Notice of Proposed Rule Making to be published in the FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION
WILLIAM J. TRICARICO,
Secretary.

It is proposed to amend Part 61 of the Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations) to add new § 61.75 to read as follows:

§ 61.75 Tariff provision pertaining to recording of telephone conversations.

All tariffs offering interstate private line voice services or message toll telecommunications services (MTS), wide area telecommunications service (WATS), or the equivalent of either, shall contain the following regulation:

"RECORDING OF TELEPHONE CONVERSATIONS

1. No person taking service under this tariff shall record a telephone call without the prior consent of all the parties to the conversation except:

(a) Incoming calls made to numbers publicized and actually used for emergency police, emergency fire and emergency health care purposes;

(b) Incoming calls made to broadcast stations and clearly intended by the caller for "live" broadcast;

(c) Incoming calls that are threatening, obscene, harassing, or for other unlawful purposes, as defined in 47 U.S.C. 223;

(d) Outgoing calls recorded without consent pursuant to a lawful court order, issued pursuant to 18 U.S.C. 2516, or outgoing calls made in immediate response to a call covered by (a) or (c) above.

2. If a dispute arises as to whether prior consent was obtained the burden of proof shall be on the person making the recording.

3. Violation of this regulation (which is imposed by order of the Federal Communications Commission) may result in the termination of service, and upon conviction, a fine of not more than $500 a day for each day in which the violation occurs or other legal remedy. See 47 U.S.C. 401, 502."

APPENDIX B

The following parties filed comments in response to the Notice of Inquiry in this docket:

Administrative Office of the United States Courts (United States Courts)
Aeronautical Radio, Inc. (ARINC)
American Telephone and Telegraph Co. (AT&T)
Associated Public-Safety Communications Officers (APCO)
Communication Certification Laboratory (CCL)
Department of Defense of the United States Government (DOD)
Dictaphone Corporation (Dictaphone)
Domestic Council Committee on the Right of Privacy (Domestic Council)
Federal Bureau of Investigation (FBI)
Federal Communications Commission—Field Operations Bureau, Engineer in Charge, San Francisco
GTE Service Corp. (GTE)
Geldermann and Co., Inc. (Geldermann)
Henry H. Grimm
ITT World Communications, Inc. (ITT Worldcom)
National Broadcasting Co., Inc. (NBC)
National Telephone Cooperative Association (NTCA)
State Farm Fire and Casualty Co. (State Farm)
State Farm Mutual Automobile Insurance Co. (State Farm)

[FR Doc. 78-7377 Filed 3-20-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21504; RM-2929; RM-3065; RM-3066]

FM BROADCAST STATIONS IN MAYFIELD, KY., BLYTHEVILLE, ARK., WICKLIFFE, KY., AND HENDERSON, TENN.

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning proposed FM assignments in Mayfield, KY., and Blytheville, Ark. Petitioner,

Sudbury Services, Inc., states that the additional time is necessary so that it can study the complex issues in the proceeding.

DATE: Reply comments must be received on or before April 10, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Adopted: March 9, 1978.

Released: March 14, 1978.

In the matter of amendment of section 73.202(b), table of assignments, FM broadcast stations (Mayfield, Ky., Blytheville, Ark., Wickliffe, Ky., and Henderson, Tenn.); Docket No. 21504; RM-2929; RM-3065; RM-3066.

1. On December 19, 1977, the Commission adopted a *Notice of Proposed Rule Making and Order to Show Cause* in the above-entitled proceeding, 43 FR 1515. The date for filing comments has expired and the date for filing reply comments is presently March 10, 1978.

2. On February 27, 1978, Sudbury Services, Inc. ("Sudbury"), licensee of Stations KHLS(FM), Blytheville, Ark., requested that the time for filing reply comments be extended to and including April 10, 1978. Sudbury states that the additional time is necessary in order to study the complex issues involved in the proceeding.

3. We are of the view that the public interest would be served by granting the request so that Sudbury may file information which may be helpful to the commission in reaching a decision in this proceeding. *Accordingly, it is ordered,* That the time for filing reply comments in Docket 21504 is extended to and including April 10, 1978.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-7384 Filed 3-20-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[49 CFR Parts 1204, 1260, 1261]

[Docket No. RM78-2 (Formerly Ex Parte No. 308)

VALUATION OF COMMON CARRIER PIPE LINES

Order Modifying Presiding Administrative Law Judges Order Requiring Briefs

AGENCY: Federal Energy Regulatory Commission.

ACTION: Vacation of an order of a Presiding Administrative Law Judge and ordering parties to file briefs defining the issues and suggesting additional procedural steps to be taken in this proceeding.

SUMMARY: The Commission is granting, with some modification, the joint petition of the Department of Justice, the State of Alaska and Midcontinent Petroleum Product Shippers for, inter alia, vacation of the November 11, 1977 order of the Presiding Administrative Law Judge for submission of briefs in the form of an initial decision and, instead, direction of the submission of briefs addressed to the definition of the issues and additional substantive and procedural requirements necessary for an informed rulemaking. The November 11, 1977 order of the Presiding Administrative Law Judge is vacated and parties are ordered to submit briefs defining the policy issues in connection with the proceeding that they believe the Commission should address, their position with respect to these issues and a suggested procedure for bringing this proceeding to a conclusion.

DATES: Briefs, as described above, are to be filed on or before April 3, 1978.

ADDRESS: Send briefs to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, 202-275-4166.

SUPPLEMENTARY INFORMATION:

MARCH 13, 1978.

[1]On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.[1]

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulagated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by Section 402(a)-(1) or 402(a)-(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR ——. *Provided,* That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On December 12, 1977, the Department of Justice, the State of Alaska and the Midcontinent Petroleum Product Shippers (Petitioners) filed a joint petition requesting that the Commission vacate the November 11, 1977 order of the Presiding Administrative Law Judge directing that final briefs be filed in this proceeding. The Petitioners further requested that the parties be directed to file briefs defining the issues and suggesting further procedures to be followed in this proceeding. The Commission herein grants Petitioners request.

On October 12, 1977, the Commission ordered the commencement and rescheduling of hearings in this case from October 18 until November 1, 1977 "in order to better determine whether further information must be gathered by the Commission or if additional issues need to be explored in this rulemaking proceeding." The hearing for purposes of cross-examination of witnesses was convened on November 1, 1977. On the final day of hearings, November 11, 1977, the Presiding Administrative Law Judge held a conference regarding briefing procedures. The Administrative Law Judge concluded the hearing by ordering briefs "in the form of a proposed initial decision" by January 16, 1978.[2]

[1]The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2]Tr. 1613, 1614.

The Petition filed December 12, 1977, calls upon the FERC to:

(1) Vacate the order of the Administrative Law Judge requiring the parties to submit final briefs on the substantive issues in this proceeding;

(2) Order the Administrative Law Judge to certify the record to the Commission;

(3) Direct the participants to file briefs addressed to the definition of the issues and additional substantive and procedural steps necessary for an informed rulemaking; and

(4) Suspend the procedural dates set by the Administrative Law Judge (January 16, 1978, for final briefs) pending resolution of this petition.

On December 29, 1977, the Association of Oil Pipe Lines (AOPL) filed a Reply in opposition to the Petition described above. In summary, the AOPL opposed the petition on grounds that a sufficient record has been compiled in the proceedings to permit filing of final briefs, as ordered by the Presiding Administrative Law Judge.

In response to the specific requests of the petition it is noted that the Administative Law Judge, William J. O'Brien, of the Interstate Commerce Commission, who conducted the hearing in the case, did certify the record, together with fifty exhibits introduced in evidence to the FERC by a letter to the Secretary of this Commission, dated November 22, 1977, received November 25, 1977. Thus, the second item of the petition is moot, the requested action having been taken.

As to suspension of procedural dates requested by item four (4) of the petition, this has been effected by an order of the Secretary of FERC dated February 10, 1978, extending indefinitely the time for filing of briefs.

Our review of the Petition leads us to the conclusion that the order of the Administrative Law Judge for filing of final briefs was premature in light of the record now before us. Accordingly, we will grant Petitioner's third request that the Presiding Judge's November 11, 1977 order requiring final briefs be vacated and that the parties be directed to file briefs defining the issues and suggesting additional procedural steps to be taken in this proceeding.

The Commission finds. The December 12, 1977 joint petition submitted by Petitioners should be granted as hereinafter modified and ordered.

The Commission orders. (A) The november 11, 1977 order of the Presiding Administrative Law Judge establishing procedures for final briefs in this procedure is hereby vacated.

(B) On or before April 3, 1978 the parties shall submit briefs defining the policy issues in connection with this proceeding that they believe this Commission should address, their position with respect to each of these issues, and a suggested procedure for bringing this proceeding to a conclusion.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-7272 Filed 3-20-78; 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.

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HARRY S TRUMAN ANIMAL IMPORT CENTER

Applications for Special Import Permits and Public Notification of Drawing

SUMMARY: This notice is to advise that the Animal and Plant Health Inspection Service is now accepting applications for special permits to import cattle from countries affected with foot-and-mouth disease through the Harry S. Truman Animal Import Center at Fleming Key, Fla., and to give public notification of drawing. This action is being taken because the Harry S. Truman Animal Import Center will become operational shortly.

SUPPLEMENTARY INFORMATION: On August 19, 1977, a regulation was published in the FEDERAL REGISTER (42 FR 41848) which established procedures for the issuance of special permits for animals to be imported into the United States through the Harry S. Truman Animal Import Center, Fleming Key, Fla., on a lottery basis.

In accordance with such regulations, the Animal and Plant Health Inspection Service (APHIS) announces that applications are now being solicited from all persons desiring to import cattle through the Harry S. Truman Animal Import Center. As noted in footnote 5a to § 92.4(e) of the regulations (9 CFR 92.4(e)) application forms may be obtained upon request from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Md. 20782. All applications must be mailed to the Import Animal Staff, Veterinary Services, APHIS, USDA, 6505 Belcrest Road, Hyattsville, Md. 20782. Only those applications received on or before Saturday, April 15, 1978, will be considered.

The drawing will be held at the Federal Building, Room 643-A, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8170 at 10 a.m. on July 6, 1978, to determine the successful applicants for permits.

The Harry S. Truman Animal Import Center is expected to be ready to receive cattle from the preembarkation center on or about January 1, 1979.

Dated: March 16, 1978.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-7439 Filed 3-20-78; 8:45 am]

[3410-34]

HARRY S. TRUMAN ANIMAL IMPORT CENTER

Public Notification of Designation

SUMMARY: This notice is to advise that the United States Department of Agriculture Animal Import Center located at Fleming Key, Fla., has been designated the Harry S. Truman Animal Import Center.

SUPPLEMENTARY INFORMATION: On August 19, 1977, a regulation was published in the FEDERAL REGISTER (42 FR 41848) which established procedures for the issuance of special permits for animals to be imported into the United States through the Fleming Key Animal Import Center, Fleming Key, Fla., on a lottery basis.

The purpose of this document is to give public notification that effective March 1, 1978, the United States Department of Agriculture Animal Import Center located at Fleming Key, Fla., formerly referred to in the regulations (9 CFR 92.4a and 92.4) as the Fleming Key Animal Import Center, was officially designated the Harry S. Truman Animal Import Center by Secretary's Memorandum No. 1839, dated March 6, 1978.

Dated: March 16, 1978.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 78-7438 Filed 3-20-78; 8:45 am]

[3410-02]

Federal Grain Inspection Service

GRAIN STANDARDS

Illinois Grain Inspection Points

Statement of considerations. On December 6, 1977, a notice was published in the FEDERAL REGISTER (42 FR 61616) announcing that the Illinois State Department of Agriculture (ILSDA), Springfield, Ill., a designated official inspection agency under the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq., hereinafter the "Act"), requested that the assignment of inspection points under its designation be amended to revoke East St. Louis, Ill., as a designated inspection point and to add Belleville, Ill., as a designated inspection point. In order to provide continuation of inspection services as amendment of assignment was made for a period of time not to exceed 90 days pending a determination of this matter.

No comments were received regarding the December 6, 1977 notice in the FEDERAL REGISTER. Accordingly, after due consideration of the request and the market needs and circumstances, the designation of the ILSDA is amended to add Belleville, Ill., as a designated inspection point and to revoke East St. Louis, Ill., as a designated inspection point pursuant to § 26.99 of the regulations (7 CFR 26.99).

As a point of clarification, it should be noted that the "Act," has been amended by Pub. L. 94-582, effective November 20, 1976, and by Pub. L. 95-113, effective October 1, 1977. These amendments provided for extensive modification of the official inspection system. Under the amended Act, the Administrator of the FGIS, upon application by any State or local governmental agency, or person, and after conducting investigations and other studies, shall designate official agencies or persons to provide official inspection services. The amended Act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for its termination, not to exceed 2 years from November 20, 1976.

Accordingly, the present amendment of designated inspection points of the ILSDA, which is the subject of this notice, will continue until the Administrator of FGIS either grants or denies an official designation under the amended Act or sets a period of time for its termination.

(Sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Effective date: This notice shall become effective upon publication.

Done in Washington, D.C., on March 15, 1978.

L. E. BARTELT,
Administrator.

[FR Doc. 78-7398 Filed 3-20-78; 8:45 am]

[3410-02]

GRAIN STANDARDS

Oregon Grain Inspection Area

Statement of considerations. Pursuant to sections 7(e) and 7A(c) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq., hereinafter referred to as the "Act"), the Federal Grain Inspection Service (FGIS) is required to provide official inspection and weighing services for all grains required or authorized to be inspected and weighed by the Act, at those export port locations where a State is not delegated to perform these official services (7 U.S.C. 79(e)) and (7 U.S.C. 79a(c)).

On December 1, 1977, the Oregon Department of Agriculture requested that its authority to perform official inspection and weighing functions at the export elevators located within its designated area be terminated effective February 26, 1978.

Notice is hereby given that, on February 26, 1978, the FGIS assumed responsibility for providing official inspection and weighing services at the export elevators in the area presently serviced by the Oregon Department of Agriculture, in accordance with sections 7(e) and 7A(c) of the Act.

Currently, the export elevators located in the said area are the Astoria Grain Terminal, Astoria, Oreg., and Cargill, Inc. Terminal No. 4, Louis Dreyfus Corp., Portland Grain Terminal, and Rivergate, located in Portland, Oreg.

As a point of clarification, it should be noted that the United States Grain Standards Act was amended in 1976 to extensively modify the official inspection system. The amended Act provides that the Administrator of the Federal Grain Inspection Service (FGIS), after conducting investigations and other studies, will designate official agencies at the various interior points. In implementing these provisions, FGIS is currently in the process of reviewing the designations of all agencies presently designated to provide official inspection services. The amended Act further provides that existing agencies may continue to operate until the Administrator either grants or denies designation to them or sets a period of time for their termination, not to exceed November 20, 1978.

Accordingly, the Oregon Department of Agriculture will remain operational as the official agency providing services at the non-export elevators in its inspection area until such time as the Administrator of FGIS either grants or denies an official designation under the amended Act.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Effective date: This notice shall become effective March 21, 1978.

Done in Washington, D.C., on March 15, 1978.

L. E. BARTELT,
Administrator.

[FR Doc. 78-7397 Filed 3-20-78; 8:45 am]

[3410-11]

Forest Service

ADVISORY COMMITTEE ON STATE AND PRIVATE FORESTRY

Meeting

The Advisory Committee on State and Private Forestry will meet at Airlie House, Airlie, Va., April 18-19, 1978. The one and one-half day meeting will convene at 9 a.m. on both days.

This Committee, comprised of 15 members from a broad spectrum of geographic and interest areas, advises the Secretary of Agriculture and various agencies of the Department on the protection, management and development of the Nation's non-Federal forest land and resources. Dr. M. Rupert Cutler, Assistant Secretary for Conservation, Research and Education, will chair the meeting. He and representatives of the Forest Service, Farmers Home Administration, Science and Education Administration, Soil Conservation Service, and the Agricultural Stabilization and Conservation Service will attend from the Department of Agriculture.

The discussion will center on a number of topics suggested by the Committee at its last meeting, including tax incentives for private woodland owners, computer assisted management planning, and wood/energy opportunities on State and private forest lands. Committee members will share the discussion leadership role.

The meeting will be open to the public. Persons who wish to attend, should notify the Committee's Executive Secretary, Dr. Charles F. Krebs, USDA-Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone 202-447-7065. Written statements may be filed with the Committee before or after the meeting.

CHESTER A. SHIELDS,
Associate Deputy Chief.

[FR Doc. 78-7399 Filed 3-20-78; 8:45 am]

[3410-11]

NORTH FORK AMERICAN WILD AND SCENIC RIVER

Availability of Draft Environmental Statement and Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for A Proposal: North Fork American Wild and Scenic River, Tahoe National Forest, Calif., USDA-FS-FES (Leg) 78-02.

The environmental statement concerns the proposed action to designate a segment of the North Fork American River as a component of the National Wild and Scenic Rivers System. Pub. L. 93-621 directed that the river be studied and a report submitted on the suitability or nonsuitability for addition to the System. The report recommends the inclusion of the 38.3 mile segment of the North Fork American River, from the Auburn Reservoir to 0.3 mile above Heath Springs, in the National System as a Wild River. The river segment is located in Placer County, Calif. within and adjacent to the Tahoe National Forest and within an inventoried roadless and undeveloped area.

The proposal will provide the means to preserve and enhance the river in its free-flowing condition and to minimize potential adverse environmental effects to the river and adjacent land. The river-associated values will be protected for the benefit and enjoyment of future generations. These associated values include scenery, water quality, historical and archaeological sites and recreational opportunity.

Social and economic factors will be affected by designating the 38.3 mile segment of the North Fork American. Use of timber and minerals within the designated area will be restricted and development of potential hydroelectric reservoir sites will not be permitted. The Forest Service and Bureau of Land Management will acquire scenic and public access easements on private property along the designated river which will prevent land use conversion to nonconforming uses.

Alternatives considered include no action to designate, and various combinations of Wild and/or Scenic classification. Three alternatives provide for Wild classification of from 26 to 41.1 miles of river, while three other alternatives provide for a combination of Wild or Scenic River classification of various stretches of the river.

This draft environmental statement was transmitted to the Environmental Protection Agency (EPA) on March 14, 1978.

Copies of the proposal and the draft environmental statement are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
Regional Forester, U.S. Forest Service, 630 Sansome St., Room 529, San Francisco, Calif. 94111.
Forest Supervisor's Office, Tahoe National Forest, Nevada City, Calif. 95959.
Nevada City Ranger District, 12012 Sutton Way, Grass Valley, Calif.

Sierraville Ranger District, Sierraville, Calif.
Foresthill Ranger District, Foresthill, Calif.
Downieville Ranger District, Downieville, Calif.
Truckee Ranger District, Truckee, Calif.

A limited number of copies are available upon request from Forest Supervisor Robert G. Lancaster, Tahoe National Forest, Nevada City, Calif. 95959.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect of the proposal.

Comments concerning the proposed action and request for additional information should be addressed to Forest Supervisor Robert G. Lancaster, Tahoe National Forest, Nevada City, Calif. 95959. Comments must be received within 90 days after transmittal to EPA in order to be considered in the preparation of the final environmental statement.

Notice is hereby given that two public hearings will be held beginning at 1:30 p.m. and 7:30 p.m., April 6, 1978, in the Board of Supervisors' chambers in the Placer County Administrative Office, 175 Fulweiler Drive, Auburn, Calif., on the proposal for designation of the North Fork American Wild and Scenic River.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Forest Supervisor, Tahoe National Forest,Nnevada City, Calif. 95959. Those persons wishing to present oral testimony at the hearing should notify the Forest Supervisor, Tahoe National Forest, Nevada City, Calif. 95959, prior to March 28.

R. MAX PETERSON,
Deputy Chief, Forest Service.

MARCH 14,1978.

[FR Doc. 78-7400 Filed 3-20-78; 8:45 am]

[3410-01]

Office of the Secretary

SOUTH DAKOTA AND NORTH DAKOTA

Feed Grain Donations for Standing Rock Indian Lands

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Standing Rock Indian Tribe in South Dakota and North Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corp. for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corp. may commence upon signature of this notice and shall be made available through May 31, 1978 or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on March 14, 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-7401 Filed 3-20-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DR. G. CAUSEY WHITTOW

Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the regulations governing endangered species permits (50 CFR Part 222), Permit No. 179 issued to Dr. G. Causey Whittow, Kewalo Marine Laboratory, University of Hawaii, 41 Ahui Street, Honolulu, Hawaii 96813, on May 4, 1977 (42 FR 23674), is modified in the following manner:

Section B-2 has been changed to read, "The activities authorized herein will be conducted on Tern and Trig Islands, French Frigate Shoals, Hawaiian Islands, National Wildlife Refuge, and Kure Island."

This modification is effective on March 21, 1978.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven St. NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry St., Terminal Island, Calif. 90731.

Dated: March 13, 1978.

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

[FR Doc. 78-7404 Filed 3-20-78; 8:45 am]

[3510-22]

DR. LOUIS M. HERMAN

Issuance of Permit To Take Endangered Species and Marine Mammals

On December 23, 1977, notice was published in the FEDERAL REGISTER (42 FR 64398) that an application had been filed with the National Marine Fisheries Service by Dr. Louis M. Herman, Kewalo Basin Dolphin Research Laboratory, Hawaii Institute of Marine Biology, University of Hawaii, 1129 Ala Moana, Honolulu, Hawaii 96814, for a permit to take by harassment an unspecified number of humpback whales in Hawaiian waters for the purpose of scientific research.

Notice is hereby given that on March 9, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a permit to Dr. Louis M. Herman, for the above taking, subject to certain conditions therein.

Issuance of this permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 14357, November 27, 1974).

The permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven St. NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry St., Terminal Island, Calif. 90731.

Dated: March 9, 1978.

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

[FR Doc. 78-7405 Filed 3-20-78; 8:45 am]

[3510-22]

MARINE ANIMAL PRODUCTIONS, INC.

Receipt of Application for a Marine Mammal Permit, Correction

On February 2, 1978, the Notice of Receipt of Application of Marine Animal Productions, Inc., was published in the FEDERAL REGISTER (43 FR 4450), to take marine mammals for public display under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407). Notice is given that documents submitted in connection with the above application are also available for review in the following office:

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Blvd., St. Petersburg, Fla. 33701; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry St., Terminal Island, Calif. 90731.

Dated: February 22, 1978.

ROLAND FINCH,
Acting Deputy Assistant, Director for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-7407 Filed 3-20-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 220 issued to the Southwest Fisheries Center, National Marine Fisheries Service, La Jolla, Calif. 92036 on February 8, 1978 (43 FR 6827), is modified in the following manner:

Section B-2 has been changed to read "The Assistant Administrator for Fisheries in consultation with the Marine Mammal Commission will evaluate the research to determine whether to authorize a partial take not to exceed 6,000 animals to determine readiness for large scale tagging."

This modification is effective March 21, 1978.

This modification has been granted on the basis of information supplied by the Permit Holder which indicates that in order to implement the Initial phases of the authorized research program up to 6,000 animals may be taken. This number of animals reflects current plans to examine at least 10 schools of an average size of 500 animals during this phase.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Stree NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: March 9, 1978.

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

[FR Doc. 78-7406 Filed 3-20-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Receipt of Application for a Marine Mammal Permit: Correction

On February 2, 1978, the Notice of Receipt of Application of Mystic Marinelife Aquarium was published in the FEDERAL REGISTER (43 FR 4450) to take marine mammals for public display under the Fur Seal Act of 1966 (16 U.S.C. 1151-1187). Notice is given that documents submitted in connection with the above application are also available in the following offices:

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm St., Gloucester, Mass. 01930; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: February 22, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director for Fisheries Management National Marine Fisheries Service.

[FR Doc. 78-7408 Filed 3-20-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Modification of Permits

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 124 issued to Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801 on January 23, 1976 (41 FR 4843) and Permit No. 34 issued on July 19, 1974 (39 FR 27932), as modified on December 4, 1975 (40 FR 56701), and March 19, 1976 (41 FR 11594), are modified in the following manner:

1. Permit No. 34. Section B-5 has been changed to read, "This Permit is valid, with respect to the taking authorized herein, until December 31, 1979."

2. Permit No. 124. Section B-3 has been changed to read, "This Permit is valid with respect to the taking authorized hereunder, until December 31, 1979."

These modifications are effective March 21, 1978.

The Permits as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, Northwest, Washington, D.C.; and
Regional Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: February 10, 1978.

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

[FR Doc. 78—7409 Filed 3-20-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Meeting: National Advisory Committee for the Flammable Fabrics Act.

SUMMARY: This notice announces a meeting of the National Advisory Committee on Monday and Tuesday, April 10-11, 1978, from 9:30 a.m. to 4 p.m. on both days. The meeting will be held at 1111 18th Street NW., Washington, D.C. 20207, 3rd Floor Conference Room.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

SUPPLEMENTARY INFORMATION: The National Advisory Committee provides advice and recommendations on Commission proposals and plans to reduce the frequency and severity of burn injuries involving flammable fabrics. Topics tentatively scheduled for discussion on Monday, April 10, include a review of the fire and thermal burn program, proposed sampling plan for the amended children's sleepwear flammability standard and a discussion of chronic chemical and environmental hazards to include labeling and the interagency program. On Tuesday staff will present a Status report on

the Commission's on-going flammability programs including the Boston Burn program.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the National Advisory Committee should notify the Office of the Secretary (see address above) by April 3, 1978. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter, and the approximate time requested. Time permitting, these presentations and other statements from the audience to members of the committee may be allowed by the presiding officer.

Dated: March 15, 1978.

SADYE E. DUNN,
Acting Secretary.

[FR Doc. 78-7395 Filed 3-20-78; 8:45 am]

[6355-01]

UNVENTED GAS-FIRED SPACE HEATERS

Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public meetings.

SUMMARY: The Commission announces that public meetings on the Commission's recent proposal to ban unvented gas-fired space heaters will be simultaneously in Miami, Fla. and Dallas, Tex., on March 28 and 29, 1978, in order to allow interested persons an opportunity to express their views on the proposal.

FOR FURTHER INFORMATION CONTACT:

Rory Fausett, Office of Program Management, Consumer Product Safety Commission, Washington, D.C., 301-492-6453.

SUPPLEMENTARY INFORMATION: On February 14, 1978, the Commission published, at 43 FR 6235, a proposal to declare that unvented gas-fired space heaters are banned hazardous products because they permit combustion products, including carbon monoxide, to be discharged directly into the living space, thereby creating an unreasonable risk of injury to the public from carbon monoxide poisoning and/or asphyxiation. The Commission also determined at that time that no feasible consumer product safety standard under the Consumer Product Safety Act (CPSA) could adequately protect the public from this unreasonable risk.

For rulemaking proceedings such as this proceeding on gas-fired space heaters, section 9(a)(2) of the CPSA requires the Commission to provide, among other things, an opportunity for interested persons to make oral presentations of data, views, or arguments on a proposed regulation. These presentations are transcribed and become part of the rulemaking record. The proposal provided for such a public meeting which was held in Washington, D.C., on March 6, 1978. Sixteen persons, many of whom represented distributors of liquid propane gas, presented their views at this meeting. The Commission also noted in the preamble to the proposal that it is particularly interested in obtaining views on the possible effects of the ban from persons who use unvented gas-fired space heaters or are familiar with their use. Therefore, the Commission directed its staff to determine whether public meetings in the south or southwest United States, where use of these products is most prevalent, would encourage participation of persons who use these products.

The Commission has been advised by its Atlanta, Ga. and Dallas, Tex. regional offices that public interest in the regions covered by these offices is high and that many persons have requested an opportunity to speak on this matter. Therefore, the Commission announces that public meetings on the proposal to ban are to be held concurrently in Miami, Fla. and Dallas, Tex., on March 28 and 29, 1978, at each of which members of the Commisssion shall preside. The meetings in each city will include an evening session so that people will have an opportunity to attend after the work day.

Oral presentations made at these meetings will also become part of the record of the rulemaking proceedings. The public is encouraged to attend these meetings. Many persons have already indicated their wishes to make presentations. Others who contact the offices concerned may also make presentations, time permitting.

In Miami, meetings will be held at the Miami Chamber of Commerce Building, 1920 Meridian Avenue, Miami Beach, Fla. The sessions will be held on Tuesday, March 28, 1978 at 1:30 to 5 p.m., and from 7:30 to 10 p.m. The Wednesday, March 29, 1978 session will be from 8 a.m. to 12 noon. For further information on the Miami meetings, please call M. Mario Matarazzo, Investigator for the CPSC Miami office at 305-526-2515.

In Dallas, meetings will be held at the New Dallas City Hall, 1500 Marillo Street, Room 6E-S, Dallas, Tex. The sessions will be held on Tuesday, March 28, 1978, at 1:30 to 5 p.m., and from 7:30 to 10 p.m. The Wednesday, March 29, 1978 session will be held from 8 a.m. to 12 noon. For further information on the Dallas meetings, please call Ms. Elizabeth Hendricks, Director of Community Services for the Dallas area office at 214-749-3871.

As noted in the proposal, written data, views, or arguments may be sent to the Office of the Secretary, Consuamer Product Safety Commission, Washington, D.C. 20207, until March 31, 1978. Late comments will be reviewed to the extend practicable.

Dated: March 20, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 78-7620 Filed 3-20-78; 9:44 am]

[3128-01]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of February 17 Through February 24, 1978

Notice is hereby given that during the week of February 17 through February 24, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

MARCH 10, 1978.

APPENDIX.—*List of cases received by the Office of Administrative Review*

[Week of Feb. 17 through Feb. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 21, 1978	Arkansas-Louisiana Gas Co., Shreveport, La. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bistineau and Waskom plants.	DXE-0665 and DXE-0666	Extension of the relief granted in *Arkansas-Louisiana Gas Co.*, case Nos. FXE-4733 and FXE-4734 (decided Nov. 4, 1977) (unreported decision).
Do	Atlantic Richfield Co., Dallas, Tex. If granted: Atlantic Richfield Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Putnam-Oswego plant.	DEE-0667	Price exception (sec. 212.165).
Do	Atlantic Richfield Co., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bayou Sale, Covington, Crane, Dayton, Drumright, Eldorado, Fairway, Grand Chenier, Indian Basin, Longview, Midland, North Cowden, Nueces River, Price, Refugio, Seminole, Spivey, and Swanson River plants.	DXE-0668 through DXE-0685	Extension of the relief granted in *Atlantic Richfield Co.*, case No. FEE-4703 through FEE-4705 (decided Dec. 6, 1977) (unreported decision). *Atlantic Richfield Co.*, case Nos. FXE-4686 through FXE-4700 (decided Nov. 4, 1977) (unreported decision). *Atlantic Richfield Co.*, case Nos. FXE-4686 through FXE-4700 (decided Nov. 4, 1977) (unreported decision). *Atlantic Richfield Co.*, case Nos. FEE-4277 (decided June 17, 1977) (unreported decision).
Do	Brayton Oil, Brayton, Iowa. If granted: Brayton Oil would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0749	Exception to the reporting requirements.
Do	Kenard D. Brown, Casper, Wyo. If granted: The DOE would grant an exception from the provisions of 10 CFR pt. 212, subpt. D for crude oil produced from certain wells in order to facilitate field tests of the economizer pump.	DEE-0658	Price exception (sec. 212.73).
Do	Callon Petroleum Co., Natchez, Miss. If granted: The Armstrong-Oakland No. 1 and Armstrong-Union No. 4 wells located in Adams County, Miss. and Bodcaw No. 2 and Bodcaw No. 3 wells located in Lafayette County, Ark., would be classified as stripper well properties on a retroactive basis.	DEE-0659 through DEE-0662	Do.
Do	Consumer Federation of America, Washington, D.C. If granted: Consumer Federation of America would be permitted to receive financial assistance for its intervention in connection with proceedings involving the pricing of middle distillate products.	DSG-0012	Request for special redress.
Do	Corbett & Rhodes (D. C. Webster), Mayesville, S.C. If granted: Corbett & Rhodes (D. C. Webster) would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0750	Exception to the reporting requirements.
Do	Estate of George H. Coates, Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing nautral gas liquids and natural gas liquid products at its Jay Simmons plant.	DXE-0686	Extension of the relief granted in *Estate of George H. Coates*, case No. FXE-4790 (decided Nov. 2, 1977) (unreported decision).
Do	General Crude Oil Co., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Salt Creek plant.	DXE-0687	Extension of the relief granted in *General Crude Oil Co.*, case No. DEE-0053 (decided Feb. 17, 1978) (unreported decision).
Do	Getty Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bastian Bay, Eunice, Fuller, Hollywood, Houma, Schafer, Spearman, Velma, Venice, and Vermillion plants.	DXE-0688 through DXE-0697	Extension of the relief granted in *Getty Oil Co.*, case Nos. FXE-4691 through FXE-4693 (decided Nov. 4, 1977) (unreported decision). *Getty Oil Co.*, case Nos. FEE-4421 through FEE-4430 (decided Nov. 10, 1977) (unreported decision).
Do	Justiss-Mears Oil Co., Inc., Jena, La. If granted: Justiss-Mears Oil Co., would be permitted to sell the crude oil produced from the Saucier No. 1 well located in Avoyelles Parish, La., at upper tier ceiling prices.	DXE-0663	Extension of the relief granted in *Justiss-Mears Oil Co.*, 1 DOE par —— (Dec. 12, 1977).
Do	Matrix Land Co., San Antonio, Tex. If granted: Matrix Land Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Box-Elmdale/Tuscola gas plant.	DEE-0743	Price exception (sec. 212.163).
Do	Milne Shell Service, Sparks, Nev. If granted: Milne Shell Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0751	Exception to the reporting requirements.
Do	Mobile Oil Corp., New York, N.Y. If granted: Mobil Oil Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Aurelius, Grand Chenier, and Waha plants.	DEE-0698 through DEE-0700	Price exception through (sec. 212.165).

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 17 through Feb. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 21, 1978	Mobile Oil Corp., New York, N.Y. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bradley, Burnell-North Pettus, Cameron, Chitwood, Delhi, Desdamona, Dollarhide, Electra, Hickok, Indian Basin, Iowa, Kermit, Kettleman-North Dome, La Gloria, Levelland, Lisbon, Nueces River, Pegasus, Rio Bravo, Scelligson, Sholem Alchem, Slaughter, South Serepts, Spivey, and West Seminole plants.	DXE—0701 through DXE—725	Extension of relief granted in *Mobile Oil Corp.*, case Nos. FEE-4706, FEE-4708 and FEE-4710 (decided Nov. 16, 1977) (unreported decision). *Mobile Oil Corp.*, case Nos. FXE-4713 through FXE-4727 (decided Nov. 4, 1977) (unreported decision). *Mobile Oil Corp.*, case Nos. FEE-4216 and FEE-4217 (decided June 17, 1977) (unreported decision). *Mobile Oil Corp.*, case No. FXE-3630 and FXE-3639 (decided Apr. 1, 1977) (unreported decision). *Mobile Oil Corp.*, 4 PEA par. 83,251 (Dec. 13, 1976). *Mobile Oil Corp.*, 4 PEA par. 83,128 (Sept. 26, 1976).
Do	Monsanto Co., St. Louis, Mo. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adena, Como, Diamond M, Dollarhide, Gillette, Pledger, and Spivey plants.	DXE-0727 through DXE-0733	Extension of the relief granted in *Monsanto Co.*, case Nos. FEE-4322 through FEE-4329 (decided Nov. 10, 1977) (unreported decision).
Do	Pete Moore, Carrollton, Miss. If granted: Pete Moore would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey.	DEE-0752	Exception to the reporting requirements.
Do	Northern Natural Gas Co., Omaha, Nebr. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products.	DXE-0734	Extension of the relief granted in *Northern Natural Gas Co.*, case No. FXE-4605 (decided Sept. 20, 1977) (unreported decision).
Do	Signal Petroleum, New Orleans, La. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Lake Washington Cycling plant.	DXE-0735	Extension of the relief granted in *Signal Petroleum*, case No. FXE-4475 (decided Nov. 1, 1977) (unreported decision).
Do	Texaco, Inc., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Como, Enville, Garvin County, Handy, Luby, New Hope, Roos, South Campana, South Lake Arthur, South Kermit, Tijerina, TXL, and Van plants.	DXE-0736 through DXE-0747	Extension of the relief granted in *Texaco, Inc.*, case Nos. FEE-4827 through FEE-4831 (decided Dec. 6, 1977) (unreported decision). *Texaco, Inc.*, case Nos. FXE-4565 through FXE-4574 (decided Nov. 4, 1977) (unreported decision).
Do	Young Coal Co., Waterloo, Iowa. If granted: Young Coal Co. would be permitted to increase its prices for middle distillates and residual fuel oils above the maximum levels permitted under the mandatory petroleum price regulations.	DEE-0064	Price exception (sec. 212.93).
Feb. 22, 1978	Bedford Shell, Bedford Mass. If granted: Bedford Shell would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0753	Exception to the reporting requirements.
Do	Boyle's Service Station, Bucksport, Maine. If granted: Boyle's Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0754	Do.
Do	Seguin Service Station, Skaneateles Falls, N.Y. If granted: Seguin Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0755	Do.
Do	Sigmor Refining Co., San Antonio, Tex. If granted: Sigmor Refining Co. would be permitted to use the imputation of May 15, 1973 prices reported in Platt's Oilgram for purposes of determining its maximum allowable prices.	DEE-0757	Price exception (sec. 212.93).
Feb. 23, 1978	Atlantic Richfield Co., Los Angeles, Calif. If granted: The DOE's Jan. 17, 1978 information request denial would be rescinded and Atlantic Richfield Co. would receive access to additional data regarding the "Representative Price Report".	DFA-0151	Appeal of an information request denial.
Do	Bigfork Standard, Bigfork, Mont. If granted: Bigfork Standard would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0756	Exception to the reporting requirements.
Do	Buck's Butane & Propane Service, Inc., San Jose, Calif. If granted: The requirements of the supplement to the remedial order issued to Buck's Butane & Propane Service on Feb. 6, 1978, would be stayed pending judicial review. The firm would be granted a temporary stay of the supplement to the remedial order pending a final determination on its application for stay and request for extension of time to file an appeal.	DRS-0043 and DRT-0006	Stay request and temporary stay.
Do	Cities Service Co., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Ambrose, Bryans Mill, Camrick, Chico, Crowley, Dollarhide, East Texas, Elmwood, Indian Basin, Lapeyrouse, Lefors, Maysville, Murdock, North Cowden, Pampa, Price, Roberts Ranch, Rodman, San Antonio, Stonewall, Waco, West Seminole, and Wichita plants.	DXE-0780 through DXE-0802	Extension of the relief granted in *Cities Service Co.*, case Nos. FEE-4754 through FEE-4763 (decided Dec. 5, 1977) (unreported decision). *Cities Service Co.*, case Nos. FXE-4557 through FXE-4564 and FXE-4576 through FXE-4583 (decided Nov. 4, 1977) (unreported decision).

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 17 through Feb. 24, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 23, 1978	Getty Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Dollarhide and Stevens-Calidon plants.	DXE-0803 and DXE-0804	Extension of the relief granted in *Getty Oil Co.*, case Nos. FXE-4188 and FXE-4197 (decided June 23, 1977) (unreported decision).
Do	Getty Oil Co., Los Angeles, Calif. If granted: Getty Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the E. Vealmoor, Grand Chenier, Katy, North Cowden, Red Fish Bay, and Yscloskey plants.	DEE-0805 through DEE-0810	Price exception (sec. 212.165).
Do	Gulf Oil Corp., Tulsa, Okla. If granted: Gulf Oil would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Elmwood, Fuller, Houma, Johnsons Bayou, and Venice plants.	DEE-0837 through DEE-0841	Do.
Do	Hoosier Oil, Inc., Jasper, Ind. If granted: Hoosier Oil, Inc., service station would be supplied motor gasoline by the Marathon Oil Co. rather than the Roy Cox Oil Co.	DEE-0758	Exception to change suppliers.
Do	Husky Oil Co. of Delaware, Washington, D.C. If granted: Husky Oil Co. of Delaware, would receive a stay of a portion of its entitlements obligation computed pursuant to 10 CFR 211.67 pending a final determination on its application for exception.	DEX-0041	Supplemental order.
Do	Robert E. Park, Casper, Wyo. If granted: The Jan. 9, 1978 remedial order issued by DOE region VIII would be rescinded and Park would not be required to refund overcharges made in sales of crude oil produced from the Boyd Miller No. 1 lease located in Campbell County, Wyo.	DRA-0150	Appeal of remedial order.
Do	Phillips Petroleum Co., Bartlesville, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Andrews, Benedum, Bradley, Crane, Dumas, Edmond, Gray, Hobbs, Lee, Lovington, North, Okla, Spraberry, Tunstill, Vermilion, and Henderson plants.	DXE-0811 through DXE-0826	Extension of the relief granted in *Phillips Petroleum Co.*, case Nos. FXE-4532 through FXE-4548 (decided Nov. 4, 1977) (unreported decision). *Phillips Petroleum Co.*, case No. FEE-3487 (decided Feb. 18, 1977) (unreported decision).
Do	Southwestern Refining Co., Inc. If granted: Southwestern Refining Co., Inc. would receive a stay of its entitlement purchase obligations pending a final determintion on its application for exception.	DES-0044	Stay request.
Do	Standard Oil Co. (Indiana), Chicago, Ill. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Elk Basin, Levelland, Midlands, Monahans, North Cowden, Peoria, Slaughter, South Manchester, and Toca plants.	DXE-0827 through DXE-0835	Extension of the relief granted in *Standard Oil Co. (In.)*. case Nos. FXE-4768 and FXE-4812 (decided Nov. 16, 1977) (unreported decision). *Standard Oil Co. (In.)*. case Nos. FXE-4551, FXE-4553, FXE-4608, FXE-4661, FXE-4662 and FXE-4795 (decided Nov. 11, 1977) (unreported decision). *Standard Oil Co. (In.)*. case No. FXE-4814 (decided Dec. 6, 1977) (unreported decision).
Do	Standard Oil Co. (Indiana), Chicago, Ill. If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005/gal for natural gas liquid products produced at the Indian Basin gasoline plant.	DEE-0836	Price exception (sec. 212.165).

NOTICES OF OBJECTION RECEIVED.—*Week of Feb. 17 through Feb. 24, 1978*

Date	Name and location of applicant	Case No.
Feb. 23, 1978	Green's Propane Gas Co., Smiths, Ala	DEO-0005

[FR Doc. 78-7291 Filed 3-20-78; 8:45 am]

[3128-01]

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of February 24 Through March 3, 1978

Notice is hereby given that during the week of February 24 through March 3, 1978, the appeals and applications for exception or other relief listed in the Appendix of this Notice were filed with the Office of Admininstrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

MARCH 13, 1978.

APPENDIX.—*List of cases received by the Office of Administrative Review*

[Week of Feb. 24 through Mar. 3, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 27, 1978	Inter-Americas Oil Co., Pittsburgh, Pa. If granted: Inter-Americas Oil Co. would receive a temporary stay of the license fee requirements regarding importation of residual fuel oil into District I.	DST-0037	Temporary stay.
Do	Raymond Oil Co., Huron, S. Dak. If granted: Raymond Oil Co. would be permitted to increase its prices for No. 2 fuel oil above the maximum level allowed under the mandatory petroleum price regulations on a retroactive basis.	DEE-0728	Price exception (sec. 212.93).
Do	Roadside Grocery, St. Francisville, La. If granted: Roadside Grocery would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0337	Exception to the reporting requirements.
Do	Standard Oil Co. (Indiana), Chicago, Ill. If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Springen Ranch muddy unit.	DEE-0342	Price exception (sec. 212.165).
Feb. 28, 1978	Ingram Corp., New Orleans, La. If granted: Ingram Corp. would be permitted to import, on a license fee-exempt basis, crude oil which was run to stills at its Wilmington, N.C., refinery during the period April, May, and June 1977.	DPI-0035	Exception to the base fee requirements.
Do	North Pole Refining, Washington, D.C. If granted: North Pole Refining would receive a stay pending a final determination on its application for exception.	DES-0045	Stay request.
Do	Pyramid Corp., Inc., Wichita, Kans. If granted: Pyramid Corp., Inc., would be permitted to sell the crude oil produced from the Pascoe A and Pascoe B properties at prices in excess of the lower tier ceiling prices on a retroactive basis.	DEE-0343	Price exception (sec. 212.73).
Mar. 1, 1978	Bassett Oil & Equipment Co., Inc., Bassett, Va. If granted: The Jan. 18, 1978, modified remedial order issued by DOE Region III would be rescinded and Bassett Oil & Equipment Co., Inc., would not be required to refund overcharges made in its sales of fuel oil and kerosene.	DRA-0153	Appeal of the modified remedial order.
Do	Chevron U.S.A., Inc., San Francisco, Calif. If granted: Chevron U.S.A., Inc., would receive an exception from 10 CFR 211.67(a)(4)(ii) regarding the reduction in the number of entitlements the firm will be issued based on its receipts of imported crude oil and Alaska North Slope crude oil beginning Jan. 1, 1978.	DEE-0348	Allocation exception (sec. 211.67(a)(4)(ii)).
Do	Clark Equipment Co., Buchanan, Mich. If granted: Clark Equipment Co. would receive an exception from the industrial energy reporting program and would not be required to report its energy usage in the SIC-37 category.	DEE-0254	Exception to the reporting requirements.
Do	Dixie Gas Industries, Inc., Winter Park, Fla. If granted: The remedial order issued by DOE Region IV would be rescinded and Dixie Gas Industries, Inc., would not be required to refund overcharges made in its sales of propane. The firm's motion for discovery with respect to the remedial order would be granted.	DRA-0154 and DRD-0154	Appeal of the remedial order.
Mar. 1, 1978	Donelan, Cleary, Wood & Maser, Washington, D.C. If granted: The DOE's Jan. 26, 1978, information request denial would be rescinded and Donelan, Cleary, Wood & Maser would receive access to additional DOE data regarding Mortada's contracts with the companies which own the Alaska pipeline.	DFA-0152	Appeal of the information request denial.
Do	Dorneyville Mobil, Allentown, Pa. If granted: Dorneyville Mobil would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0344	Exception to the reporting requirements.
Do	Estate of H. L. Hunt, Dallas, Tex. If granted: Estate of H. L. Hunt would be entitled to serve interrogatories on Department of Energy personnel in connection with its appeal of the Nov. 10, 1977, remedial order issued by DOE Region VI.	DRD-0076	Motion for discovery.
Do	Harry's Tire Service, Bourbon, Mo. If granted: Harry's Tire Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0345	Exception to the reporting requirements.
Do	International Harvester, Chicago, Ill. If granted: International Harvester would receive an exception from the industrial energy reporting program and would not be required to report its energy usage in the SIC-33 category.	DEE-0355	Exception to the reporting requirements.
Do	P & M Oil Co., Inc., Kosciusko, Miss. If granted: P & M Oil Co., Inc., would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0346	Exception to the reporting requirements.
Do	Reilly's Coin-Op Car Wash, Lodi, Calif. If granted: Reilly's Coin-Op Car Wash would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-0347	Exception to the reporting requirements.

APPENDIX.—*List of cases received by the Office of Administrative Review*—Continued

[Week of Feb. 24 through Mar. 3, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Standard Oil Co. (Indiana), Chicago, Ill. If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the Collums muddy sand unit.	DEE-0849	Price exception (sec. 212.165).
Do	Sun Co., Inc., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bayou Sale, Ludy, Mermentau, and Red Fish Bay plants.	DXE-0850 through DXE-0853	Extension of the relief granted in Sun Co. Inc., case Nos. FEE-4817, FEE-4818, and FEE-4821 (decided Dec. 20, 1977) (unreported decision)
Mar. 2, 1978	Amerada Hess Corp., New York, N.Y. If granted: Amerada Hess Corp. would be permitted to increase its prices for JP-8 military jet fuel above the maximum levels allowed under the mandatory petroleum price regulations.	DEE-0858	Price exception (sec. 212.83).
Do	Cologne Production Co., San Antonio, Tex. If granted: Cologne Production Co. would be permitted to sell the crude oil produced from the Algoa Oil unit 4-2 and the Algoa unit 6 located at Galveston County, Tex., at upper tier ceiling prices.	DXE-0857	Extension of the relief granted in *Cologne Production Co.*, 1 DOE par. —— (Jan. 19, 1978).
Do	Davison Oil Co., Inc., Mobile, Ala. If granted: The Jan. 26, 1978, information request denial would be rescinded and Davison Oil Co., Inc., would receive access to additional DOE data relating to the costs and pricing of fuel for Davison Oil Co., Inc., and Pride Terminals, Inc.	DFA-0155	Appeal of an information request denial.

NOTICES OF OBJECTION RECEIVED.—*Week of Feb. 24 through Mar. 3, 1978*

Date	Name and location of applicant	Case No.
Mar. 1, 1978	McGoldrick Oil Co., Shreveport, La	FEE-4798
Mar. 2, 1978	Florida Liquid Gas Co., Houston, Tex	DEO-0000
	Standard Oil Co. (Indiana), Chicago, Ill	DEE-0252
Do	Total Petroleum, Inc., Detroit, Mich	FEE-4753

[FR Doc. 78-7294 Filed 3-20-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

February 27 through March 3, 1978

Notice is hereby given that during the period February 27 through March 3, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within 10 days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

MARCH 13, 1978.

PROPOSED DECISIONS AND ORDERS

A. Johnson & Co., Inc., New York City, N.Y., DEE-0101, crude oil

A. Johnson & Co., Inc., filed an application for exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit A. Johnson to treat its two refineries as separate entities for the purposes of the entitlements program. On February 27, 1978, the DOE issued a proposed decision and order which determined that the exception request should be denied.

North Pole Refining, North Pole, Alaska, FEE-4451, crude oil

North Pole Refining filed an application for exception from the provisions of 10 CFR

211.51, 211.65, 211.67, 212.31, 212.83(b), and 212.111. The exception request, if granted, would permit North Pole and Delta Refining Co., an affiliated company, to determine on a separate basis the maximum permissible selling prices which each entity may charge for the covered products which it sells. North Pole and Delta would also be treated as separate firms for purposes of the crude oil buy/sell program (10 CFR 211.65) and the old oil entitlements program (10 CFR 211.67). On March 2, 1978, the DOE issued a proposed decision and order which determined that the exception request be denied.

Southland Royalty Co., Fort Worth, Tex., DEE-0450, crude oil

Southland Royalty Co. filed an application for exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Southland to sell the crude oil which it produces from the Aztec Totah unit located in San Juan County, N. Mex., at price levels in excess of those permitted under the provisions of 10 CFR, part 212, subpart D. On March 1, 1978, the DOE issued a proposed decision and order which determined that the exception request be granted and that Southland be permitted to sell 63.46 percent of the crude oil produced from the Aztec unit for the benefit of the working interest at upper tier ceiling prices.

Union Oil Co. of California, Los Angeles, Calif., FEE-4839, crude oil

Union Oil Co. of California filed an application for exception from the provisions of 10 CFR 212.73, which, if granted, would permit the working interest owners to sell the crude oil produced from the Moulton unit, located in Toole County, Mont., at upper tier ceiling prices. On February 27, 1978, the DOE issued a proposed decision and order in which it tentatively determined that the exception request be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy has issued proposed decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases.

Company	Case No.	Plant	Location	Amount of price increase (dollars in gallons)
Creston H. Alexander	DEE-0440	East Texas	Panola County, Tex	0.0243
Glenn E. Alexander	DEE-0441	do	Panola County, Tex	.0243
Bodcaw Co	DEE-0488	Cotton Valley	Webster Parish, La	.0361
Creslenn Ranch Co	DEE-0442	East Texas	Panola County, Tex	.0251
Michigan Hydrocarbons, Inc	DEE-0384	Gaylord	Otsego County, Mich	.0500
Panhandle Eastern Pipe Line Co	DEE-0349	Cimarron River	Seward County, Kans	Denied
	DEE-0350	Interstate	Morton County, Kans	.02157
	DEE-0351	North Richland	Texas County, Okla	.01893
	DEE-0352	Woods	Seward County, Kans	.03702
Suburban Propane Gas	DEE-0321	Martha Berry	Frio County, Tex	.0284
The Superior Oil Co	DXE-0399	Cymric	Kern County, Calif	.0462
	DXE-0400	Kettleman Hills	Kings County, Calif	.0370
	DXE-0401	Levelland	Cochran and Hockley counties, Tex.	.0161
	DXE-0402	Portilla	San Patricio County, Tex	Denied
	DXE-0403	Rio Bravo	Kern County, Calif	Do
	DXE-0404	TXL	Ector County, Tex	.0080
	DXE-0405	West Seminole	Gaines County, Tex	.0185
United Energy Resources, Inc	DEE-0345	Galveston Bay	Chambers County, Tex	.01188

[FR Doc. 78-7293 Filed 3-20-78; 8:45 am]

[3128-01]

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of February 1978

Notice is hereby given that during the month of February 1978, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR part 205, subpart F with the Office of General Counsel, Department of Energy (DOE). Copies of the Requests for Interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested parties may submit written comments on the listed interpretation requests on or before April 20, 1978. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9070.

WILLIAM S. HEFFELFINGER,

Director of Administration, Department of Energy.

MARCH 15, 1978.

APPENDIX.—*List of requests for interpretation received by the Office of General Counsel, month of February 1978*

Date received (1978)	Name and location of requestor	File No.
Feb. 8	John D. Manley III, Clayton J. Hoover, Kleberg & Weil, 1200 Corpus Christi National Bank Bldg., Corpus Christi, Tex. 78401 Issue: Does a lease representing a portion of an earlier lease that has been subdivided constitute a separate property under 10 CFR 212.72; if such a lease is not a separate property, whether the BPCL will be allocated first to wells producing under the earlier lease	A-277
Feb. 10	Gulf Oil Corp., Karen M. Richardson, The Gulf Cos., P.O. Box 3725, Houston, Tex. 77001 Issue: Whether a refiner may compute increased refiner marketing costs under 10 CFR 212.83(c)(2)(iii)(E) by calculating the per unit cost of marketing in the month of measurement less the per	A-278

APPENDIX.—*List of requests for interpretation received by the Office of General Counsel, month of February 1978*—Continued

Date received (1978)	Name and location of requestor	File No.
	unit cost of marketing in 1973 multiplied by the sales volume in the month of measurement	
Feb. 14 ...	R. L. Force, First National Bank Bldg., Dallas, Tex Issue: Can new production from a property which had previously qualified as a stripper well property and ceased production be sold at exempt prices pursuant to 10 CFR 212.54	A-279
Feb. 21 ...	Amoco Oil Co., Matthew J. Gallo, Standard Oil Co. (Indiana), 200 East Randolph Dr., P.O. Box 5910-A, Chicago, Ill. 60680 Issue: May importers combine custom duties paid for all imported crude oil and petroleum products as an offset against total import fees for both crude oil and products incurred pursuant to 10 CFR 213.35	A-280
Feb. 22 ...	O. B. Mobley, Jr. (operator), Lewisville Smackover lime unit, Lafayette County, Ark., and John L. Schober, Jr., 806 Mid South Tower, Shreveport, La. 71101 Issue: Can Mobley utilize the provisions of 10 CFR 212.75 to compute a unit base production control level for an enhanced recovery unit which after unitization significantly altered its producing patterns in May 1975	A-281
Feb. 24 ...	Basin, Inc., Cecil E. Munn, Esq., Cantey, Hanger, Gooch, Munn & Collins, 1800 First National Bank Bldg., Forth Worth, Tex. 76102 Issue: Whether a crude oil reseller that owns or controls a common carrier, in computing its average markup pursuant to 10 CFR 212.183, may deduct tariffs paid to that common carrier to the extent that such payments exceed actual expenses associated with the operation and maintenance of trucks, pipelines, and other modes of transportation of crude oil by that common carrier	A-282
Do ...	Gary Operating Co., Michael J. Driver, Gary Operating Co., 4 Inverness Court East, Englewood, Colo. 80110 Issue: May condensate recovered in Gary's casinghead gas gathering system be sold by Gary as crude oil pursuant to the provisions of 10 CFR pt. 212, subpt. D	A-283
Feb. 27 ...	Texaco, Inc., William R. Slye, Esq., Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 Issue: Do the entitlement reduction provisions of 10 CFR 211.67(d)(4) apply to a domestic refiner that sells residual fuel oil in or into the east coast market if the refiner did not refine the residual oil	A-284
Do ...	Black Hills Oil Marketers, Inc., Andrew L. Breffeilh, counsel for Black Hills Oil Marketers, Inc., 106 River Cross Rd., Casper, Wyo. 82601 Issue: Is the correct upper tier ceiling price pursuant to 10 CFR 212.74 for Williston Basin Sweet crude oil governed by the highest posted price for Wyoming Powder River Basin Sweet crude oil on Sept. 30, 1975	A-285

[FR Doc. 78-7292 Filed 3-20-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 23 Through January 27, 1978

Notice is hereby given that during the week of January 23 through January 27, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

C. H. Sprague & Son Co., Washington, D.C., DFA-0091, Freedom of Information

The C. H. Sprague & Son Co. (Sprague) appealed from a partial denial by the DOE Information Access Officer of a Request for Information submitted by the firm under the Freedom of Information Act. In its request, Sprague sought the disclosure of documents relating to the FEA's jurisdiction over transactions in covered products occurring outside the United States, the agency's authority to promulgate regulations establishing the costs of certain crude oils sold outside U.S. territory, and the FEA's disallowance of costs in foreign sales of covered products other than crude oil between affiliated entities. The Information Access Officer identified 11 documents which were within the scope of the Sprague request, but withheld eight of them on the grounds that the material was exempt from mandatory public disclosure under section 552(b)(5) of the Act. This determination was based on a finding that the release of the eight documents would interfere with the deliberative and policy-making process of the agency. In considering the Sprague Appeal, the DOE determined that the eight documents had been properly withheld under Exemption 5 of the Act. In addition, portions of four of the documents were found to constitute investigatory records, the release of which would interfere with an ongoing DOE compliance investigation. The DOE therefore concluded that those portions of the four documents were also exempt from mandatory disclosure under section 552(b)(7)(A) of the Act. However, the DOE determined that the public interest would be served by the release of certain portions of the eight documents, even though that material was exempt from disclosure under the Act. The sprague Appeal was therefore granted in part.

Funding Systems Corp., et al., Crystal Oil Co., Washington, D.C. FEA-1438, FEA-1439, crude oil

Funding Systems Corp., et al. (Funding) and Crystal Oil Co. (Crystal) appealed from a June 17, 1977 Order which was issued by the Office of Regulatory Programs of the Federal Energy Administration. The proceeding arose out of a transaction involving the sale of Crystal's Adobe refinery to Funding. The June 17 Order denied an application for certification of refinery capacity which Funding had submitted under 10 CFR 211.67(a)(2) in order to earn entitlements with respect to the Adobe refinery. In considering these Appeals of the June 17 Order, the DOE noted that the parties claimed that the FEA had applied more stringent standards in evaluating Funding's application for certification than it had applied to similar requests in the past. Although the parties asserted that they could not perfect this argument because they lacked access to sufficient information regarding prior applications for exception or certification, the record demonstrated that the parties had failed to take diligent and timely action to obtain this allegedly crucial information. The DOE concluded that as a result it was unable to reach the merits of the Appeals. Consequently, the DOE dismissed the Appeals without prejudice to a refiling within 45 days after final agency action is taken with respect to two pending Freedom of Information requests which the firms have filed.

Mayer, Brown & Platt, Chicago, Ill., DFA-0092, freedom of information

The law firm of Mayer, Brown & Platt (Mayer) appealed from a partial denial by the DOE Information Access Officer of a request for information which it had submitted under the Freedom of Information Act (the Act). In its request, Mayer had sought information concerning the purchases and sales of uranium by the Westinghouse Electric Corp. and its subsidiary, Wyoming Mineral Corp. In response to Mayer's request, the Information Access Officer released fifty-six documents in their entirety and portions of a document entitled "An Analysis of Uranium Supply, Demand and Price" (the Report) which had been prepared for the FEA in February 1976 by the Nuclear Assurance Corp., a private consulting firm. The portions of the Report which were withheld from disclosure contained detailed analyses of the uranium market operations of Westinghouse and other identified firms. The Information Access Officer held that this information was exempt from mandatory public disclosure under the exemption contained in the Act for confidential proprietary information, 5 U.S.C. 552(b)(4). In addition, the Information Access Officer withheld certain memoranda between senior officials of the FEA and other federal agencies on the ground that these documents were exempt from mandatory public disclosure under the exemption of the Act for in-

teragency and intra-agency memoranda, 5 U.S.C. 552(b)(5).

In considering the Mayer Appeal, the DOE initially determined that the Nuclear Assurance Corporation lacked the requisite standing to assert a proprietary interest in the Report because under the Act a private firm performing consulting services for the government must be considered a part of the employing agency. However, in light of the standards enunciated in *National Parks & Conservation Ass'n. v. Morton*, 498 F.2d 765 (D.C. Cir. 1974), the DOE held that the release of the portions of the Report which had been withheld by the Information Access Officer would be likely to cause substantial competitive harm to the firms identified in the Report and were therefore properly considered exempt from mandatory public disclosure under the fourth exemption of the Act. The DOE further determined that although the documents which were withheld under the (b)(5) exemption generally qualified for that exemption, certain purely factual segments of these documents could be easily segregated and released without adversely affecting the governmental decision making process.

Mayer's Appeal was therefore granted in part and the Information Access Officer was directed to release to Mayer the factual portions of the memoranda.

REQUESTS FOR EXCEPTION

Osage Oil & Transportation, Inc., Cleveland, Okla., FEE-4771, crude oil

Osage Oil & Transportation, Inc. filed an Application for Exception which, if granted, would permit the firm to file Schedule C of FEA Form P-124-M-1 ("Domestic Crude Oil Purchaser's Report") on an annual rather than on a monthly basis. In considering Osage's request, the DOE determined that the firm was experiencing only a small inconvenience by being required to complete Schedule C each month, and that consequently the firm was not being adversely affected by the application of the regulations in a significant manner. Accordingly, the Osage exception application was denied.

Petrolane, Inc., Houston, Tex.; Chevron U.S.A. Inc., San Francisco, Calif.; Union Oil Co. of Calif.; Schaumberg, Ill.; Marathon Oil Co.; Findlay, Ohio; Atlantic Richfield Co.; Los Angeles, Calif.; Gasco, Inc., Honolulu, Hawaii, FEE-4043 propane

Petrolane, Inc., Chevron U.S.A., Inc., the Union Oil Co. of California, the Marathon Oil Co., and the Atlantic Richfield Co. filed an Application for Exception from the provisions of 10 CFR 211.13(e). Chevron, Union, Marathon and ARCO are the co-owners of the Swanson River gas plant located on the Kenai Peninsula of Alaska. In their submission, these firms indicated that Petrolane has purchased 100 percent of the propane produced at the Swanson River gas plant since 1968, and requested that the DOE grant exception relief which would insure that Petrolane would be permitted to continue purchasing the propane produced at the plant. After reviewing the material submitted by Petrolane, the DOE concluded that as a result of a fire which occurred at the gas plant during 1972, the firm's use of propane during that period was unrepresentative of its normal operating position and that the firm's current requirements for propane in the Fairbanks-Anchorage market area were therefore grossly disproportionate to its base period use of propane supplied from the gas plant. As a result the DOE found that exception relief should be approved which would increase Petrolane's base period use of propane in order to reflect a more representative historical period. Accordingly, the DOE permitted Petrolane to utilize the period from April 1, 1973 through March 31, 1974 for purposes of calculating its base period use of propane supplied from the Swanson River gas plant. In addition, after considering Statements of Objections submitted by Chevron and Gasco, Inc., the DOE also found that those firms and individuals which purchase propane in the State of Hawaii might be adversely affected if Chevron were required to utilize its adjusted base period supply obligation to Petrolane in calculating its national allocation fraction for propane. The DOE observed that under the terms of a Decision and Order issued on June 26, 1975, Chevron is required to determine the quantity of propane which it must make available for sale in Hawaii on the basis of its national allocation fraction. In order to avoid an undesirable adverse impact on Hawaii the DOE permitted Chevron to continue utilizing its unadjusted base period supply obligation to Petrolane in calculating its national allocation fraction for purposes of complying with the provisions of the June 26, 1975 Decision and Order.

Stovall Oil Co., Casper, Wyo., FXE-4080, crude oil

Stovall Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit the firm to charge upper tier ceiling prices for crude oil produced from the Olsen No. 1 well located in Campbell County, Wyo. In considering the Stovall request the DOE found that the firm would have no economic incentive to repair the Olsen well in the absence of exception relief and that the nation would therefore be deprived of approximately 45,650 barrels of otherwise recoverable crude oil. In accordance with the precedent established in a number of previous Decisions, the DOE determined that exception relief should be approved which would enable Stovall to receive a 15 percent internal rate of return on its proposed investment and thus provide the firm with an economic incentive to undertake that investment. On October 19, 1977, the DOE issued a Proposed Decision and Order in which it concluded that these objectives would be met if Stovall were permitted to sell at upper tier ceiling prices 85.2856 percent of the crude oil produced each month from the Olsen well for the benefit of the working interest as a result of the firm's investment.

In a Statement of Objections to the Proposed Decision, Stovall stated that it had already installed the new pump and that its actual production experience indicated that its earlier production estimate was inaccurate. The firm requested that it be permitted additional time in which to submit more accurate data. After considering the request the DOE determined that Stovall's request should be denied since there was no reason to prolong this proceeding. The DOE observed that if actual operating experience demonstrated that the level of exception relief approved was not sufficient to enable Stovall to realize a 15 percent internal rate of return, then the DOE would subsequently increase the amount of Stovall's crude oil production which could be sold at upper tier prices. Accordingly, the Proposed Decision and Order was issued in final form on January 26, 1978.

Warrior Asphalt Co., of Alabama, Washington, D.C., DXE-0080, Crude oil

Warrior Asphalt Co. of Alabama filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of December 1977. In support of its exception request, Warrior submitted projected financial statements for its current fiscal year ending March 31, 1978 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for that period. In considering Warrior's exception request, the DOE determined that as a result of Warrior's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of December 1977. As a result of the projected entitlements cost which Warrior would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Under the criteria set forth in *Delta Refining Co.*, 2 FEA Par. 83,275 (September 11, 1975) and *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 8, 1976), exception relief was therefore warranted. Accordingly, on December 20, 1977 the DOE Issued a Proposed Decision and Order which determined that Warrior's Application for Exception be granted. The Decision proposed to relieve the firm of its entire projected entitlements purchase obligations during the six month period December 1977 through May 1978 to account for its crude oil runs to stills and old oil receipts during the period October 1977 through March 1978. However, the DOE noted in the Proposed Decision that the level of exception relief would be reevaluated, as is the case with all Entitlements Program exception decisions, as a matter of course at the conclusion of the firm's current fiscal year, and would also be reevaluated if the firm requested an extension of exception relief beyond May 31, 1978. The decision further noted that an adjustment will be made and Warrior will be required to purchase entitlements if it received excess benefits in the past because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. Since no Notice of Objection was filed to this proposed determination, the DOE issued the Decision and Order in final form granting the request as of December 20, 1977.

Whitco, Inc., Dallas, Tex., DXE-0385, motor gasoline

Whitco, Inc. filed an application for an extension of exception relief from the provisions of 10 CFR 211.25 (the supplier substitution rule) which the DOE had previously granted to the firm. The previous Decision and Order directed the Regional Administrator of DOE Region VI to determine whether Whitco would experience a serious hardship or gross inequity in the absence of additional exception relief and to recommend whether the exception relief previously granted to Whitco should be extended. On the basis of the new material submitted by Whitco in this proceeding and the recommendation of the Regional Office, the DOE determined that Whitco would continue to experience a serious hardship and a gross inequity in the absence of exception relief.

Accordingly, the exception relief previously granted to the firm was extended through March 31, 1978.

REQUEST FOR STAY

Sabre Refining, Inc., Bakersfield, Calif., DES-0034, crude oil

Sabre Refining, Inc. filed an Application for Stay in which it requested that its obligation to purchase entitlements under the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) be stayed pending a determination on the merits of a Statement of Objections which it filed to a Proposed Decision issued by the DOE on January 16, 1978. Sabre's request, if granted, would have resulted in a stay of the firm's obligation to purchase entitlements valued at $518,614.74 as specified on the November Entitlement notice. In considering the stay request, the DOE found that the financial material which Sabre had submitted in connection with its Application for Exception indicated that the firm had a substantial cash position which provided it with the ability to discharge its November entitlement obligation without incurring an irreparable injury. The DOE also found that since one or more entitlement sellers would be deprived of entitlement revenues if stay relief were granted to Sabre, the status quo ante would be best preserved if Sabre's obligation to comply with the general regulatory provisions of the Entitlements Program were not disturbed. In addition, the DOE determined that Sabre had not demonstrated a substantial likelihood of success on the merits of its Statement of Objections. Therefore, the DOE concluded that Sabre's Application for Stay should be denied.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

ABC Airlines, Inc., Texarkana, Tex., DEE-0434

The following submission was dismissed on the grounds that the request was now unnecessary:

Phillips Oil Operating Co., Seminole, Oklahoma, DRS-0114

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, Between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

MARCH 13, 1978

[FR Doc. 78-7295 Filed 3-20-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 2 Through January 6, 1978

Notice is hereby given that during the week of January 2 through January 6, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEAL

C.A.C.I., Inc., Arlington, Va., DFA-0064, Freedom of Information

C.A.C.I., Inc. appealed from a determination issued by the DOE Information Access Officer which denied in part a request for information which the firm submitted under the Freedom of Information Act. In its initial request for information, CACI sought copies of records relating to all awards or contracts issued to CEXEC, Inc, by the FEA. The Information Access Officer released 25 documents which were responsive to CACI's request. However, portions of four documents were deleted as exempt from mandatory public disclosure pursuant to the provisions of 5 U.S.C. 552(b)(4). Three of those documents were technical proposals submitted to the FEA by CEXEC, Inc., and the fourth document was a contract executed by CEXEC, Inc. and the FEA. In considering the CACI Appeal, the DOE found that the material which was withheld from the technical proposals included CEXEC's problem-solving technique. The DOE determined that release of this material could cause substantial injury to CEXEC's competitive position by providing the firm's competitors with an opportunity to imitate unique aspects of CEXEC's methodology. In addition, the deleted portions contained descriptions of the resumes and historical experience of members of the proposed project team. The DOE determined that release of this material would enable CEXEC's competitors to attract business and employees away from the firm. Finally, the DOE determined that the information withheld from the CEXEC contract consisted of labor rates which, if released, would permit CEXEC's competitors to structure future proposals so as to undermine CEXEC's ability to obtain contracts. The DOE concluded that the Information Access Officer had properly withheld the material from CACI as commercial or financial information which is confidential for purposes of 5 U.S.C. 552(b)(4), the release of which would not be in the public interest. Accordingly, the CACI Appeal was denied.

REQUESTS FOR EXCEPTION

James Flinn, Scurry County, Tex., FEE-4752, crude oil

James Flinn filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Flinn to sell the crude oil produced from the C. W. Popnoe "A" Lease in Scurry County, Tex, at upper tier ceiling prices. In considering the exception request, the DOE found that the working interest owners of the lease would realize a higher rate of return from alternative use of the funds now invested in the property and determined that Flinn did not have an economic incentive to continue production operations at the lease. The DOE also found that it was highly improbable that other firms would recover the crude oil from the reservoir underlying the lease in the event that Flinn terminated extraction operations on this property. Therefore the DOE concluded that the application of the lower tier ceiling price rule resulted in a gross inequity. Accordingly, the DOE granted exception relief which permitted Flinn to sell 54.7 percent of the crude oil produced and sold from the Popnoe Lease for the benefit of the working interest owners at upper tier ceiling prices.

Moran Pipe & Supply Co., Seminole, Okla., Fee-4772, crude oil

Moran Pipe & Supply Co., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Cozar Lease in Seminole County, Okla. at upper tier ceiling prices. In considering the exception application, the DOE determined that Moran did not have an economic incentive to continue operations at the lease since its production costs exceeded the price which the firm is permitted to charge for the crude oil produced from the lease. The DOE also found that if Moran were to abandon its operation, several hundred thousand barrels of domestic crude oil would not be otherwise recovered. Therefore the DOE concluded that the application of the lower tier ceiling price rule resulted in a gross inequity. Accordingly, the DOE granted exception relief which permitted Moran to sell 51.07 percent of the crude oil produced and sold from the Cozar Lease for the benefit of the working interest at upper tier ceiling prices.

Reading & Bates Oil & Gas Co., Tulsa, Okla., FEE-4418, FEE-4432, crude oil

Reading & Bates Oil & Gas Co., filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit the firm to sell the crude oil produced from the Dempsey-Mantooth Well No. 2A (the Dempsey Well) and the Schrader Unit Well No. 1 (the Schrader Well) in McClain County, Okla. at upper tier ceiling prices. In considering the application, the DOE determined that exception relief was not necessary to provide the firm with an economic incentive to continue production of crude oil at the Schrader Well since it operated that well on a profitable basis. However, the DOE found that Reading & Bates no longer had a sufficient economic incentive to continue production at the Dempsey Well. The DOE also found that if that well were abandoned, a considerable quantity of domestic crude oil would be unrecoverable. Therefore the DOE concluded that the application of the lower tier ceiling price rule with respect to the firm's operations at the Dempsey Well resulted in a gross inequity. Accordingly, the DOE granted exception relief which permitted the firm to sell 21.14 percent of the crude oil produced and sold from the Dempsey-Mantooth Well No. 2 for the benefit of the working owners at upper tier ceiling prices.

Special Jet Services, Inc., West Mifflin, Pa., FEE-3922, aviation gasoline

Special Jet Services, Inc. filed an Application for Exception which, if granted, would

permit Special Jet to increase its selling prices for aviation fuel above the maximum permissible levels established in 10 CFR 212.93. In considering the exception request, the DOE noted that the financial difficulties which the firm's fuel division was experiencing did not appear to result from non-product cost increases which the firm had incurred, but instead were related to the firm's practice of making intra-company sales of large quantities of aviation fuel at substantial discounts. Under these circumstances, the DOE concluded that Special Jet had failed to make a showing that exception relief was warranted. The FEA had issued a Proposed Decision and Order on September 15, 1977 which set forth the preliminary determination that the Application be denied. On September 26, 1977, Special Jet filed a Notice of Objection in which it informed the DOE that it intended to file a Statement of Objections to the Proposed Decision and Order. However, the firm failed to file a Statement of Objections. Accordingly, the Decision and Order was issued in final form as proposed.

Texas Pacific Oil Co., Inc., Dallas, Tex., DEE-0118, crude oil

Texas Pacific Oil Co., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the East Frankirk (Canyon Sand) Unit located in Stonewall County, Tex. as a stripper well property as of the date the property was unitized. In its Application, Texas Pacific stated that it had incorporated five adjacent properties into a single property in connection with a series of investments in enhanced recovery techniques. Since each of the five properties had qualified as a stripper well property prior to unitization, Texas Pacific initially expected that the unitized property would also qualify as a stripper well property. However, after reviewing Ruling 1977-2, the firm concluded that the Unit could not qualify as a stripper well property until at least June 1, 1978. The firm claimed that it had an economic incentive to postpone its investment until that date in order to insure that the unit would qualify in 12 months as a stripper well property. In considering the exception request, the DOE concluded that the financial data did not demonstrate an economic disincentive for Texas Pacific to undertake the investment at the present time. The Texas Pacific Application was therefore denied.

PETITION FOR SPECIAL REDRESS

Wickland Oil Co., Sacramento, Calif., DSG-0008, DES-0016, gasoline

Wickland Oil Co. filed a Petition for Special Redress which, if granted, would result in the issuance of an order quashing or modifying a subpoena that FEA Region IX issued to the firm on August 8, 1977. Wickland also requested a stay of the provisions of the subpoena pending final determination on its Petition. The DOE noted that §205.8(h)(4) of the DOE Procedural Regulations sets forth the criteria governing the administrative review of a petition in which a firm seeks to quash or modify a subpoena. Under that section, the DOE is required to conduct a preliminary review to determine whether the petitioner might satisfy the criteria for special redress relief. If the petitioner failed to meet this threshold standard, the regulations state that the petition should be dismissed. In considering the Petition, the DOE found that the firm had failed to demonstrate as a preliminary matter that the circumstances of this case were so exceptional as to warrant an immediate review on the merits of its claims. In this regard, the DOE found no support for Wickland's contention that the FEA had previously entered into a formal agreement relating to the refund requirements for alleged overcharges. With respect to Wickland's assertion that the subpoena required the firm to compile information which did not exist, the DOE found that Wickland could comply with the subpoena by submitting a statement to that effect. On the basis of these findings, the Wickland Petition was dismissed and its Application for Stay was denied.

REQUESTS FOR STAY

Common Carrier Pipelines, Washington, D.C., DOP-0002, petroleum pipelines

On February 24, 1976, the Interstate Commerce Commission initiated an investigation of possible Clayton Act violations by common carrier pipelines within the United States. During the course of that proceeding, the ICC issued an order which directed owners of common carrier pipelines to transmit to the Bureau of Competition of the Federal Trade Commission certain confidential information contained in answers to interrogatories which the pipeline owners had been ordered to file with the ICC. Responsibility for the investigation of common carrier pipelines was transferred to the Economic Regulatory Administration of the DOE, pursuant to the Department of Energy Organization Act, Pub. L. 94-91 (August 4, 1977) and DOE Delegation Order No. 0204-4. On January 4, 1978, the Administrator of the ERA determined that the Office of Enforcement would perform all functions previously exercised by the ICC Bureau of Investigation and Enforcement. The Administrator also determined that the Office of Administrative Review would perform all functions previously exercised by the members of the ICC or by designated administrative law judges. In the present proceeding, the DOE noted that a number of firms had requested that the ICC Order be reconsidered and rescinded. The DOE concluded that additional time was necessary to review the issues raised in those requests. Accordingly, the DOE stayed the ICC order pending further proceedings before the Office of Administrative Review. However, the DOE noted that the issuance of the Stay did not affect the obligations of the pipeline owners to respond to the interrogatories and to submit material to the DOE Office of Enforcement.

Quincy Oil, Inc., Quincy, Mass., DRS-0447, No. 6 fuel oil

Quincy Oil, Inc. filed an Application for Stay of a Remedial Order which Region I of the FEA issued to the firm on November 2, 1976. The firm requested stay relief pending a determination on a request for exception relief which the firm had filed. Quincy originally filed an Application for Exception on April 11, 1977. A Stay of Quincy's refund obligations under the Remedial Order had previously been granted on April 19, 1977, pending a determination on its Application for Exception. *Quincy Oil, Inc.*, 5 FEA Par. 85,053 (April 19, 1977). However, on November 23, 1977, the DOE dismissed Quincy's exception request without prejudice to a refiling. *Quincy Oil, Inc.*, 1 DOE Par. 81,030 (November 23, 1977). On January 3, 1978, Quincy refiled its Application for Exception as well as its present Application for Stay. In considering the stay request, the DOE noted that the firm's January 3, 1978 refiling did not initiate a new proceeding, but instead continued the previous exception proceeding which the DOE dismissed on November 23, 1977 without arriving at a determination on the merits. Since the firm's exception request was still pending, the DOE concluded that the stay which was originally approved on April 19, 1977 should remain in effect pending a determination on Quincy's current Application for Exception.

W. E. Shrider Co., Newark, Ohio, DES-0020, crude oil

W. E. Shrider Co. filed an Application for Stay of a Remedial Order which FEA Region V issued to the firm on May 9, 1977. On October 21, 1977, the DOE denied Shrider's Appeal of the Remedial Order and affirmed the May 9, 1977 Order in its entirety. *W. E. Shrider Co.*, 1 DOE Par. 80,111 (October 21, 1977). If the present stay request were granted, the refund provisions of the Remedial Order would be held in abeyance pending judicial review and an escrow account which Shrider had established pursuant to FEA directives would be maintained. In considering the Application, the DOE found that the interest which the firm would earn if the escrow account were maintained was outweighed by other equitable considerations including the adverse effect which continued stay relief might have upon the persons entitled to receive refunds for the overcharges involved. The DOE concluded that approval of stay relief would frustrate the compelling public interest of securing timely compliance with DOE regulations. Accordingly, the Application for Stay was denied.

Wallace & Wallace Fuel Oil Co., Inc., Wallace & Wallace Chemical & Oil Corp., Inc., St. Albans, N.Y., DES-0388, No. 2 fuel oil

Wallace & Wallace Fuel Oil Co., Inc. and Wallace & Wallace Chemical & Oil Corp., Inc. filed an Application for stay in which they requested that the Office of Administrative Review direct the DOE Region II Office of Enforcement to suspend any compliance proceedings against the two firms pending a final determination on an Application for Exception which Wallace & Wallace filed on December 20, 1977. In considering the stay request, the DOE found that Wallace had failed to provide any substantive material in support of its contention that the mere issuance of a Remedial Order would impair the firm's ability to secure the funds necessary to continue operations and would result in a severe and irreparable injury. The DOE also found that Wallace's customers possessed a legitimate interest in the expeditious resolution of the pending enforcement proceeding. Accordingly, the Wallace Application for Stay was denied.

SUMMARY DECISIONS

The following firms filed Applications for Stay of Remedial Orders which had been issued to them by the DOE. In considering the stay requests, the DOE referred to a recent Decision in *Rickelson Oil & Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that

the public interest required immediate compliance with the Remedial Order. Since the record in these cases did not indicate that the public interest required immediate compliance with the Remedial Orders, the DOE granted the requests for stay pending consideration of the Appeals.

Harvey W. Jones &, Associates, Natchez, Miss., DRS-0081

Miranda Fuel Oil, Co., New York, N.Y., DRS-0088

Petroleum Management, Inc., Laurel, Miss., DRS-0080

The following firm filed a Motion for Evidentiary Hearing with the Office of Administrative Review in connection with the DOE's consideration of an Appeal of a Remedial Order. That motion was granted.

Atlantic Richfield Co., Los Angeles, Calif., FRA-1456

DISMISSALS

The following submission was dismissed on the grounds that the request is now moot:

Quincy Oil, Inc., Boston, Mass., DRT-0004

The following submissions were dismissed on the grounds that the requests were now unnecessary:

J. N. Abel, Austin, Tex., DRS-0077

Copano Co., Houston, Tex., DRS-0078

Standard Systems, Inc., Grand River, Ohio, DRS-0041

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Ethyl Corp., Washington, D.C., DSG-0010

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

MARCH 13, 1978.

[FR Doc. 78-7298 Filed 3-20-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 9 Through January 13, 1978

Notice is hereby given that during the week of January 9 through January 13, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

REQUESTS FOR EXCEPTION

Bock and Bacon Oil Co., Houston, Tex., FEE-4850, crude oil

Bock and Bacon Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the Champion Paper Co. Lease, located in Newton County, Tex. In considering the firm's request, the DOE found that the cost of producing crude oil from the Champion lease had increased significantly since 1973 and that those costs exceed the revenues which the firm is able to obtain from the sale of the crude oil. The DOE therefore determined that Bock had no economic incentive to continue its crude oil production operations at the property. The DOE also found that if Bock terminated its operations at the Champion lease, a substantial quantity of crude oil would not be recovered. In view of this situation and on the basis of the operating data which the firm submitted for the most recent six-month period, Bock was permitted to sell at upper tier ceiling prices 50 percent of the crude oil produced from the Champion lease for the benefit of the working interest owners.

Hunt Petroleum Corp., Dallas, Tex., FEE-4473, natural gas liquids

Hunt Petroleum Corp. filed an Application for Exception from the provisions of 10 CFR 212.165, which, if granted, would permit the firm to increase the amount of non-product costs which it is allowed to pass through in the selling prices of natural gas liquids and natural gas liquid products produced at the Kinder gas processing plant located in Allen Parish, La. In considering Hunt's request, the DOE determined that the firm had experienced non-product cost increases during its fourth fiscal quarter of 1977 which were substantially in excess of the $0.005 per gallon pass-through permitted under the provisions of § 212.165. Accordingly, based on the criteria set forth in previous Decisions, the DOE determined that exception relief should be granted for the period September 21, 1977 through April 30, 1978.

United Refining Co., Warren, Pa., FPI-0121, crude oil

United Refining Co. filed an Application for Exception from the provisions of 10 CFR 213.35, which, if granted, would have permitted the firm to import additional crude oil on a license fee-exempt basis pursuant to the "carryforward" provision set forth in § 212.35(d)(2)(i). Under that provision, firms are entitled to credit against license fees duties paid on crude oil imports. In its Application, United contended that it had paid import duties during May and June of 1976, but that due to an oversight it had not imported any crude oil on a fee-paid basis during the ensuing six-month period. Consequently, United was not able to credit the import duties which it paid during May and June of 1976 against later license fees. United claimed that its failure to utilize the carryforward provision in the manner permitted by the regulations significantly reduced its income and it requested that the six-month carryforward period specified in the regulations be extended to permit it to offset the import duties against its later license fees. In considering United's request, the DOE determined that the firm had not demonstrated that its failure to utilize the carryforward provision with respect to its imports had a significant effect on the firm's current operations or profits. In addition, the DOE noted that a firm's failure to assess its rights under the DOE Regulations in a prudent and timely manner generally should not warrant the approval of exception relief. Based on these considerations, United's Application for Exception was denied.

REQUEST FOR MODIFICATION OR RESCISSION

Consumers Fuel Co., Martinsburg, W. Va., DRR-0009, No. 2 fuel oil

Consumers Fuel Co. filed an Application for Modification of a Remedial Order which FEA Region III had issued to the firm. The Application, if granted, would afford Consumers additional time to complete refund payments specified in the Remedial order. In considering the Consumers Application, the DOE determined that the computations that were necessary to make the refunds posed a substantial burden on Consumers. The DOE further determined that the firm had been acting in good faith to comply expeditiously with the refund requirements. In addition, the DOE noted that apparently none of the customers which Consumers had overcharged would be adversely affected if the refund payments were delayed for a short period of time. Accordingly, the DOE determined that the Remedial Order should be modified to allow Consumers until April 30, 1978 to complete the refunds.

PETITION FOR SPECIAL REDRESS

Advanced Sales Corp., St. Petersburg, Fla., DSG-0007, motor gasoline

Advanced Sales Corp. filed a Petition for Special Redress which, if granted, would have resulted in the issuance of an Order assigning the firm a lower-priced supplier of motor gasoline. In a previous exception proceeding, the Federal Energy Administration had determined that a new, lower-priced supplier of motor gasoline should be assigned to the firm. *Advanced Sales Corp.*, 5 FEA Par. 83,140 (April 29, 1977). Pursuant to that determination, on May 20, 1977, the FEA Region IV Office assigned Triangle Refineries, Inc. to be a supplier of motor gasoline to Advanced Sales. In its Petition, Advanced Sales maintained that the May 20 Order violated the express provisions of the April 29 Decision and Order that Advanced Sales be assigned a lower-priced supplier. In considering the Advanced Sales Petition, the DOE determined that the firm had failed to exhaust its administrative remedies with respect to the May 20 assignment order, and its Petition for Special Redress was therefore dismissed.

REQUESTS FOR STAY

Young Refining Corp.; Lunday-Thagard Oil Co., Douglasville, Ga.; South Gate, Calif., DES-0023; DES-0025, crude oil

Lunday-Thagard Oil Co. and the young Refining Corp. filed Applications for Stay of their entitlement purchase obligations specified in the October and November 1977 Entitlement Notices. The DOE had previously granted Temporary Stays with respect to a portion of each firm's October 1977 en-

titlement obligations following evidentiary hearings. *Lunday-Thagard Oil Co.*, 1 DOE Par. —— (December 29, 1977); *Young Refining Corp.*, 1 DOE Par. —— (December 27, 1977). In considering the present Applications for Stay, the DOE stated that it had initially intended to assess the firms' cash flow to determine whether stay relief was necessary to prevent irreparable injury. However, the DOE noted that while the present Applications were pending, the outside reporting company which had prepared the hearing transcripts in connection with the Applications for Temporary Stay had released the transcripts without deleting confidential information. The DOE found that although all the transcripts had been recalled, it was impossible to assess immediately the adverse consequences which their release might have on the operations of Young and Lunday-Thagard. Therefore, the Applications for Stay were granted. However, the DOE determined that continued stay relief would be contingent upon the receipt of additional financial data from the firms.

SUPPLEMENTAL ORDER

Natrogas, Inc., Minneapolis, Minn., DEX-0024, propane

The Department of Energy issued a Supplemental Order to Natrogas, Inc. which modified certain provisions of a Decision and Order previously issued to the firm. See Natrogas, Inc., 1 DOE Par. —— (December 6, 1977). In the December 6 Decision, the DOE directed DOE Region V to assign to Natrogas a new lower-priced supplier of propane for the period November 1, 1977 through January 31, 1978. However, since a substantial portion of that period had elapsed by the time the Decision was issued and since Region V had indicated that it would be unable to issue appropriate Assignment orders until after January 1, 1978, the DOE issued a Supplemental Order which altered the period for which exception relief would be granted to Natrogas to January 1 through March 31, 1978.

SUMMARY DECISIONS

The following firm filed an Application for Stay of a Remedial Order which had been issued to it be the DOE. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil & Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal Unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in this case did not indicate that the public interest required immediate compliance with the Remedial Order, the DOE granted the request for stay pending consideration of the Appeal.

Stephens & Cass, Dallas, Tex., DRS-0011

The following Supplemental Order modified a Decision and Order which had been issued to Buck's Butane & Propane Service, Inc., in order to provide an additional period of time for the issuance of a Revised Remedial Order and a Decision and Order to the firm:

Buck's Butane & Propane Service, Inc., San Jose, Calif., DRX-0025

DISMISSALS

The following submissions were dismissed following a statement by the applicant that the relief requested was no longer needed:

C & K Oil Co., Beckley, W. Va., FEE-4291

O'Brien Oil Co., Middletown, N.Y., DEE-0417

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE Procedural Regulations:

A. L. Sauder, Wichita Falls, Tex., DEE-0359

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Mountain West Aviation, Aspen, Colo., FEE-4728

John W. Yerbe, EL Paso, Tex., FEE-4654

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Western Refining Co., Woods Cross, Utah, DEE-0112

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of Administrative Review.

MARCH 13, 1978.

[FR Doc. 78-7297 Filed 3-20-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 16 Through January 20, 1978

Notice is hereby given that during the week of January 16, through January 20, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Sheldon Leon Bierman, Washington, D.C., DFA-0086

Sheldon Leon Bierman (Bierman) appealed from a partial denial of a Request for Information which he had submitted under the Freedom of Information Act (the Act). In his initial request, Bierman sought access to a copy of the successful bid submitted in response to an FEA proposal for a study of the impact of horizontal diverstiture in the United States petroleum industry on the supply and demand for coal. The Information Access Officer released two documents—the contract and the proposal of the winning contractor, Synergy, Inc. The first document was released in its entirety, but the Information Access Officer deleted from the second document the names, titles, and resumes of Synergy's employees as well as the firm's manpower allocation. In considering Bierman's appeal, the DOE determined that the material deleted from the Synergy proposal was exempt from mandatory disclosure and had properly been withheld under section 552(b)(4) of the Act since the release of the information might substantially harm Synergy's competitive position. The DOE therefore denied Bierman's appeal.

Bonacci Flying Service, Inc., Omaha, Nebr., FEA-1481, Aviation fuel

Bonacci Flying Service, Inc. filed an Appeal from a Decision and Order which was issued to the firm by FEA Region VII on August 9, 1977. The Appeal, if granted, would result in the issuance of an order assigning Bonacci a new supplier of aviation gasoline which would be directed to provide Bonacci with specific quantities of 80 octane aviation gasoline. In considering the Bonacci Appeal, the DOE determined that the firm had failed to provide an financial data which would demonstrate that it was experiencing a serious hardship as a result of the operation of the DOE regulations. Furthermore, the DOE found that Bonacci was not constrained by its current base period supplier/purchaser relationship, and that consequently the provisions of 10 CFR 211.9 were not causing the firm to experience a gross inequity. Accordingly, the Bonacci Appeal was denied.

Leonard E. Belcher, Inc., Springfield, Mass., FRA-1414, No. 2 fuel oil

Leonard E. Belcher, Inc. (Belcher) filed an Appeal from a Remedial Order which had been issued to the firm by FEA Region I. The Remedial Order found that during the period November 2, 1973 through August 18, 1974, Belcher sold certain quantities of No. 2 fuel oil at prices which were in excess of the maximum allowable selling prices computed pursuant to the provisions of 6 CFR 150.359 and 10 CFR 212.93. On the basis of that finding Belcher was directed to make appropriate refunds to its customers by check or credit memoranda. In its Appeal, Belcher contended that the DOE does not have the authority to enforce the provisions of 6 CFR, Part 150 which were in effect under Phase IV of the Economic Stabilization Program. Belcher also contended that the provisions of 10 CFR 210.92, which require firms in the petroleum industry to maintain records relating to their product costs and selling prices, are legally invalid since the FEA never received approval for that regulation from the General Accounting Office (GAO). Belcher therefore asserted that the FEA lacked the authority to require that firms maintain such records, to audit such records, or to issue Remedial Orders on the basis of such audits. In considering this aspect of the Belcher Appeal, the DOE observed that the authority to enforce the provisions of 6 CFR, Part 150 was clearly delegated to the FEA by Executive Orders Nos. 11748 and 11790, and by Cost of Living Council Order No. 47. In addition, the DOE observed that the applicable GAO Regulations (4 CFR, Part 10) do not apply to the recordkeeping requirements set forth in 10 CFR 210.92. Accordingly, Belcher's as-

sertion that the DOE lacked the authority to require firms in the petroleum industry to maintain records sufficient to show their compliance with the generally applicable Federal regulations was not correct.

In its Appeal, Belcher also raised a number of issues relating to the factual and legal findings of the Remedial Order. In considering these aspects of the Appeal the DOE determined that, contrary to Belcher's claims, the FEA had properly applied the provisions of 10 CFR 212.93(e)(1) to its calculation of the firm's unrecovered increased product costs. In addition, the DOE concluded that Belcher failed to make a showing that the firm should have been permitted to offset a portion of its overcharges against any undercharges which might have occurred. However, the DOE observed that in view of the precedent established *Mid-Continent, Inc.*, 3 FEA Par. 80,507 (November 14, 1977), it might be appropriate to offset Belcher's overcharges by the amount of certain voluntary refunds which the firm may have made to the same customers. Accordingly, this aspect of the Belcher Appeal was remanded to DOE Region I for further findings of fact. In addition, the Remedial Order was remanded for further findings of fact and law relating to Belcher's classes of purchaser. The Belcher Appeal was therefore granted in part.

Maguire Oil Co., Dallas, Tex., FRA-1390, crude oil

The Maguire Oil Co. filed an Appeal from a Remedial Order which was issued to the firm by FEA Region VI on June 30, 1977. In the Remedial Order, the FEA found that during the period between January 1, 1975 and September 30, 1976 Maguire had improperly classified its Chandler lease as a stripper well property and as a result had charged prices for the crude oil produced and sold from that lease which exceeded the ceiling price level established pursuant to 10 CFR 212.73. The Remedial Order therefore directed Maguire to refund to the purchaser of the crude oil the excess revenues which the firm had improperly obtained. In considering Maguire's Appeal, the Department of Energy determined that Maguire had failed to demonstrate that the FEA erred in finding that production from the lease was significantly curtailed for a period of 61 days during 1974. The DOE consequently concluded that the FEA had properly adjusted the calculation of the lease's average daily production to reflect the 61 days of "down time." Maguire also contended that total crude oil production from the Chandler lease in 1974 was 3,633 barrels, not 3,662 barrels as stated in the Remedial Order. The DOE found that even if Maguire's contention in this regard were correct, the average daily production of the Chandler lease in 1974 would still be in excess of ten barrels per day. Since a property does not qualify for the stripper well exemption if its average daily production exceeds ten barrels per day, the DOE concluded that any error in the computation of the total production from the Chandler lease was harmless. Accordingly, the Maguire Appeal was denied.

Sabine Production Co., Dallas, Tex., FXA-1199, FXA-1368, Union Oil Co. of California, Los Angeles, Calif., FXA-1208

Sabine Production Co. and Union Oil Co. of California filed appeals from two Decisions and Orders that were issued to Pennzoil Production Co. *Pennzoil Production Co.*, 5 FEA Par. 83,012 (December 23, 1976); 5 FEA Par. 83,122 (April 1, 1977). In those Decisions, the FEA had granted exception relief which permitted Pennzoil to sell at upper tier ceiling prices crude oil produced for the benefit of the working interest owners from the Perry Sand Waterflood Unit in Yazoo County, Miss. The Sabine and Union Appeals, if granted, would extend the exception relief to royalty interest owners. In considering the Appeals, the DOE noted that a distinction existed between the economic incentives of the working and royalty interest owners to continue crude oil production. The DOE referred to previous Decisions in which exception relief had been limited to working interest owners and concluded that this policy was consistent with the provisions of the Emergency Petroleum Allocation Act of 1973 and the Congressional objectives embodied in that statute. The DOE also concluded that the limitation of exception relief to the working interest share of production did not impermissibly interfere with the contractual rights of the parties, nor did it inject an element of uncertainty into the contractual relationship or create an economic disincentive for royalty interest owners to devote their land for crude oil production purposes. The Sabine and Union Appeals were accordingly denied.

Standard Oil Co. of Indiana, Chicago, Ill., FEA-1417 through FEA-1422, motor gasoline

The Standard Oil Co. of Indiana (Amoco) filed Appeals from six assignment orders issued by Region I to the Stone and Copper Fuel Co., a motor gasoline wholesale purchaser-reseller. Amoco is the prime supplier to that firm. The Appeals, if granted, would have resulted in the rescission of the six assignment orders. In considering Amoco's appeal, the DOE determined that Amoco was not an "unwilling supplier" as that term is used in Section 4(b)(v) of the "Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Sales Outlets" (Guidelines). The DOE also determined that Stone and Copper was properly considered to be a willing supplier under Section 4(b)(v) despite the fact that it might certify the volumes involved upward to Amoco in accordance with § 211.13(c). The DOE rejected Amoco's contention that the assignments violated Section 4(b)(i) of the Guidelines since Stone and Copper's and Amoco's allocation fractions for the State of Maine were below 1.00. Finally, the DOE determined that, contrary to an argument raised by Amoco, five of the assignment orders were based upon sufficient factual findings. With respect to the sixth assignment order which involved the Joseph Kirschner Co., the DOE found that the firm might already have had an allocation entitlement to motor gasoline at the time of the FEA Assignment Order and as a result, that assignment might have been improper under the DOE regulations. Consequently, the DOE granted Amoco's appeal of the assignment order involving the Joseph Kirschner Company and denied the other five appeals.

REQUESTS FOR EXCEPTION

Altex Oil Corp., Denver, Colo., FEE-4477, crude oil

The Altex Oil Corp. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Altex to sell the crude oil which it produces from the Anschutz Ranch No. 1 Well at upper tier ceiling prices. In considering the Application, the DOE determined that the Well had operated at a positive cash flow for each of the past four fiscal years and had continued to do so during the first nine months of calendar year 1977. Since Altex did not demonstrate that it lacks an economic incentive to continue crude oil production from the Anschutz Ranch No. 1 Well, the DOE concluded that the firm had failed to establish that the application of the lower tier ceiling price rule adversely affected it in any significant manner or caused it to experience a gross inequity. Accordingly, the Altex exception request was denied.

Beacon Oil Co., Washington, D.C., DXE-0077, crude oil

Beacon Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of December 1977. In support of its exception request, Beacon submitted projected financial statements for its current fiscal year ending December 31, 1977 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Beacon's exception request the DOE determined that as a result of Beacon's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of December 1977. As a result of the projected entitlements cost which Beacon would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Under the criteria set forth in *Delta Refining Co.* (2 FEA Par. 83,275 (September 11, 1975)) and *Beacon Oil Co.* (3 FEA Par. 83,209 (June 8, 1976)) exception relief was therefore warranted. Based on the material which Beacon submitted a further determination was made that exception relief also appeared appropriate for the initial months of the firm's 1978 fiscal year beginning on January 1, 1978. Accordingly, on December 20, 1977 the DOE issued a Proposed Decision and Order in which it determined that Beacon's Application for Exception should be granted in part. The exception would relieve the firm of sufficient entitlement purchase obligations during the six month period December 1977 through May 1978 to permit Beacon to achieve its historical profit margin during its current fiscal year. However, the DOE noted in the Decision which it issued that the relief granted to Beacon would be reevaluated if the firm requested an extension of exception relief beyond May 31, 1978 and, as is the case with all Entitlements Program Exception decisions, as a matter of course at the conclusion of the firm's current fiscal year. The decision further noted that an adjustment will be made and Beacon will be required to purchase entitlements if it received excess benefits in the past because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. Since no Notice of Objection was filed to the Proposed Decision and Order, the DOE issued the Decision in final form effective December 20, 1977.

Cologne Production Co., San Antonio, Tex., FEE-4398, crude oil

Cologne Production Co. filed an Application for Exception from the provisions of 10

CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil from three units on the Algoa Field located in Galveston County, Tex., at upper tier ceiling prices. In considering the Cologne exception application, the DOE determined that the firm is presently incurring an operating loss on each barrel of crude oil which it produces from the Algoa No. 4-2 Unit and the Algoa No. 6 unit. However, with respect to the Algoa No. 1 Unit, the DOE determined that the firm is still realizing a significant level of operating profit on each barrel of crude oil which it produces. On the basis of precedents involving similar factual situations, the DOE concluded that the application of the lower tier ceiling price rule with respect to the Algoa Units No. 4-2 and 6 constitutes a gross inequity to Cologne. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed six month fiscal period, Cologne was granted exception relief which permits the firm to sell at upper tier ceiling prices 100 percent of the crude oil produced for the benefit of the working interest from the Algoa No. 4-2 Unit and 60 percent of the crude oil produced for the benefit of the working interest from the Algoa No. 6 Unit during the next six months. Since Cologne was not experiencing a similar disincentive to continue production from the Algoa No. 1 Unit, the firm's application was denied with respect to that Unit.

Walter Disney d.b.a. Disney's Mobil, Ellis, Kans., DRC-0003, motor gasoline

Walter Disney, d.b.a. Disney's Mobil filed an Application for Exception under the provisions of 10 CFR 211.13(e). If the exception request were granted, Disney's base period use of motor gasoline would have been increased and the Mobil Oil Corp. assigned as the supplier to furnish the increased volume. In its application, Disney contended that the increased allocation was necessary to meet the rising demand for gasoline at its sole retail outlet which resulted from a new marketing strategy which the firm had adopted. FEA Region VII issued a Proposed Decision and Order which determined that the Disney exception application be denied. Disney filed a Statement of Objections to the Proposed Decision and Order in which it claimed that the Regional Office had erroneously concluded that the firm was able to obtain sufficient surplus product to meet the increased demand at its service station. In considering the Statement of Objections, the DOE concluded that any possible supply problems which Disney might experience were not attributable to the Mandatory Petroleum Allocation Regulations, but resulted instead from certain discretionary business decisions which the firm had made. In addition, it was determined that Disney had failed to demonstrate that it was actually unable to obtain adequate supplies of motor gasoline. The DOE therefore determined that Disney's objections to the Proposed Decision and Order were without merit, and the firm's exception application was denied.

Franklin Oil Co., Hartford, Conn., FEE-4121, motor gasoline.

Franklin Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.9 seeking termination of its supplier/purchaser relationships with the A-1 Oil Corp. and the Gasland Oil Co., and the assignment of an alternative supplier to Furnish motor gasoline to Franklin at wholesale prices which are within the range of prices prevailing in Franklin's market area. In considering Franklin's application, the DOE observed that although the firm has recently experienced certain financial difficulties, Franklin had failed to demonstrate that the difficulties are attributable to its base period supplier/purchaser relationships with A-1 and Gasland. The DOE found that Franklin has been able to purchase adequate quantities of surplus motor gasoline at competitive prices and that a disparity does not exist between the prices which Franklin is paying for motor gasoline and the prices which its competitors are paying. The DOE therefore concluded that Franklin had failed to meet the criteria for the approval of exception relief from the provisions of 10 CFR 211.9. This determination was set forth in a Proposed Decision and Order which was issued to the firm on October 19, 1977.

In a Statement of Objections, which it filed in opposition to the Proposed determination, Franklin contended that the proposed Decision and Order was erroneous in finding that the price which the firm pays for motor gasoline is not significantly higher than prevailing wholesale prices in its market area. However, Franklin did not provide any material whatsoever in support of this allegation. In addition, the material which Franklin did provide indicated that the firm's financial position had improved significantly since it filed its Application for Exception and the firm was no longer incurring losses in its operations. Under these circumstances, the DOE concluded that Franklin had not demonstrated that it met the criteria for the approval of the type of exception relief which it requested. Accordingly, the Proposed Decision and Order was issued in final form.

Mohawk Petroleum Corp., Washington, D.C., DXE-0078, crude oil

Mohawk Petroleum Corp. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of December 1977. In support of its exception request, Mohawk submitted projected financial statements for its current fiscal year ending December 31, 1977 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Mohawk's exception request the DOE determined that as a result of Mohawk's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of December 1977. As a result of the projected entitlements cost which Mohawk would incur during its current fiscal year, the firms profit margin and return on invested capital would be below historical levels. Under the criteria set forth in *Delta Refining Co.* (2 FEA Par. 83,275 (September 11, 1975)) and *Beacon Oil Co.* (3 FEA Par. 83,209 (June 8, 1976)) exception relief was therefore warranted. Based on the material which Mohawk submitted, a further determination was made that exception relief also appeared appropriate for the initial months of the firm's 1978 fiscal year beginning on January 1, 1978. Accordingly, on December 20, 1977 the DOE issued a Proposed Decision and Order in which it determined that Mohawk's Application for Exception should be granted in part. The exception would relieve the firm of sufficient entitlement purchase obligation during the six month period December 1977 through May 1978 to permit Mohawk to achieve its historical profit margin during its current fiscal year. However, the DOE noted in the Decision which it issued that the relief approved to Mohawk would be reevaluated if the firm requested an extension of exception relief beyond May 31, 1978 and, as is the case with all Entitlements Program Exception decisions, as a matter of course at the conclusion of the firm's current fiscal year. The decision further noted that an adjustment will be made and Mohawk will be required to purchase entitlements if it received excess benefits in the past because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. Since no Notice of Objection was filed to the Proposed Decision and Order the DOE issued the Decision in final form effective December 20, 1977.

Monsanto Co., Houston, Tex., FEE-4154, crude oil

The Monsanto Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil which it produces from the Hendrix "F" Property located in Winkler County, Tex. at upper tier ceiling prices. In considering the firm's exception request the DOE found that the costs of producing crude oil from the Hendrick "F" Property had increased significantly since 1973 and as a result the costs which Monsanto incurred in operating the lease exceeded the revenues which the firm could obtain from the sale of its crude oil production at the lower tier ceiling price. The DOE therefore determined that Monsanto had no apparent economic incentive to continue its production operations at the Hendrick "F" Property. The DOE also found that if Monsanto terminated its operations at the property, a substantial quantity of crude oil would not be recovered. The DOE therefore concluded that exception relief should be granted which would permit Monsanto to recover its increased operating expenses at the property. On the basis of the methodology established in previous Decisions involving similar circumstances, Monsanto was granted exception relief which permitted the firm to sell at upper tier ceiling prices, 100 percent of the crude oil produced from the Hendrick "F" Property for the benefit of the working interest owners.

Navajo Refining Co., Washington, D.C., DXE-0089, crude oil

Navajo Refining Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of December 1977. In support of its exception request, Navajo submitted projected financial statements for its current fiscal year ending July 31, 1978 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Navajo's exception request the DOE determined that as a result of Navajo's crude oil runs and receipts during the current fiscal year, the firm would be required to purchase entitlements at a substantial cost commencing with the month of December 1977. As a result of the projected entitlements cost which Navajo would incur

during its current fiscal year, the firm's profit margin and return on invested capital would be below historical levels. Under the criteria set forth in *Delta Refining Co.* (2 FEA Par. 83,275 (September 11, 1975)) and *Beacon Oil Co.* (3 FEA Par. 83,209 (June 8, 1976) exception relief was therefore warranted. Accordingly, on December 20, 1977 the DOE issued a Proposed Decision and Order in which it determined that Navajo's Application for Exception should be granted. The exception would relieve the firm of its entire projected entitlement purchase obligations during the six month period December 1977 through May 1978. However, the DOE noted in the Decision which it issued that the relief approved to Navajo would be reevaluated if the firm requested an extension of exception relief beyond May 31, 1978 and, as is the case with all Entitlements Program Exception decisions, as a matter of course at the conclusion of the firm's current fiscal year. The decision further noted that an adjustment will be made and Navajo will be required to purchase entitlements if it received excess benefits in the past because of a discrepancy between the financial projections it submitted and the actual financial result which it achieves. Since no Notice of Objection was filed to the Proposed Decision and Order the DOE issued the Decision in final form effective December 20, 1977.

PETITION FOR SPECIAL REDRESS

Romaco, Inc., Montgomery, Ala., DSG-0006, DES-0017, petroleum products

Romaco, Inc. filed a Petition for Special Redress which if granted, would result in the issuance of an order rescinding a Special Report Order which FEA Region IV issued to the firm on September 6, 1977. In considering the Romaco Petition, the DOE found that the firm had filed an Application to Quash the Special Report Order with the Director of Compliance of FEA Region IV, in accordance with the provisions of 10 CFR 210.91(b). That Application was denied in a Decision and Order issued by the Acting Director for Enforcement of DOE Region IV, who had assumed the responsibilities previously exercised by the Director of Compliance. The DOE noted that under 10 CFR 210.91(c) the next level of review of the Special Report Order would be conducted by the Regional Administrator. However, under the Department of Energy Organization Act, the Director for Enforcement of each regional office has assumed the enforcement responsibilities previously exercised by the Regional Administrator. Therefore, the DOE noted that if Section 210.91(c) were followed literally, the official who would review the denial of Romaco's Application to Quash would be the same individual who issued both the denial and the Special Report Order. The DOE found that the intent of Section 210.91(c) was to provide a party with a second level of review of a Special Report order by an official who was senior in rank to the individual who issued the Order. In view of these circumstances, the DOE remanded the matter to the Assistant Administrator for Enforcement for a decision in accordance with 10 CFR 210.91(c). In addition, the DOE stayed the provision of the Special Report Order until the Assistant Administrator for Enforcement issues a Decision and Order regarding the Romaco submission.

REQUEST FOR STAY

United Independent Oil Co., Washington, D.C., DES-0019, crude oil

United Independent Oil Co. requested that its obligations under 10 CFR 211.67 (the Entitlements Program) be stayed beginning with the month of January 1978 pending the issuance of a final Decision and Order on an Application for Exception which the firm had filed. In considering the UIOC request, the DOE found that the material which the firm had submitted did not make a prima facie showing that the firm satisfied any of the applicable criteria in § 205.125(b) for the grant of a stay. The DOE therefore denied the request for stay.

REQUEST FOR TEMPORARY STAY

Congressman Paul Findley, Washington, D.C., DST-0005, gasohol

Congressman Paul Findley filed an Application for Temporary Stay of the provisions of the Mandatory Petroleum Price Regulations. Congressman Findley sought the Temporary Stay on behalf of all petroleum retailers and jobbers in Illinois who wished to sell "Gasohol," a blend of alcohol and gasoline. In his Application, Congressman Findley asserted that firms presently had no economic incentive to distribute Gasohol because the price regulations do not permit them to reflect the cost of the alcohol component of the product in the selling price. In considering the Findley Application, the DOE noted that on the basis of the current record it appeared that the sale of Gasohol prior to the conclusion of a rulemaking proceeding was in the public interest. Accordingly, the Temporary Stay was granted permitting sellers of Gasohol in Illinois to increase the product costs per unit which they would otherwise be permitted to reflect in their selling prices by the difference between the current weighted average unit cost of ethyl alcohol in inventory and weighted average unit cost of motor gasoline in inventory on May 15, 1973, multiplied by the percentage of ethyl alcohol contained in the blend.

SUPPLEMENTAL ORDERS

Arizona Fuels Corp., Salt Lake City, Utah, DEX-0027, crude oil

On January 17, 1978, the DOE issued a Decision and Order to Arizona Fuels Corp. (Arizona) staying its obligation to purchase entitlements to the extent specified in a Proposed Decision and Order which was issued to the firm on January 16, 1978. The DOE concluded that a stay was warranted as a result of the new exceptions procedures adopted effective September 14, 1977 pursuant to which the January 16, 1978 Proposed Decision and Order would not be finalized for at least 10 days after its service. During the interim period, Entitlements Notices would continue to be issued which did not take into consideration the relief proposed for Arizona in the January 16, 1978 Order. Based upon the criteria of previous case determinations which presented the same situation, the DOE therefore determined that the entitlement purchase obligation of Arizona should be stayed to the extent specified in the Proposed Order until the conclusion of the pending exception proceeding.

Southland Oil Co./VGS Corp., Memphis, Tenn., DEX-0026, crude oil

On January 16, 1978, the DOE issued a Supplemental Decision and Order to the Southland Oil Co./VGS Corp. (Southland) amending a Proposed Decision and Order and a Stay Decision and Order which had been issued to the firm on December 20, 1977. The December 20, 1977 Proposed Decision and Order specified that Southland should be granted exception relief from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which would reduce Southland's obligation to purchase entitlements by $1,125,774 per month during the period December 1, 1977 through May 31, 1978. The December 20, 1977 Stay Decision and Order implemented the exception relief specified in the Proposed Decision and Order pending the issuance of a final determination to the firm. However, after the issuance of the December 20, 1977 Decisions and Orders, Southland notified the DOE that certain of the material which the firm had provided in support of its exception request was misleading and had resulted in excessive exception relief being awarded to the firm in the amount of $200,753 per month. Accordingly, the December 20, 1977 Orders were amended to specify the corrected amount of exception relief. Furthermore, since the Entitlements Notice published by the DOE during the month of December 1977 (42 FR 64401 (December 23, 1977)) had specified the incorrect amount of relief, the Supplemental Order which was issued reduced Southland's exception relief in January 1978 to the extent of the excess relief obtained in December 1977.

SUMMARY DECISIONS

The following firms filed Applications for Stay of Remedial Orders which had been issued to them by the DOE. In considering the stay requests, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in these cases did not indicate that the public interest required immediate compliance with the Remedial Orders, the DOE granted the requests for stay pending consideration of the Appeals.

Atlantic Richfield Co., Los Angeles, Calif., DRS-0106, DRS-0107
Phillips-Good Oil Co., Seminole, Okla., DRS-0108

The following supplemental order modified a Decision and Order which had previously been issued to Dorchester Gas Corp. and American Petrofina, Inc. in order to provide for the reassignment of certain additional base period supply obligations to Dorchester:

Dorchester Gas Corp.; American Petrofina, Inc., Washington, D.C., DEX-0028

The following firm requested an extension of a Stay which the DOE issued to the firm on December 16, 1977. *Romaco, Inc.*, 1 DOE Par. —— (December 16, 1977). The request was granted.

Romaco, Inc., Montgomery, Ala., DES-0026

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Cities Service Co., Tulsa, Okla., DXE-0280

Economizer Pump Co., Casper, Wyo., FEE-4779

The following submission was dismissed on the grounds that the request was now unnecessary:

Leonard E. Belcher, Inc., Alexandria, Va., DMR-0011

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Kedco Management Corp., Wichita, Kans., FEE-4447

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director,
Office of Administrative Review.

MARCH 13, 1978.

[FR Doc. 78-7296; Filed 3-20-78; 8:45 am]

[3128-01]

[DOE/EIS-0004-D]

COAL LOAN GUARANTEE PROGRAM

Availability of Draft Programmatic Environmental Impact Statement

Notice is hereby given that the U.S. Department of Energy (DOE), the successor to the Federal Energy Administration (FEA), has issued a draft programmatic environmental impact statement (EIS), DOE/EIS-0004-D, Coal Loan Guarantee Program. The statement was prepared pursuant to the National Environmental Policy Act of 1969, to identify potential environmental impacts that might occur as a result of implementation of DOE's proposed Coal Loan Guarantee Program, which was authorized by section 102 of the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163), as amended by section 164 of the Energy Conservation and Production Act of 1976 (Pub. L. 94-385). Under this program, DOE may guarantee private loans to small coal producers for the purpose of developing, expanding, or reopening underground coal mines.

Copies of the draft EIS have been distributed for review and comment to appropriate Federal, State, and local agencies, and other organizations and individuals who are known to have an interest in the environmental effects of the program.

Copies of the statement are available for public inspection at the DOE public document rooms located at:

DOE Headquarters, 20 Massachusetts Avenue NW., Washington, D.C.
Albuquerque Operations Office, National Atomic Museum, Kirkland Air Force Base East, Albuquerque, N. Mex.
Brookhaven National Laboratory, Research Library, Upton, N.Y.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.
Richland Operations Office, Federal Building, Richland, Wash.
San Francisco Operations Office, 1333 Broadway, Oakland, Calif.
Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

Comments and views concerning the draft EIS are requested from other interested agencies, organizations, and individuals. Single copies of the draft EIS are available upon request from the National Energy Information Center, Department of Energy, Room 1404, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. Copies of the draft EIS will also be available for public review in the DOE Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Interested parties are invited to submit written comments to Public Hearing Management, Box RX, Room 2312, 2000 M Street NW., Washington, D.C., 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Draft Programmatic CLGP EIS DOE/EIS-0004-D." Ten copies should be submitted. All comments should be received by DOE no later than May 6, 1978, in order to ensure consideration.

In accordance with the guidelines of the Council on Environmental Quality, those submitting comments on the draft EIS should endeavor to make their comments as specific, substantive and factual as possible without undue attention to matters of form in the impact statement. However, it would assist in the review of the comments if they were organized in a manner consistent with the structure of the draft EIS. Emphasis should be placed specifically on the assessment of the environmental impacts of construction and operation of the mines, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the proposed action. Commenting entities may recommend modifications and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

Copies of the comments received on the draft EIS will be placed in the above referenced locations for inspection, and will be considered in the preparation of the final EIS if received on or before May 6, 1978.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in one copy only, in accordance with the procedures set forth at 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

For further information regarding the program and the EIS, please contact:

James Haney, Coal Loan Guarantee Program Office, Room 3513, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9934; or
Robert Stern, Office of Environment, Room 7119, 12th and Pennsylvania Avenue N.W., Washington, D.C., 202-566-9760.

Dated at Washington, D.C., this 15th day of March 1978.

For the U.S. Department of Energy.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-7355 Filed 3-20-78; 8:45 am]

[3128-01]

R. DOBIE LANGENKAMP

Granting Waiver

Pursuant to subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91) the person named below has been granted a waiver of the requirements of subsection 602(a) by reason of the existence of exceptional hardship.

I am satisfied under all of the circumstances reviewed by me that a waiver of the requirements of subsection 602(a) for this person is justified and I so find. The waiver granted to the person named below will expire when the person has received compensation in full for services performed for the energy concern named below, which services were rendered prior to his employment with this Department.

To minimize or eliminate any conflict of interest during this period, the employee concerned has been directed not to participate personally and substantially as a Government officer or employee in any particular matter the outcome of which could have a direct and predictable impact upon the energy concern named below.

Employee and energy concern

R. Dobie Langenkamp—Home-Stake Participants

Dated: March 7, 1978.

JAMES R. SCHLESINGER,
Secretary.

[FR Doc. 78-7444 Filed 3-20-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

GUIDELINES FOR EVALUATING ELIGIBILITY OF COAL EMERGENCY PURCHASERS OF NATURAL GAS

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of guidelines.

SUMMARY: The Department of Energy publishes this notice of the guidelines to be used by the Department's Economic Regulatory Administration to assist the Federal Energy Regulatory Commission in implementing section 157.42 of its regulations. The guidelines establish criteria and procedures for determining eligibility of electric utilities and other entities as coal emergency purchasers of natural gas within the meaning of 18 CFR 157.42.

EFFECTIVE DATE: March 21, 1978, expires May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Paula A. Daigneault, Natural Gas Regulations, Economic Regulatory Administration, 2000 M Street NW., Washington, D.C. 20461, 202-632-4721.

Martin Kaufman, Office of the General Counsel, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, 202-566-9995.

Walter A. Romanek, Director, Division of Coal Utilization, Economic Regulatory Administration, 2000 M Street, NW., Washington, D.C. 20461, 202-254-3910.

SUPPLEMENTARY INFORMATION: On March 15, 1978, and published elsewhere in this issue the Federal Energy Regulatory Commission issued a notice amending its Rules and Regulations by adding a new § 157.42 to part 157, title 18, CFR., to provide an exemption from the certification requirements of section 7 of the Natural Gas Act for certain short term emergency gas transportation and sale arrangements entered into during the current coal emergency. The purpose of that amendment, as described by the Commission, "is to encourage pipelines and local distribution companies to provide the transportation services necessary to permit qualifying sellers to make up to 60-day sales of natural gas in interstate commerce to coal emergency purchasers" during the period of the coal emergency.

Section 102 of the Department of Energy Organization Act, Pub. L. 95-91, declares a Congressional purpose "that the establishment of a Department of Energy is in the public interest and will promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs." Subsection 102(3) of the Act states as one purpose of the Act: "(3) to provide for a mechnism through which a coordinated national energy policy can be formulated and implemented to deal with short-, mid- and long-term energy problems of the Nation; and to develop plans and programs for dealing with domestic energy production and import shortages." Subsection 102(8) of the Act states as an additional purpose of the Act: "(8) to facilitate establishment of an effective strategy for distributing and allocating fuels in periods of short supply.* * *"

The Federal Energy Regulatory Commission is an autonomuous collegial body within the Department of Energy, whose responsibilities include implementation of section 7 of the Natural Gas Act. The Economic Regulatory Administration (ERA) is a sister entity within the Department whose existing economic regulatory mechanisms enable it to assist the Commission (and the Department as a whole) in responding as rapidly and efficiently as possible to the fuel shortage and allocation problems posed by the current coal emergency.

Accordingly, these guidelines are promulgated for the purpose of establishing criteria by which the ERA will carry out its responsibilities in assisting the Commission in implementing section 157.42 of its regulations, and to provide a co-ordinated and effective mechanism by which the Department can respond to the current coal crisis.

Because of the emergency caused by the current coal shortage, prior notice and opportunity for comment with respect to these guidelines is impractical and contrary to the public interest.

Issued in Washington, D.C., March 17, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

GUIDELINES FOR EVALUATING ELIGIBILITY OF COAL EMERGENCY PURCHASERS FOR EMERGENCY GAS PURCHASES

Purpose. The purpose of these guidelines is to establish criteria for determining the eligibility of electric utilities and other entities as coal emergency purchasers of natural gas within the meaning of 18 CFR 157.42. That section enables natural gas to be transported to certain purchasers during the emergency period exempt from the requirement of a certificate of public convenience and necessity under section 7 of the Natural Gas Act, provided the Administrator determines that use of the gas "will contribute to alleviating the peril to the national health and safety which attends the continuation of the coal emergency, and in his judgment, will best meet the coal emergency and will serve the public interest."

Definitions. For the purpose of these guidelines the following definitions will apply:

"Administrator" means the Administrator of ERA or his designee.

"Affected utility" means any electricity generating unit, including a publicly, municipally or privately owned unit (and including any person who owns, leases, operates or controls such a unit) which (1) provides electric power either intrastate or interstate for purposes of sale or exchange, and (2) has curtailed its delivery of electricity to its customers as a result of the coal emergency.

"Coal emergency" means the unavailability of coal resulting from the labor-Management dispute between the Bituminous Coal Operators Association and the United Mine Workers of America.

"Coal emergency period" means the period beginning on March 15, 1978, and ending midnight, April 30, 1978.

"Forwarding utility" means any electric generating unit including a publicly, municipally or privately owned unit (and including any person who owns, leases, operates or controls such a unit), which (1) provides electric power either intrastate or interstate for purposes of sale or exchanges, and (2) is capable of providing electricity, coal or other fuel to an affected utility, regardless of its own curtailment status.

"Minimum health and safety level" means that level of electric power service required to meet the needs of residential dwelling units; medical, nursing, and convalescent institutions; minimum commercial and industrial plant protection; perishable agricultural commodity storage and processing facilities; sanitation; transportation; communication; other essential government or public services, such as correctional facilities, police and fire protection, etc., and other essential services as determined by the Administrator.

"Other utility purchaser" means a facility other than an affected utility or forwarding utility which has the capacity to generate electricity by burning natural gas and which requires the electricity so generated for plant protection.

CRITERIA FOR ELIGIBILITY

A. *Affected Utility.* An affected utility will be considered "an eligible electric utility" within the meaning of 18 CFR 157.42(b)(2) if:

1. It has the capacity to use natural gas to generate electricity;

2. It has curtailed, or there is a reasonable possibility that in the future it will have to curtail, delivery of electricity to its customers to the point where minimum health and safety levels cannot be maintained. In each case in evaluating whether there is a reasonable possibility that in the future minimum health and safety levels cannot be maintained, the Administrator will consider the following:

(a) The percentage of curtailment of deliveries of electricity to each market sector at the time of application;

(b) The estimated percentage of curtailment to each sector at the time deliveries of natural gas to be received from the transporter under an exemption granted pursuant to 18 CFR 157.42 would begin, and the estimated curtailments thereafter if natural gas is not delivered.

(c) Days of fuel supply left, taking into account anticipated deliveries and consumption;

(d) The extent to which interconnections for receiving electric power from other utilities can be utilized;

(e) The extent to which other available fuels can be used; and

(f) Any other relevant factors;

3. It does not have, and it is not likely to have, a supply of fuels other than natural gas or coal sufficient to provide the amount of electricity to its customers that is necessary to meet minimum health and safety levels;

4. It has, at the time of application, a coal supply of 30 days or less, or has curtailed its industrial customers 50 percent or more of normal deliveries; and

5. The initial deliveries are scheduled to begin during the coal emergency period.

B. *Forwarding Utility.* 1. A forwarding utility will be considered "an eligible electric utility" within the meaning of 18 CFR 157.42(b)(2) if:

(a) It has the capacity to use natural gas to generate electricity;

(b) It will provide to an affected utility which either qualifies as an eligible electric utility, or would so qualify if it has the capacity to use natural gas to generate electricity, either—

(i) an amount of coal approximately equal in electric generating potential to the amount of natural gas received from the transporter under the exemption granted pursuant to 18 CFR 157.42, or

(ii) to the extent practicable, a quantity of electrical energy at least equal to the amount of electricity that could be generated by burning the natural gas received from the transporter under an exemption granted pursuant to 18 CFR 157.42; and

(c) The transfer of coal or the transmission of electricity provided under B.1.b. begins during the coal emergency period.

2. A forwarding utility will not be considered ineligible by the Administrator if it fails to transfer coal or electricity pursuant to B.1. due to interruption of coal transportation or electric transmission facilities for reasons beyond the control of the forwarding utility.

C. *Other Utility Purchasers.* An "other utility purchaser" will be considered "an eligible electric utility" within the meaning of 18 CFR 157.42(b)(2) if:

1. It demonstrates that the quantity of natural gas to be received from the transporter under the exemption granted pursuant to 18 CFR 157.42 will be used only to generate electrical power required for minimum plant protection purposes.

2. It certifies that no other fuel including coal is available in quantities sufficient to meet these needs.

TERMINATION OF ELIGIBILITY

The Administrator may terminate the eligibility of any user prior to the end of the emergency period if he finds that the natural gas delivered pursuant to 18 CFR 157.42 is not used in accordance with the criteria specified in these guidelines.

PROCEDURES

1. Applications for determination of eligibility shall be sumbitted in writing to the attention of: Walter A. Romanek, Director, Division of Coal Utilization, Economic Regulatory Administration, Room 7202, 2000 M Street NW., Washington, D.C. 20461, telephone 202-254-3910.

2. Such applications shall contain the following information:

(a) In the case of an affected utility:

1. The design firing capacity of natural gas fired generation facilities.

2. Degree of curtailment of deliveries of electricity to its customers, including specific information regarding the extent to which normal demand has been reduced or curtailed by the various market sectors (e.g., residential, commercial, street lighting, industrial), estimates of the deliveries necessary to maintain minimum health and safety service levels, and estimates of anticipated curtailments if gas is not received.

3. Present supplies and conditions of coal on hand and expected to be delivered during the coal emergency period, if any.

4. Availability of fuels other than coal or natural gas which can be used by the applicant to generate electricity.

5. Extent to which all pertinent interconnections for receiving electricity have been used and identification of any impediments to increasing use of power from other utilities.

6. Quantity of natural gas to be purchased and transported (on a daily basis) under the exemption and the amount of electricity to be generated by burning such quantities of natural gas.

7. Duration and commencement date of the period during which natural gas is to be delivered.

8. Identity of proposed supplier and transporter of natural gas and price of gas to be purchased (if available).

9. Such other information as the Administrator may deem necessary to his determination.

b. In the case of a forwarding utility:

1. The design firing capacity of natural gas fired generation facilities.

2. The quantity of electrical energy or coal which will be supplied to affected utilities, the identification and location of such affected utilities, and such information as is necessary to show that such an affected utility would either qualify as an eligible electric utility, or would so qualify if it had the capacity to use natural gas to generate electricity.

3. The quantity of electrical energy being transferred to affected utilities at the time of the application.

4. Quantity of natural gas to be purchased and transported (on a daily basis) under the exemption, and the amount of electricity to be generated by burning such quantities of natural gas.

5. Duration and commencement date of the period during which natural gas is to be delivered.

6. Identity of proposed supplier and transporter of natural gas and price of gas to be purchased (if available).

7. Such other information as the Administrator may deem necessary to his determination.

c. In the case of other utility purchasers:

1. The quantity of natural gas to be purchased.

2. Status of present supplies and availability of coal and other fuel.

3. Quantity of natural gas to be purchased and transported (on a daily basis) under the exemption.

4. Total estimated amount of fuel required for plant protection purposes.

5. Description of services to be curtailed threatening minimum health and safety levels if natural gas is not received.

6. Duration and date of commencement of the period during which natural gas is to be delivered.

7. Identity of supplier of natural gas and the price of gas purchased (if available).

8. Such other information as the Administrator may deem necessary to his determination.

3. If it is impracticable to provide a written application in a timely manner, oral application may be made to Walter A. Romanek, telephone 202-254-3910, to be followed by a telegraphic or facsimile application containing the information specified in 2. a, b, or c above, as appropriate, within

24 hours, and followed no later than five days after the telephonic application by a written application. TWX and facsimile addresses are as follows:

TWX:
EVFTJ WSH 710-822-9454
EVFTI WSH 710-822-9459
FACSIMILE:
(3M) (202) 254-6175/6461
(DEX) (202) 254-8906

All applications for a determination by the Administrator shall be signed by a responsible officer or other person representing the applicant, and shall certify the accuracy and completeness of the information and statements in the application. An original and two copies of all applications shall be submitted.

4. If the Administrator fails to take action on the application within 10 calendar days of the filing of the application, the applicant may treat the application as having been denied.

REQUEST FOR RECONSIDERATION

1. A person who has filed an application to the Administrator pursuant to these guidelines has not exhausted his administrative remedies until a request for reconsideration has been filed an the Administrator has granted or denied the request.

2. Any applicant aggrieved by a determination denying (in whole or in part) an application for determination of eligibility may file a request for reconsideration. The request shall be submitted in writing (or, if impracticable, orally, to be followed by a written confirmation) pursuant to the above described procedures (including addressee, signature, certification and copies) for filing the initial application, and shall contain a statement of the facts and reasons justifying reconsideration. If the Administrator fails to take action on the request for reconsideration within 10 calendar days of the filing of the request, the applicant may treat the request as having been denied in all respects and may seek such judicial review as may be appropriate and available.

[FR Doc. 78-7650 Filed 3-20-78; 10:22 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 868-8]

CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

List of Violating Facilities

Pursuant to section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1368) and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the Executive Order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 FR 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a Listing Proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of: any injunction, order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act; or having given rise to the initiation of court action under section 113(b) of the Clean Air Act or section 309(b) of the Federal Water Pollution Control Act; or having been subjected to equivalent State or local proceedings to enforce clean air or water standards.

No agency in the Executive Branch of Government shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the purposes of any such agreement.

The purposes of this Notice is to add to Sublist 2 the facility of ITT Rayonier Inc., Fernandina Beach, Fla.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities are on the List of Violating Facilities as of March 15, 1978. The List of Violating Facilities will be revised periodically as any listings or de-listings occur.

LIST OF VIOLATING FACILITIES

Sublist 1: Allied-Chemical Corp., Semet-Solvay Division, Ashland, Ky.

Sublist 2: ITT Rayonier, Inc., Fernandina Beach, Fla.

Dated: March 15, 1978.

JOSEPH M. MCCABE,
Acting Director, Office of Federal Activities (A-104).

[FR Doc. 78-7447 Filed 3-20-78; 8:45 am]

[6560-01]

[FRL 869-2; OPP-50356A]

MONSANTO CO.

Issuance of Experimental Use Permit; Correction

In FR Doc. 78-4461 appearing at page 7019 in the issue of Friday, February 17, 1978, in experimental use permit No. 524-EUP-30, the following correction should be made in the center section describing the experimental use permit granted to Monsanto Company, St. Louis, Mo. 63166.

The third line of the description should read: "* * * allows the use of 3,225 pounds of the herbicide Butachlor on * * *."

Dated: March 15, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-7448 Filed 3-20-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20639; FCC 78-192]

AMERICAN TELEPHONE & TELEGRAPH CO., ET AL.

Comsat Rate Reductions

AGENCY: Federal Communications Commission.

ACTION: Modification of pleading schedule.

SUMMARY: This Order modifies the pleading schedule in Docket No. 20639 involving flow through of Comsat rate reductions to the ultimate consumer. These changes are designed to permit Commission action in Docket No. 20639 at the same time as a Commission decision concerning the settlement agreement in Docket No. 16070, the Comsat Rate Case.

DATES: Comments concerning the extent and manner of flow through of Comsat rate reductions and refunds are to be filed by April 5, 1978. Reply comments are due April 17, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Claudia Pabo, Policy and Rules Divi-

sion, Common Carrier Bureau, 202-632-6363.

Adopted: March 13, 1978.

Released: March 15, 1978.

By the Commission: Commissioner Lee concurring and issuing a statement; Commissioner Washburn issuing a separate statement.

Orders. In the matter of American Telephone & Telegraph Co.; All American Cables & Radio, Inc.; The French Telegraph Cable Co.; Hawaiian Telephone Co.; ITT World Communications, Inc.; RCA Global Communications, Inc.; TRT Telecommunications Corp.; Western Union International, Inc., Docket No. 20639.

1. The Commission's Decision in Docket No. 16070 ordered the Communications Satellite Corp. (Comsat) to reduce its rates for international satellite service. *Communications Satellite Corp.*, 56 FCC 2d 1101 (1975). Docket No. 20639 was instituted at that time to ensure that the ultimate consumer would benefit from these rate reductions.[1] In its Order establishing Docket No. 20639, the Commission placed the carriers which obtain service from Comsat on notice that they were to flow Comsat's rate reductions through to their customers or show cause why they should not be required to do so within 20 days of the date on which Comsat filed its reduced rates. *American Telephone and Telegraph Co.*, 56 FCC 2d 821 (1975). However, Comsat sought judicial review of the Commission's Decision in Docket No. 16070 requiring it to file reduced rates. The Commission's Decision was stayed by the U.S. Court of Appeals for the District of Columbia pending review on the condition that the Commission adopt an accounting and refund order designated to protect the interests of all parties including ultimate consumers. *Communications Satellite Corp.* v. *Federal Communications Commission*, Case No. 75-2193 (U.S.C.A.D.C., June 16, 1976). Pursuant to this Order, the Commission directed Comsat to file "informational" tariffs containing reduced rates developed in compliance with the Commission's Decision in Docket No. 16070.[2] *Communications Satellite Corp.*, Docket No. 16070, FCC 76-688, July 15, 1976. The funds representing the difference between Comsat's actual charge and those set forth in its "informational" tariffs were to be placed in an escrow account.[3] Id. The Court's ruling on Comsat's appeal upheld the Commission's Decision in most respects but remanded certain issues for further consideration. *Communications Satellite Corp.*, v. *Federal Communications Commission*, Case No. 75-2193 (U.S.C.A.D.C., October 14, 1977). The stay was allowed to remain in effect while Comsat sought further judicial review. Accordingly, Comsat has not yet filed reduced rates as directed by the Commission's Decision in Docket No. 16070.

2. Negotiations concerning various issues in Docket No. 16070 began on February 3, 1978. In order to satisfy the requirements of the Commission's ex parte Rules, these negotiations were open to all parties of record in Docket No. 16070. See Letter to All Parties of Record in Docket No. 16070 from Robert R. Bruce, January 26, 1978. Representatives of the Common Carrier Bureau, the General Counsel and Comsat reached agreement concerning the terms of a proposed settlement agreement in Docket No. 16070 on February 17, 1978. The proposed settlement agreement is subject to approval by the Commission and the Comsat Board of Directors.[4] As part of the proposed agreement, representatives of the General Counsel and the Common Carrier Bureau agreed that the Chief, Common Carrier Bureau would recommend modification of the initial pleading schedule in Docket No. 20639. This was designed to permit Commission action concerning flow through at the same time as a ruling on the proposed settlement agreement. Letter to John E. Ingle from Lloyd N. Cutler, February 17, 1978.

3. As previously stated, the initial Order in Docket No. 20639 required the carriers which obtain service from Comsat to flow Comsat's rate reductions through to their customers or show cause why they should not be required to do so within 20 days of the date on which Comsat filed its reduced rates. The pleading cycle established in this Order has not moved forward since Comsat is still collecting the higher rates. We believe that modification of this pleading schedule is desirable to ensure that the ultimate consumer will benefit, as soon as possible, from the reduced rates which Comsat will file if the proposed settlement agreement is approved. Thus, we are establishing April 5, 1978, as the date for filing comments concerning the extent and manner of flow through. Reply comments are due April 17, 1978.[5]

4. We are also making several additional changes in the initial Order in Docket No. 20639. The initial Order involved only the extent to which Comsat's rate reductions were to be flowed through to the ultimate consumer. At this time we are modifying Docket No. 20639 to include two additional issues: (1) the disposition of the funds in the escrow account established pursuant to the Court's stay of the Commission's Decision in Docket No. 16070; and (2) the manner in which the carriers served by Comsat are to accomplish flow through—are these carriers to reduce the rates for all services equally or may they reduce the rates for certain services more than the rates for others.

5. Accordingly, *it is ordered*, That any individual or organization wishing to file comments concerning the extent and manner of flow through of the Comsat rate reductions and refunds shall do so by April 5, 1978.

6. *It is further ordered*, That responses to any such comments are to be filed by April 17, 1978.[6]

FEDERAL COMMUNICATIONS COMMISSION*,
WILLIAM J. TRICARICO,
Secretary.

[1]Comsat does not usually provide international satellite service directly to the ultimate consumer. Rather, it provides service to other carriers, designated as authorized users, which in turn serve the public. Authorized Entities and Authorized Users, 4 FCC 2d 421 (1966), reconsidered granted in part and denied in part, 6 FCC 2d 593 (1967). (see 43 FR 7705.)

[2]The Commission also required the carriers served by Comsat to file "informational" tariffs flowing Comsat's "informational" reduced rates through the ultimate consumer. *Communications Satellite Corp.*, Docket No. 16070, FCC 76-688, July 15, 1976. This requirement was later deferred indefinitely since the amounts subject to refund by these carriers could be determined without the filing of "informational" tariffs. *Communications Satellite Corp.*, Docket No. 16070, Order by Chief, Common Carrier Bureau, Oct. 18, 1976.

[3]The Commission later ordered Comsat to place additional funds in the escrow account and to revise its "informational" tariffs on the grounds that the rate of return which the initial "informational" tariffs produced was excessive. *Communications Satellite Corp.*, Docket No. 16070, FCC 77-802, Nov. 30, 1977. The requirement that Comsat place additional funds in the escrow account was stayed by the Commission. *Communications Satellite Corp.*, Docket No. 16070, FCC 78-56, Jan. 25, 1978.

[4]A Public Notice summarizing the proposed settlement agreement and establishing Mar. 30, 1978, as the deadline for filing comments was issued by the Chief, Common Carrier Bureau on Feb. 22, 1978.

*See attached Concurring Statement of Commissioner Robert E. Lee.

*See attached Separate Statement of Commissioner Abbott Washburn.

[5]There are a number of outstanding requests for reconsideration of the Commission's actions concerning flow through in Docket No. 16070 and No. 20639. These pleadings will be acted on at the same time as the comments requested in this Order.

[6]This action is taken pursuant to secs. 4(i), 4(j), and 201 through 205 of the Communications Act, 47 U.S.C. § 154(i), 154(j), and 201-205, sec. 201(c)(5) of the Communications Satellite Act of 1962, 47 U.S.C. § 721(c)(5), and the Order of the Court staying the Commission's Decision in Docket No. 16070 pending appeal and directing the Commission to enter an accounting order designed to protect the interests of all parties including ultimate consumers. *Communications Satellite Corp.* v. *Federal Communications Commission*, Case No. 75-2193 (U.S.C.A.D.C., June 16, 1976).

CONCURRING STATEMENT OF COMMISSIONER ROBERT E. LEE

I am concurring in this item with the understanding that it in no way commits me to the agreement tentatively arrived at by COMSAT negotiations with the staff.

I expect to suggest a comprehensive review of the agreement by a staff task force from the eighth floor. This task force could probably be composed of representatives of the Office of Plans and Policy, our new international adviser and any legal or engineering assistants who care to participate.

SEPARATE STATEMENT OF COMMISSIONER ABBOTT WASHBURN

Re: Flow-Through of Comsat Rate Reductions.

In reactivating this proceeding it is important to remind ourselves that the sole purpose of imposing rate reductions on Comsat is to benefit the ultimate public users, as opposed to augmenting the already ample profits of international communications carriers.

The reason that "flow-through" becomes an issue at all is because of our "Authorized User" decision which separates the public from Comsat.

[FR Doc. 78—7386 Filed 3-20-78; 8:45 am]

[6712-01]

[BC Docket Nos. 78-81—78-83; File Nos. BRCT-175, etc.; FCC 78-160]

GILMORE BROADCASTING CORP. ET AL.

Designating Application for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 1, 1978.

Released: March 14, 1978.

By the Commission: Commissioner Quello concurring in the result.

In re: Application of Gilmore Broadcasting Corp., for renewal of license of KODE-TV, Joplin, Mo. BC DOCKET NO. 78-81, File No. BRCT-175; Mid-Continent Telecasting, Inc., for renewal of license of KOAM-TV, Pittsburg, Kans., BC DOCKET NO. 78-82, File No. BRCT-232; Mid-America Broadcasting, Inc., for renewal of license of KTVJ (TV), Joplin, Mo., BC Docket No. 78-83, File No. BRCT-643.

1. The Commission has before it for consideration the above-captioned license renewal applications and its inquiries into the operation of Stations KODE-TV, KOAM-TV, and KTVJ.[1]

2. Information before the Commission raises serious questions as to whether the applicants possess the qualifications to remain licensees of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, *It is ordered,* That the captioned applications are designated for consolidated hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether the licensees Gilmore Broadcasting Corp., Inc., licensee of KODE-TV; Mid-Continent Telecasting, Inc., licensee of KOAM-TV; and Mid-America Broadcasting, Inc., licensee of KTVJ, engaged in anti-competitive practices by combining or conspiring to arrange their commercial advertising rates.

(b) To determine whether the activities, if any, described in issue (a), above, resulted in the arrangement of commercial advertising rates by the licensees Gilmore Broadcasting Corp., Inc., licensee of KODE-TV; Mid-Continent Telecasting, Inc., licensee of KOAM-TV: and Mid-America Broadcasting, Inc., licensee of KTVJ.

(c) To determine whether the licensees, Gilmore Broadcasting Corp., Inc., licensee of KODE-TV; Mid-Continent Telecasting, Inc., licensee of KOAM—TV; and Mid-America Broadcasting, Inc., licensee of KTVJ and/or its management officials misrepresented facts to the Commission and/or were lacking in candor regarding issues (a) and/or (b) above.

(d) To determine whether the licensee of KODE-TV has violated section 315(b) of the Communications Act of 1934, as amended, by charging political candidates higher rates in 1976 for comparable time than were currently being charged to commercial advertisers.

(e) To determine, in light of the evidence adduced under the preceding issues, whether the licensees of KODE-TV, KOAM-TV, and KTVJ have the requisite qualifications to be or remain licensees of the Commission and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

4. *It is further Ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants within thirty (30) days of the release of this Order a Bill of Particulars with respect to issues (a) through (d) inclusive.

5. *It is further ordered,* That the Broadcast Bureau proceed with initial presentation of evidence with respect to issues (a) through (d) inclusive and the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be and to remain licensees of the Commission and that a grant of the applications would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicants, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this Order.

7. *It is further ordered,* That the applicants herein, pursuant to section 331(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by section 1.594(g) of the rules.

8. *It is further ordered,* That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Gilmore Broadcast Corp., Inc., licensee of Station KODE-TV, Joplin, Mo.; Mid-Continent Telecasting, Inc., licensee of KOAM-TV, Pittsburg, Kans.; Mid-America Broadcasting, Inc., licensee of KTVJ, Joplin, Mo.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-7382 Filed 3-20-78; 8:45 am]

[6712-01]

[CC Docket No. 78-68; Transmittal No. 61]

RCA AMERICAN COMMUNICATIONS, INC.

Memorandum and Opinion Order; Correction

Released: March 10, 1978.

In the matter of RCA American Communications, Inc., Revisions to Tariff FCC No. 1: Fixed Term Transponder Service, CC Docket No. 78-68; Transmittal No. 61.

The Memorandum Opinion and Order FCC 78-120, released March 3, 1978 (43 FR 9531, March 8, 1978) in this Docket, is corrected by inserting the Adopted date of February 22, 1978 in lieu of February 14, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-7378 Filed 3-20-78; 8:45 am]

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[1]The Commission also has under consideration applications for consent to assignment of the licenses for Radio Stations WMFJ (File No. BAL-9116), WQXQ(FM) (File No. BAPLH-219 and File No. BASCA-847), WTNT (File No. BAL-9116), WOMA(FM) (File No. BALH-2551), KVOR (received 2/17/78) and KSPZ(FM) (received 2/17/78) to Gilmore Broadcasting Corporation, Inc. Action on these applications will be held in abeyance pending the conclusion of the hearing ordered herein. *Jefferson Radio Company, Inc.* v. *FCC,* 340 F. 2d 781, 783 (D.C. Cir. 1964), *Walton Broadcasting Co.,* 34 FCC 2d 1117 (1972).

[6712-01]

[CC Docket No. 78-97; Transmittal No. 7346; FCC 78-186]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

Adopted: March 9, 1978.

Released: March 17, 1978.

By the Commission: Commissioner Fogarty concurring and issuing a statement.

BACKGROUND

1. Ther captioned tariffs cover Western Union's integrated teleprinter exchange services, namely, Telex offered under Tariff FCC No. 240, and TWX offered under Tariff FCC No. 258. The basic Telex and TWX offerings provide for the transmission of typewritten and data communications between the stations of subscribers. Telex is the more message-oriented service while TWX is more oriented toward the transmission of low speed data. Before the Commission for consideration are (a) a Petition to Suspend, filed December 28, 1977, by Western Union International, Inc. (WUI), and (b) the Opposition to Petition to Suspend, filed January 9, 1978, by the Western Union Telegraph Company (Western Union). WUI seeks suspension of the tariff changes to Tariffs FCC Nos. 240 and 258 contained in Western Union Transmittal No. 7346, scheduled to become effective on March 10, 1978.

2. The proposed revisions would provide for the following changes:

(a) A reduction in the number of rate bands (Telex) and mileage bands (TWX), with comparable changes for services utilizing Western Union's Infomaster Computer switching system.

(b) Changes in the levels of usage rates for Telex and TWX services. Generally, the short-haul rates are being increased and the long-haul rates are being decreased.

(c) An increase in the TWX remote extension charge.

(d) An increase in the charges for additional directory listings.

Western Union notes that it plans to file comparable changes in the states to maintain its objective of rate uniformity.

3. In support of its petition, WUI notes that on the day after Western Union filed the subject tariff revisions, it also filed two new tariffs which provided for substantial increases in the rates charged to the international record carriers for the hinterland portion of international Telex and TWX services.[1] WUI further notes that Western Union's economic support, filed to comply with § 61.38 or our rules, is the same for both filings. See 47 CFR 61.38. Thus, WUI argues, the Commission cannot determine from the face of the economic support material which parts were written in support of and applicable to the public Telex/TWX tariffs, and which parts relate to the tariffs for the domestic portion of Telex/TWX services provided by the international record carriers (IRCs). WUI argues that since Western Union has not attempted to justify separately the changes to any one of the four services (public Telex and TWX, and IRC-related Telex and TWX), the Commission in its analysis may be using data designed to support one of these services, but which cannot be used to justify a change in rates for a different service. WUI therefore argues that Western Union's filing provides insufficient economic justification pursuant to § 61.38 and that an investigation to determine which parts of the support material should be relied upon is necessary. WUI asserts that the tariff revisions should be suspended for the full statutory five month period and set for hearing.

4. Western Union argues that the same routing, facilities, and costs are involved in providing Telex and TWX service between a domestic station and an IRC office as are involved between two similarly located domestic stations and that, accordingly, the same § 61.38 justification, reflecting system economics, is appropriate as support for both filings. Western Union further asserts that the reason for filing separate tariffs (public and IRC-related) is not the existence of cost or economic differences, but rather the unique relationship existing between Western Union and the IRC's in connection with the use of the domestic Telex and TWX services for overseas Telex calls. Western Union argues that the new IRC tariffs reflect the indirect nature of the relationship with actual Telex and TWX users in the case of overseas Traffic. Since the separate filings are alleged to reflect only the differing commercial arrangements, Western Union argues that the submission of a single set of cost data in support of both transmittals is therefore completely appropriate. Western Union asserts it has shown a substantial need for rate relief, which WUI has not questioned and that WUI has shown no reason to delay that relief.

DISCUSSION

5. To the extent WUI's petition is a collateral attack on Western Union's new tariffs filed in Transmittal No. 7347 (the IRC-related Telex/TWX tariffs), it is denied. The question raised specifically dealing with IRC-related tariffs will be addressed in our consideration of that filing. The only question raised by WUI's petition that may be relevant here is whether the consolidation of § 61.38 material for public Telex and TWX and IRC-related Telex and TWX services is appropriate. Our review of that material, as it relates to Transmittal No. 7346, indicates that it is in substantial compliance with § 61.38 to the extent it provides an overall cost of service study for the most recent 12-month period, a three-year projection of costs, estimates of the effects of the tariff change on traffic, revenues, and costs for the most recent 12-month period and the three year projected period, etc. However, as WUI points out, the consolidated material does not segregate data between the multiple offerings (i.e., public Telex and TWX and IRC-related Telex and TWX). The degree of segregation required, if any, will be addressed in connection with our consideration of Western Union's Transmittal No. 7347, supra, n. 1. The remainder of our discussion herein concerns matters we wish to raise on our own motion.

6. In its support material Western Union states that the primary purpose of this filing is to improve the competitive relationship between Telex and TWX services and AT&T's MTS (Message Telecommunications Service) and WATS (Wide Area Telecommunications Service) Dataphone services.[2] Western Union argues that these AT&T services are highly competitive with Telex and TWX services. Furthermore, Western Union admits that they proposes revisions will produce a revenue increase of approximately 3 percent in the total revenues for Telex/TWX.[3] Western Union's estimated pre-tax rates of return as a result of this filing are as follows:

Calendar year	Telex		TWX		Telex/TWX		Overall company	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
1977	18.8	18.8	16.3	16.3	18.1	18.1	6.5	[4]6.5
1978	17.7	19.1	5.8	6.8	13.9	15.1	4.5	5.0
1979	18.9	20.8	3.9	5.2	13.3	14.9	4.2	4.9
1980	20.6	22.7	8.5	10.3	16.0	17.9	5.7	6.5
1981	23.4	25.7	16.3	18.8	20.6	23.0	7.7	8.8

[4]We note that Western Union in its report to the Commission filed on January 3, 1978 reported an overall return of 7.6 pct for the 12-mo ended Sept. 30, 1977.

Source: Western Union Support Material, attachments C and D.

[1]See Tariff FCC No. 268 (Telex) and 269 (TWX), Transmittal No. 7347, filed to be effective March 24, 1978.

[2]Western Union frequently refers to the competitive nature of MTS with Telex/TWX. By this we assume Western Union means MTS utilized with Dataphone or other terminal devices capable of transmitting data or record communications.

[3]The total Telex/TWX revenue increase is projected at approximately $4 million in 1978, $5.3 million in 1979, $6 million in 1980, and $6.6 million in 1981.

Western Union asserts that its estimated overall company fair rate of return should be at a level of 11.8 percent, an increase from the 10.8 percent return requirement which Western Union claims was reflected in the Commission's 1974 consideration of a rate increase for Telex and TWX.[5]

7. More specifically, Western Union's argument that the rate revisions are necessary to regain the competitive advantage for Telex and TWX is premised on AT&T's 1975 reduction from a three-minute to a one-minute minimum calling period and the lowering of its MTS charges for long-haul calls. This latter change, according to Western Union places TWX at a price disadvantage vis-a-vis MTS for all traffic over 500 miles. The proposed revision would result in TWX charges being equal or less expensive than MTS for all mileage zones for the initial minute except for extremely short hauls. Western Union also asserts that the new rates are designed to reflect more properly current revenue/cost relationships, as well as those that will exist at the completion of its modernization program to transfer TWX networking functions from AT&T facilities to its own and to fully integrate the Telex and TWX networks. Western Union alleges the same factors apply to Telex, as well as the fact that the instant tariff changes are needed to maintain an appropriate relationship between Telex and TWX usage rates.[6] In this respect, Western Union considers Telex and TWX as cross-elastic services and believes that the proposed rates will not only achieve a more reasonable overall revenue/cost relationship for both services, but also will avoid uneconomic shifting of subsribers from one service to another.

8. Western Union also argues that the question of the reasonableness of the Telex and TWX tariff revisions should be addressed in the context of its Integrated Record Message Service (IRMS) category rather than addressing their lawfulness separately. Included in IRMS are such services as Telegram and Money Order service and Telex and TWX exchange services including variations available through its Infomaster Computer switching system. In addition, Western Union asserts that the lawfulness of these modifications should be reviewed in the context of the company's operations as a whole and their resultant impact on overall earnings. See the Table at para. 6 above. This would include other services such as private line, satellite, and numerous non-communications services.

9. In Docket 19696, supra, it was concluded in 1974 that the Telex and Telex-TCS (a message switching adjunct to Telex) rate of return of 18.92 percent previously prescribed (in 1971)[7] was reasonable under the "unusual circumstances" then present, such as Western Union's moderization and integration program, and that a modification of the prescription was not warranted. See 49 FCC 2d at 549. Moreover, it was found that the proposal would not cause the rates of return for Telex and TWX services to rise to an unjust or unreasonable magnitude in the near future. See 49 FCC 2d at 550. Further, it was found that Western Union's deficiency in overall earnings was due primarily to losses in the Public Message Service (PMS) category and that such loss required revenue relief. See 49 FCC 2d at 550. In the instant case, we note several distinguishing factors.

10. Even without the proposed rate increase, Western Union's § 61.38 data shows that the projected rate of return for Telex will exceed 20 percent in two years. Under the proposed rates Telex earnings are estimated to exceed 25 percent by 1981, with TWX earnings approaching 19 percent. The primary justification offered for this is Western Union's assertion that it must compete with AT&T as well as specialized carriers. Thus, Western Union asserts that it should earn at a somewhat higher return level for Telex and TWX than the fair return level for the company overall.

11. We cannot accept this rationale. We recognize the need of carriers to adjust rates and rate structures to meet the competitive offerings of other carriers. Our concern is that the proposed rates may well result in an excessive rate of return for these Telex and TWX services. As noted in paras. 6 and 10 above the rate increases for Telex are projected to generate revenues that would yield a return in excess of that specified for that service in Docket No. 19696. In any event, the projected 1981 returns of 25.7 percent and 18.8 percent for Telex and TWX, respectively, would seem on their face to be well beyond that required to reasonably support these services. We recognize that the overall projected rate of return of Western Union ranging from 5.0 percent in 1978 to 8.8 percent in 1981, as indicated by the Table in para. 6 above, may not be excessive. Consequently, it is obvious that Western Union is utilizing the high returns on Telex and TWX services to offset, wholly or in part, losses or deficient returns incurred on PMS, Mailgram, and various competitive services, as well as some non-communication services.[8] While some subsidization between and among services might be found to serve the public interest, particularly with respect to PMS (as we have found previously in Docket 19696), we believe that such a determination should be made by the Commission on the basis of a full public record, not by the carrier. In our opinion, the record before us is not sufficient to justify the apparent subsidization by Telex and TWX earnings of several Western Union services (including non-communications offerings) in addition to PMS, nor is our 1974 determination in Docket No. 19696, supra, sufficiently current to enable us to make an appropriate judgment on the facts now before us.

12. In view of the foregoing we are unable to determine whether the proposed tariff revisions are just and reasonable and otherwise lawful within the meaning of Sections 201 and 202 of the Communications Act, 47 U.S.C. Sections 201, 202. We shall therefore designate the proposed tariff changes for investigation, suspend their effectiveness, and impose a class accounting order. In light of the substantial questions of possible unlawfully high returns, we shall suspend for the maxi-

[5] "Western Union Telegraph Co.," Docket No. 19696, 49 FCC 2d 532 (1974). There being no exceptions to the Administrative Law Judge's Initial Decision in Docket 19696, and since the Commission did not review the Initial Decision on its own motion, the Initial Decision becomes effective as provided for in our Rules. See Notice, Mimeo No. 32574, released November 4, 1974. A further proceeding in Docket No. 20069, examining still another Telex rate increase, was terminated due to the Docket 19696 decision. See 47 FCC 2d 529 (1974) and 59 FCC 2d 1508 (1976).

[6] Western Union also asserts that the increase in remote extension charges will only reduce the existing deficit between charges and actual costs incurred for such extensions.

[7] See Docket 18598, 27 FCC 2d 515, 539-41, 549 (1971).

[8] For example, the estimated 1978 post-rate operating results provided in Western Union's Section 61.38 data indicate a −9.5 percent return for PMS, a +2.0 percent for Mailgram, a −0.2 percent return for "all other services" (including private line, satellite and non-communications services), and for the company overall a +5.0 percent return. These returns compare to the +19.1 percent and +6.8 percent returns for Telex and TWX, respectively (and a combined Telex/TWX return of +15.1 percent), for the same period. In general, these same return relationships continue through the 1981 forecast period (except that the TWX return increases to 18.8 percent by 1981) with PMS and "all other services" continuing to show negative earnings.

mum statutory period of five months.[9] This suspension period is clearly warranted in light of our past decision in Docket 19696. While that decision prescribed a return of 18.92 percent for Telex and TWX, due in part to the deficiency in PMS earnings, 49 FCC 2d at 550, it at no time supported a theory that Telex and TWX services should subsidize other communications and non-communications service offerings of Western Union.[10] Moreover, in light of the low or negative returns reported for services other than PMS, it appears that PMS may no longer be the primary cause of Western Union's overall company revenue deficiency and resulting low rate of return. Further we shall include as part of the investigation a review of our current prescription of a rate of return on Western Union's teleprinter services (Telex and TWX) with a view to amending that prescription if warranted.

13. In this investigation we will also determine the reasonableness of Western Union's directly attributable cost allocations as well as its allocations of common and joint costs among its various services, relying on cost and revenue data developed under existing methodologies. We are particularly concerned about the consistency of Western Union's application of the FDC cost methodologies it presently employes. The ultimate cost methodology which Western Union must use will be developed in accordance with our various actions in Docket 18128, 61 FCC 2d 587 (1976), recon. denied, 64 FCC 2d 994 (1977), further reconsideration, FCC 78-104, adopted February 15, 1978. Although Western Union is not now required as a general requirement to file the particular Fully Distributed Cost, Method 7 (FDC-7) cost allocation methodology prescribed for AT&T in Docket 18128 (see para. 9 of our order on further reconsideration), we will require it to submit further cost data in connection with this investigation, including FDC-1 and FDC-7 (which it has done in the context of another proceeding). For example, there must be a further allocation of costs and revenues with respect to the "all other services" category so that we may determine specific returns for the communications and non-communications services included therein, and resultant cross-subsidization, if any. More generally, to determine the extent of subsidization by Telex and TWX of other services we require more extensive disaggregation of cost and revenue data with respect to all of Western Union's services than currently exists in its various reports and § 61.38 data filed with the Commission. Thus, the presiding Judge herein is directed to develop a full record to permit a complete analysis of the subsidization issues.

14. Accordingly, *it is ordered*, That, pursuant to the provisions of Sections 4(i), 4(j), 201-205, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 201-205, and 403, an investigation is instituted into the lawfulness of the tariff schedules filed by the Western Union Telegraph Company in its Transmittal No. 7346 including any cancellations, amendments, or reissues thereof and that Western Union shall keep class accounting records of the increases in Telex and TWX rates, respectively;

15. *It is further ordered*, That, pursuant to the provisions of Section 204 of the Act, the tariff revisions included in Transmittal No. 7346 are hereby suspended until August 10, 1978;

16. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include, but not be limited to, consideration of the following:

(a) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of Section 201(b) of the Act;

(b) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of Section 202(a) of the Act;

(c) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to Section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed;

17. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C. at a time to be specified, before an Administrative Law Judge to be designated;

18. *It is further ordered*, A separated Trial Staff of the Common Carrier Bureau will participate in the above-captioned proceeding. The Chief, Hearing Division and his staff will be separated in accordance with § 1.1209 of the Commission's rules, 47 CFR 1.1209;

19. *It is further ordered*, That the Administrative Law Judge shall upon closing of the record prepare and issue an initial decision, which shall be subject to the submission of exceptions and requests for oral argument, as provided in §§ 1.276 and 1.277 of the Commission's rules, 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in § 1.282 of those Rules, 47 CFR 1.282;

20. *It is further ordered*, That, the Petition for Suspension and Investigation filed by WUI is granted to the extent noted herein but othewise denied;

21. *It is further ordered*, That, The Western Union Telegraph Company is named Party Respondent and any other interested party wishing to actively participate in this proceeding shall file a notice of its intention to do so on or before April 20, 1978.

FEDERAL COMMUNICATIONS COMMISSION[*],
WILLIAM J. TRICARIO,
Secretary.

CONCURRING STATEMENT OF COMMISSIONER JOSEPH R. FOGARTY

In Re: Western Union Revisions to Tariff FCC Nos. 240 and 258.

This Order sets for investigation the tariff revisions filed by Western Union to its Telex and TWX services. Western Union's filing seeks to restructure the rates for these services, and it states that the resulting earnings level from the two services will increase from over 18 percent in 1977 to 23 percent in 1981.

When the Commission prescribed an 18.92 percent rate of return in 1974, 47

[9]Western Union asserts that these proposed tariff changes are designed to produce a more competitive rate structure as well as to generate increased revenues. If Western Union desires to file similar structural changes which do not increase overall revenues, we will consider allowing such changes to go into effect during the suspension period.

[10]Our various actions dealing with Western Union's Telex and TWX services have established the showings which are relevant to the questions of lawfulness raised by this filing. For example, in Docket 18598, 27 FCC 2d at 540, we stated that:

* * * before any further Telex rate increases will be permitted during the implementation of the company's modernization and integration program, we will require either a demonstration that revenues from the Telex service do not provide a fair return on the investment reasonably allocable to that service alone, or, failing that, a positive showing with respect to (a) the progress and status of the modernization and integration program; (b) the contributions being made by each of the company's principal classes of service to the over-all interstate revenue requirements of the company; (c) the reasons why any deficiency in such over-all requirements should be recovered in whole or in part from any further increases proposed in Telex rates; (d) the reasons why the rates for one or more classes of service other than Telex cannot or should not be increased to enable recovery of any such deficiency in whole or in part; and (e) conformity of the proposed rate increases with the requirements of law and the Commission's rules.

These same showings will be relevant to the proceeding we are instituting herein.

[*]See attached Concurring Statement of Commissioner Joseph R. Fogarty.

FCC 2d 529, it essentially found that Telex/TWX should subsidize other Western Union communications services, including telegraph services. In setting this tariff for investigation, the Commission intends to make a new determination as to the authorized rate of return Western Union may earn from TWX/Telex services and the degree of cross-subsidization that will be required or permitted.

This appears to me to require a determination of the current authorized overall rate of return of Western Union, a finding of the method of allocation of costs among services, and a determination of the rate of return that each of the company's services should be priced to earn. Only after these findings are made can this Commission reasonably prescribe a rate level for Telex/TWX services.

Except for this point, I agree with the Commission's Memorandum Opinion and Order.

[FR Doc. 78-7381 Filed 3-20-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

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 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 March 31, 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 hereinafter) and the statement should indicate that this has been done.

AGREEMENTS NOS.: T-2553-2 and T-2553-C-1.

FILING PARTY: Francis A. Scanlan, Esquire, Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pa. 19102.

SUMMARY: Agreements Nos. T-2553-2 and T-2553-C-1 are between the Philadelphia Port Corp. (PPC) and Lavino Shipping Co. (Lavino). Agreement No. T-2553-2 amends the parties' basic lease agreement covering Berths 4 and 5 and the Kocks Crane No. 1 at the Packer Avenue Container Terminal. The purpose of the amendment is to extend the basic agreement for a period of five years and revise the rental. Agreement No. T-2553-C-1 amends the parties' basic lease agreement covering Berth "B", Packer Avenue Marine Terminal. The purpose of the amendment is to extend the basic agreement for a period of five years and revise the rental.

Dated: March 16, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-7434 Filed 3-20-78; 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 San Juan, PR. 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 April 10, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO.: T-3508-1.

FILING PARTY: Dwight Green, Traffic Consultant, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Fla. 33404.

SUMMARY: Agreement No. T-3508-1, between Port of Palm Beach and West India Shipping Co., modifies a basic agreement which provides for a renewable, five-year exclusive lease of certain parcels of land to be used for office and warehouse space and open storage of commodities and equipment. The purpose of this modification is to include an additional parcel of land. As compensation for the additional land, West India will pay an initial rental rate of $408 per year.

AGREEMENTS NOS.: 5850-36, 7100-22, 7670-17, 7770-17, 8210-40, 9214-25, 9982-11, and 9984-11.

FILING PARTY: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: The above named modify the North Atlantic Westbound Freight Association Agreement (5850), the North Atlantic United Kingdom Freight Conference Agreement (7100), the North Atlantic Baltic Freight Conference Agreement (7670), the North Atlantic French Atlantic Freight Conference Agreement (7770), the Continental North Atlantic Westbound Freight Conference Agreement (8210), the North Atlantic Continental Freight Conference Agreement (9214), the Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference Agreement (9982) and the South Atlantic North Europe Rate Agreement (9984) to provide collectively that the various ratemaking bodies shall be policed in accordance with the terms of the Associated North Atlantic Freight Conferences Agreement (ANAFC) and that an enforcement authority shall be appointed by each group to carry out such activities.

AGREEMENT NO. 9978-13.

FILING PARTY: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, N.Y. 10004.

SUMMARY: The above named agreement modifies the Associated North Atlantic Freight Conferences Agreement (ANAFC) to restrict future collective activity under that agreement to the following:

1. Self-policing, enforcement and inspection;
2. Monitoring and collection of charges made in accordance with lawful tariffs, including underpayments;
3. Establishing of rules and procedures for conducting self-policing, enforcement and inspection activities; and,
4. The hiring of the above services and the apportionment and administration of the costs thereof.

Authority to conduct joint activities relating to lobbying, public relations,

improved documentation, legal matters and supervision of free time and demurrage and the collection of demurrage is no longer contained in this agreement.

AGREEMENT No. 10327.

FILING PARTY: Richard N. Sharood, Thomas D. Wilcox, P.C., 919 Eighteenth Street NW., Washington, D.C. 20006.

SUMMARY: Agreement No. 10327, between Lykes Bros. Steamship Co. Inc. and Yugoslav Great Lakes Line, establishes the U.S. Great Lakes mediterranean Rate Agreement, a 48-hour rate-making agreement in the trade from U.S. Great Lakes Ports to Mediterranean Sea Ports.

AGREEMENT No. 10328.

FILING PARTY: W. H. Williams, Vice-President, American President Lines, 1625 Eye Street NW., Washington, D.C. 20036.

SUMMARY: Agreement No. 10328 would permit American President Lines Ltd. and Medtainer Gulf Line SAL to coordinate their sailings in the trade between ports in Southeast Asia, Sri Lanka, India, Pakistan and the Arabian Gulf area; and establish a through billing arrangement for the transportation of all cargo carried in the trade between ports in the United States and ports in Southeast Asia, Sri Lanka, India, Pakistan and the Arabian Gulf with transshipment at Singapore and/or other mutually agreed port, all subject to the terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: March 15, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-7435 Filed 3-20-78; 8:45 am]

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01017	Westfal-Larsen & Co. A/S: *Ravnanger.*
01023	Lovenskiold OG Hoyers Rederi: *Fossheim.*
01057	Schlussel Reederei KG (G.m.b.H. & Co.): *Linzertor.*
01066	Societe Anonyme Belcan Naamloze Vendotschap: *Federal St. Laurent.*
01068	The Bowring Steamship Co. Ltd.: *Stephano.*
01088	Schulte & Bruns: *Stadt Wolfsburg, Ursula Schulte, Erika Schulte, Elise Schulte, Hermann Schulte.*
01096	Anglo Nordic Shipping Ltd.: *Nordic Talisman.*
01106	N.V. Stoomvaart-Maatschappij "Oostzee": *Aalsum.*
01123	Hemisphere Transportation Corp.: *Tulsa Getty, California Getty, Massachusetts Getty, Alaska Getty, Pennsylvania Getty, Veedol, Oklahoma Getty, Texas Getty, Washington Getty, J. Paul Getty, Alabama Getty, George F. Getty II, Los Angeles Getty.*
01178	Olaf Pedersen's Rederi A/S: *Sunny Girl.*
01185	Aksjeselskapet Kosmos: *Jarana.*
01248	Dampskibs A/S Avenir-Skibs A/S Beaumont, Beaulieu, Beaufort, Seattle: *Beaural.*
01260	Interessentskapet Bulktramp: *Banak.*
01266	Aktieselskabet Ornen: *Thorstream, Thorshope.*
01279	Compania Thessalia de Navegacion S.A.: *Katina.*
01343	Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck: *Santa Elena.*
01586	United Tanker Ltd.: *Freedom.*
01641	The Bank Line Ltd.: *Aronbank, Willowbank.*
01758	Chotin Transportation Inc.: *Pams 1202.*
01829	Bayamon Tankers Corp.: *Lombard, Gresham.*
01830	Cardon Tankers Corp.: *World Heritage, World Dynasty.*
01832	Aruba Tankers Corp.: *World City, World Longevity, World Dignity.*
01867	Adriatico Tirreno Jonio Ligure A.T.J.L.: *Auctoritas.*
01905	Ben Line Steamers Ltd.: *Benwyvis.*
01910	Deutsche Dampfschifffahrts- gesellschaft Hansa: *Wildenfels, Wallenfels.*
01935	Partnership Between Steamship Co. Svendborg Ltd. and Steamship Co. of 1912 Ltd.: *Emma Maersk, Laura Maersk, Jens Maersk.*
01982	AB Svenska Ostasiatiska Kompaniet: *Mandalay.*
02000	Rederiaktiebolaget Svenska Lloyd: *Industria.*
02138	Sioux City & New Orleans Barge Lines, Inc.: *Lexington, Fort Pierre, Mr. Cole, Jefferson City, Kansas City, Brownville, Crescent City, SCNO-1101, SCNO-1102.*
02194	Compagnie Generale Maritime: *Tigre, Suffren.*
02198	Peninsular & Oriental Steam Navigation Co.: *Strathaddie, Strathtiertot, Stratharos.*
02234	Gulf Mississippi Marine Corp.: *Gulf Giant 380.*
02286	China Union Lines, Lt.: *Chungking.*
02300	Chi-Shihi Navigation Corp. S.A.: *Glory.*
02341	Koninklijke Nederlandsche Stoomboot Maatschappij B.V.: *Hermes, Neptunus, Achilles.*
02854	North Pacific Steamship Co.: *Pacsea.*
02859	Cosmos Marine Development Corp.: *Cosmos Bellatrix.*
03073	Freighters, Inc.: *American Wheat.*
03124	Florvik Compania Naviera S.A.: *Florentia.*
03137	Steam-Ship Co. Ltd.: *Mahronda.*
03139	Offshore Marine Ltd.: *Cook Shore.*
03256	Riverway Co.: *UM 99, UM 190, UM 95, UM 98, GAGC 1, UM 192, UM-191, UM-92.*
03271	Sealand Service, Inc.: *Warrior.*
03276	Universe Tankships, Inc.: *Phoenix.*
03289	Det Forenede Dampskibsselskab A/S: *Drosselfels.*
03299	Sparta Shipping Co., Ltd.: *Sparta.*
03315	Afran Transport Co.: *Adriatic Sea.*
03359	Puntamar S.A.: *Festivity.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Nile Maru.*
03502	Shinyei Senpaku K.K.: *Dover Maru.*
03524	Towa Kisen Kabushiki Kaisha: *Seiyu Maru, Tosho Maru, Tofuku Maru.*
03601	Etela-Suomen Laiva Oy: *Vuosaari.*
03614	A/S Kristian Jebsens Rederi: *Raknes.*
03692	Marmac Corp.: *Sinclair-8, GBL-8, GBL-4.*
03708	Puget Sound Tug & Barge Co.: *Isla Verde.*
03740	Lake Charles Dredging & Towing Co., Inc.: *H. A. Sawyer.*
03883	Ohio Barge Line Inc.: *J & L 4, J & L 3.*
03897	Vancor Steamship Corp.: *Vantage Horizon.*
03915	Mobil Oil Corp.: *Mobil 32.*
03992	Bellatrix Schiffahrtsgesellschaft Reith & Co.: *Emil Reith.*
04050	A/S Uglands Rederi: *Akarita.*
04069	Omnium Transportation Co.: *Omnium Mariner.*
04173	Foss Launch & Tug Co.: *Foss 137, Foss 134, Foss 138, Foss 145, Foss 143, Foss 142.*
04183	Vita Food Products, Inc.: *Vita, Viceroy, Dipper.*
04190	Santa Rosa Shipping Co. Panama S. A.: *Orpheus.*
04261	Oceanus Navigation Corp., Ltd.: *Frances.*
04341	Adriatic Shipping Corp.: *Gherestos.*
04356	Pacific Far East Lines, Inc.: *American Bear.*
04357	Nedlloyd Lijnen B. V.: *Wonosobo.*
04413	Leif Hoegh & Co. A/S: *Hoegh Multina.*
04530	Kiyoshi Futagawa: *Isemaru No. 21.*
04564	Yamashita-Shinnihon Kisen Kaisha: *Yamafu Maru.*
04601	American Tugboat Association: *Dominator.*
04768	Texaco Overseas Tankship Ltd.: *Texaco Frankfurt, Texaco Hamburg.*
04769	Texaco Norway A/S: *Texaco Penbroke.*
04939	Panocean-Anco Ltd.: *Post Endeavour.*
05079	Van Uden Scheepvaart en Agentuur Mij B.V.: *Seinehaven*
05031	U.S. Dredging Corp.: *Magic City.*
05380	Tridentco Shipping Ltd.: *Sovereign Grace.*
05631	Manson Construction & Engineering Co.: *O&H 175, O&H 155.*
05643	A/S Marva: *Marva.*
05792	Korea Wonyang Fisheries Co. Ltd.: *Kwang Myong 97.*
05839	Mr. Daisaburo Sasaki: *Shinzan Maru No. 2.*
05885	Marcaminos Tropicos Navigation S.A.: *Gariella.*
06052	Marukyo Suisan Kabushiki Kaisha: *Nadayoshi Maru No. 15, Hadayoshi Maru No. 10.*
06071	Alcalis de Colombia, Alco Ltda: *Planta de Mamonal, Planta de Betania, Salinas de Manaure, Julio Caro, Luis Angel Arango.*
06039	Naviera Rivadeluna (Excma. Sra. da. Mercedes de Luna-Viuda de Riva): *Rivademar.*
06114	Macahei Yamamoto: *Seishumaru No. 31.*
06429	Ta Cheng Marine Co., Ltd.: *Great Welfare, Great Power.*
06473	Rakennustoimisto Jussi Ketola: *Concordia Builder.*
06485	Minibulk Shipping (K.M. Kaalstad): *Mini Moon.*
06578	Van Nievelt, Goudriaan & Co. B.V.: *Talita, Nashira, Nushaba.*

Certificate No.	Owner/operator and vessels
06818	Globus-Reederei G.m.b.H., Hamburg: *S.A. Kaapland.*
06821	Anglo-Eastern Bulkships Ltd.: *Nordic Clipper.*
06880	Targulf Shipping Co.: *Tarpon Seaway.*
07066	Reederiet for MS Bella Coola: *Bella Coola.*
07313	Merivienti Oy: *Concordia Sailor.*
07369	Herlofson Shipping Co. A/S et al.: *Bulk Promoter.*
07389	Esso S.A.P.A.: *Petromar Campana.*
07444	Samelet Kongshav: *Kongshav.*
07791	Sammi Shipping Co. Ltd.: *Buffalo.*
07808	Fleet Towing Co., Inc.: *Van H. Powell, Illinois.*
08022	Nissei Shipping Co., Ltd.: *Hosei Maru.*
08108	Sounion Shipping Inc.: *Stolt Marmaro.*
08284	Partenreederei MS Magdalena Reith: *Magdalena Reith.*
08315	Burmast Shipping & Exploration Corp.: *Permina Samudra XI.*
08563	Seven Seas Enerprise Corp. (Panama) S.A.: *Sea Crown.*
08644	Inanna Shipping Co., Inc.: *Inanna.*
08681	Eagle Marine Co. S.A.: *Eastern Hill.*
08696	Maritimas Eslait & Cia: *Zamira.*
08965	Seereederei MS Schauenburg Kurt Sieh & Co.: *Schauenburg.*
09031	Union Mechling Corp.: *BC-227, IC-15, CC-205, CC-206, BC-226, APC-2617, BC-110.*
09066	National Transport Corp.: *Vantage Defender.*
09089	Fucsia Shipping Co. Ltd.: *Five Fields.*
09148	Grand Domain Transport Inc.: *Unibulk Pine.*
09180	Inge Shipping Corp.: *Inge.*
09387	A/S Salvator Marine Services: *Edda Salvator, Stella Salvator.*
09516	Filadelfos Cia de Navegaceon S.A.: *Arya Sam.*
09528	Partrederiet Ice Flower: *Ice Flower.*
09531	Societa Partenopea di Navigazione S.P.A.: *Span Prima.*
09637	B. E. Williamson, Allen Thomas, George Pine, a partnership: *CC-207.*
09661	Chieh Sheng Maritime S.A.: *Chieh Hwang, Victory Glory, Victory Glamor, Victory Gleam.*
09696	Thomas & Williamson, partnership: *CC 211.*
09847	Guybulk Shipping Ltd.: *Hariwa.*
09953	Jebro Inc.: *MLC 952.*
10232	Antilles Navigation S.A.: *Sea Chemist.*
10348	Cugado Shipping Co. S.A.: *El Tambo.*
10720	Delta Marine Drilling Co.: *Delta Nine.*
10806	Djiring Fret S.A.: *Port Cartier.*
10809	Petry Cia S.A.: *Ocean Tanker.*
10939	Marine Transport Corp.: *Stratus.*
11243	Compania Naviera Garoufalia S.A.: *Spyros A. Lemos.*
11245	Bonanza Shipping Managers Ltd.: *Polar Bear.*
11254	Sissy Shipping Co. Ltd: *Franky.*
11259	Schenk Seafood Sales, Inc.: *Indian.*
11291	Hull Investments Ltd.: *Trans Europa, Trans America.*
11297	Marittima Melloni S.P.A.: *Gazza.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-7436 Filed 3-20-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Miscellaneous external drug products panel.	Apr. 16 and 17, 9 a.m., Holiday Inn, Bethesda, Md. (Apr. 16), conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. (Apr.17).	Open committee discussion Apr. 16, 9 a.m. to 4:30 p.m.; open public hearing Apr. 17, 9 to 10 a.m.; open committee discussion Apr. 17, 10 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before April 12, 1978, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: March 15, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7361 Filed 3-20-78; 8:45 am]

[4110-03]

[Docket No. 76N-0324]

INVESTIGATIONAL EXEMPTIONS FOR INTRAOCULAR LENSES

Additional Time To Comply With Certain Provisions

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its decision to allow certain sponsors of investigational studies of intraocular lenses to have additional time to comply with certain provisions of the investigational device regulations for intraocular lenses (21 CFR Part 813), which became effective on February 9, 1978. The additional time is granted to any sponsor whose application was submitted and reviewed by FDA before February 9, 1978, and not disapproved. FDA has disapproved applications for studies of lenses that are sterilized by an inadequate sterilization system.

DATES: Any sponsor who has been granted more time shall submit information to address deficiencies in its application by April 10, 1978. FDA will review the information submitted and decide whether the application is approvable, or additional information is needed, by April 25, 1978. Where a sponsor has been granted more time, use of its lenses may continue until April 25, 1978, but not after that date if there remain unacceptable deficiencies in the application.

FOR FURTHER INFORMATION CONTACT:

Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7538.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of November 11, 1977 (42 FR 58874), FDA published final regulations establishing requirements for the distribution, investigation, and use of intraocular lenses. The regulations were based on a proposal to establish requirements for investigational studies of medical devices in general, published in the FEDERAL REGISTER of August 20, 1976 (41 FR 35282). Other notices concerning intraocular lenses were published in the FEDERAL REGISTER of April 6, 1976 (41 FR 14570), and September 13, 1976 (41 FR 38802).

Intraocular lenses are used to replace the natural lens of the human eye after surgical removal, generally as a result of a cataract. These lenses came into widespread use before completion of adequate tests and pose questions of safety.

The regulations were published in the FEDERAL REGISTER of November 11, 1977, and became effective on February 9, 1978, except that sponsors of ongoing investigations who wished to assure that implanatations of lenses could continue without interruption during the 30-day period for FDA review of applications were advised to submit applications by January 10, 1978.

By February 9, 1978, FDA had received 18 investigational device exemption applications from 11 sponsors of investigational studies of intraocular lenses. FDA has not approved any of those applications because all contain some deficiences that have been identified by FDA in letters to individual sponsors. However, it is likely that at least some applications will be approved after sponsors address these deficiencies. FDA has disapproved two applications from one sponsor because the lenses would be sterilized by a system that FDA believes may be inadequate under production line conditions (treatment with caustic solutions, e.g., sodium hydroxide, maintaining and shipping the lenses in weaker caustic solutions, and directing that the caustic solutions be neutralized by sodium bicarbonate and the lenses be rinsed before use).

On January 12, 1978, the Intraocular Lens Manufacturers Association (ILMA) submitted to FDA a request (Docket No. 76N-0324) for an extention of time to comply with the institutional review committee requirements of the intraocular lens regulations. In its request, ILMA described the difficulty that institutions, investigators, and sponsors had experienced in trying to establish institutional review committees to review investigational studies prior to submission of applications to FDA.

The Commissioner has concluded that the intraocular lens investigational device regulations should become effective on February 9, 1978, as provided in the final regulation. However, the Commissioner also has concluded that certain sponsors of investigational device exemption applications for intraocular lenses should be granted more time to comply withose provisions of the intraocular lens investigational device regulations (21 CFR Part 813) that require FDA approval as a condition to use of the product and, where institutional review committees are not formed, those provisions that require institutional review committee approval. These conclusions were based on the agency's review of the deficiencies in applications received, the minimum amount of time that FDA estimates is necessary for at least some sponsors to correct these deficiencies, FDA's interest in having institutional review committees review applications before FDA acts on them, the information and views in ILMA's request, and the special provisions in the Federal Food, Drug, and Cosmetic Act requiring that investigational requirements by applied in such a manner that intraocular lenses shall be made reasonably available to qualified physicians (21 U.S.C. 360j(1)(3)(D)(iii)). Enforcement of the FDA approval provisions of Part 813, after the effective date, would have suddenly made it illegal for any intraocular lenses to be implanted in the United States because no applicaitons for investigational device exemptions for these products have been approved. FDA would have found it difficult, under the statute, to defend this result.

The additional time to comply has been granted to any sponsor whose application was submitted and reviewed by FDA before February 9, 1978, and not disapproved. FDA has disapproved applications for studies of lenses that are sterilized by means of an inadequate sterilization system, as described above.

Accordingly, the Director, Bureau of Medical Devices, food and Drug Administration, has sent a letter to each sponsor who is being given additional time to comply with the provisions of the regulations requiring FDA approval, and where institutional review committees are not formed, the provisions requiring institutional review committee approval. The letter describes the course of action to be taken by FDA in regard to the sponsor's investigational device exemption application. The letter indicates that a 75-day time extension is being granted so that the effective date by which an approved application is required is changed to April 25, 1978. This time extension has been granted subject to the following conditions.

1. Each sponsor will expend its best efforts to attempt to correct the deficiencies noted in its application by FDA's earlier letter.

2. Each sponsor will submit to FDA, by April 10, 1978, the information necessary to address these deficiencies. FDA will, within 15 days, review the information and contact the sponsor whether the application is approvable or further information is needed.

3. Use of intraocular lenses covered by the application may take place during the additional period to comply with the regulations. Each sponsor is told that the regulations are effective, except that the sponsor is not required to have FDA approval as a condition to use of intraocular lenses or to have institutional review at those institutions where institutional review committees have not been formed. Investigators (who must be acceptable to the sponsor) are to obtain informed consent and collect and report information in accordance with the protocol as

outlined in the sponsor's application and Part 813. In addition, any new investigators (who must be acceptable to the sponsor) that commence the use of intraocular lenses covered by the sponsor's application will also collect and report patient information in accordance with the protocol and Part 813.

4. The sponsor will continue to establish institutional review committees at those institutions where intraocular lenses are to be implanted and, as such institutional review committees are formed, have them review for approval the sponsor's protocol and the acceptability of prospective investigators associated with that institution.

5. If an institutional review committee disapproves a sponsor's protocol or prospective investigators, those investigators associated with the institution whose IRC disapproved the protocol or their participation will cease implantation until subsequent approval by the committee is obtained.

6. Each sponsor is told that if, on April 25, 1978, there remain unacceptable deficiencies in the sponsor's application, then further use of the intraocular lenses covered by the application shall cease until the deficiencies are corrected.

7. At any time during this 75-day period, the time extension granted may be terminated if, on the basis of further review of the sponsor's application, or on the basis of additional information available to FDA, it appears that continued use of the intraocular lenses covered by the application presents an unreasonable risk.

The additional time to comply is only being granted to sponsors that had submitted applications that were reviewed by FDA and not disapproved by February 9, 1978. Only lenses covered by such applications may be lawfully distrubuted. Any lens manufacturer, or other would-be sponsor, who did not submit an application that was reviewed by FDA and not disapproved by February 9, 1978, must comply with all requirements of Part 813, including institutional review and FDA approval, before its lenses are distributed and used.

Dated: March 13, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 78-7360 Filed 3-20-78; 8:45 am]

[1505-01]

[Docket No. 75N-0304]

ORAL CONTRACEPTIVE DRUG PRODUCTS

Physician and Patient Labeling

Correction

In FR Doc. 78-2301 appearing on page 4223 in the issue of Tuesday, January 31, 1978, on page 4228, in the 3rd column, the 2nd full paragraph (numbered "8"), the 5th line should read, "[de-]ficiency and the incidence of folate deficiency increases with increasing gesta-[tion]"

In the same column, paragraph 10. b., the 2nd line should read, "[fac-]tors VII, VIII, IX and X; decreased an-[tithrombin]".

[1505-01]

[Docket No. 77N-0145]

X-OTAG PLUS TABLES

Hearing on Refusal To Approve Application

Correction

In FR Doc. 78-2962 appearing on page 4682 in the issue of Friday, February 3, 1978, in the middle column of page 4683, the 2nd full paragraph, the 17th line should read, *"Dunning, Inc.,* 412 U.S. 609, 631 * * *.".

[4110-08]

National Institutes of Health

REPORT ON BIOASSAY OF METHOXYCHLOR FOR POSSIBLE CARCINOGENICITY

Availability

Methoxychlor (CAS 72-43-5) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay for possible carcinogenicity of technical-grade methoxychlor was conducted using Osborne-Mendel rats and B6C3F1 mice. Methoxychlor was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species. For each species, 20 animals of each sex were place on test as controls. The time-weighted average high and low dietary concentrations of methoxychlor were, respectively, 845 and 448 ppm for male rats, 1385 and 750 ppm for female rats, 3491 and 1746 ppm for male mice, and 1994 and 997 ppm for female mice. After a treatment period of 78 weeks, the rat groups were observed for an additional 34 weeks and the mouse groups for an additional 15 weeks. A dose-related mean group body weight depression was observed in both rats and mice, but no effect on survival was detected.

Under the conditions of this study, methoxychlor was not found to be carcinogenic in Osborne-Mendel rats or B6C3F1 mice of either sex.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: March 9, 1978.

DONALD S. FREDRICKSON, M.D.,
Director, National Institutes of Health.

[FR Doc. 78-6701 Filed 3-20-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF DIARYLANILIDE YELLOW FOR POSSIBLE CARCINOGENICITY

Availability

Diarylanilide yellow (CAS 6358-85-6) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade diarylanilide yellow for possible carcinogenicity was conducted using Fischer 344 rats and B6C3F1 mice. Diarylanilide yellow was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species. The high and low dietary concentrations used in the chronic study for the male and female rats and mice were 5.0 and 2.5 percent, respectively, of the chemical in the feed. After a 78-week treatment period, observation of the rats continued for an additional 28 weeks and observation of the mice continued for an additional 19 weeks for high dose males and low and high dose females and 18 weeks for low dose males. For each species, 50 animals of each sex were placed on test as controls, and fed only the basal diet.

The dietary concentrations of diarylanilide yellow administered during the chronic bioassay had no significant effect on survival or body weight gain in either species. Except for yellow staining and some isolated neoplasms, the only adverse clinical sign or pathologic lesion observed in treated rats or mice was basophilic cyto-

plasm changes in hepatocytes of treated rats.

In both species the survival in all groups was adequate for statistical analysis of late-appearing tumors.

No treatment-related increase in the incidence of neoplasms or nonneoplastic lesions was evident in treated rats or mice. The results of this study did not provide evidence for the carcinogenicity of diarylanilide yellow in Fischer 344 rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research)

Dated: March 9, 1978.

DONALD S. FREDRICKSON, M.D.,
Director,
National Institutes of Health.

[FR Doc. 78-6702 Filed 3-20-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COMMITTEE ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the third meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATES: April 10 and 11, 1978, 9 a.m. to 5 p.m.

ADDRESS: Capital Hilton Hotel, 16th and K Streets NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Room 4913, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-2825 or 245-2352.

The national Advisory Committee on Black Higher Education and Black Colleges and universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the needs of historically Black colleges and universities.

The meeting of April 10 and 11, 1978, will be open to the public beginning at 9 a.m. and ending 5 p.m. each day. The meeting will be held at the Capital Hilton Hotel, 16th and K Streets NW, Washington, D.C. 20036.

The proposed agenda includes continuation of the drafting of policy recommendations on access, diversity and productivity of Blacks in higher education and Black colleges and universities.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the national Advisory Committee on Black Higher Education and Black Colleges and Universities located at 7th and D Streets SW, Room 4913, ROB-3, Washington, D.C.

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

CAROL J. SMITH,
Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 78-7411 Filed 3-20-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, April 14 and on Saturday, April 15, 1978. The meeting will be held on Friday from 9 a.m. until 5 p.m., and on Saturday from 9:30 a.m. until 1 p.m. The 2-day meeting will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The agenda items for the meeting include drafting the 1979 Annual Report Year Plan; and discussion and developing of Council activities for the upcoming year, including preselection of site observations and making new committee assignments.

The entire meeting is open to the public. Because of limited space, all persons wishing to attend should call for reservations by April 10, 1978, area code 202-724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on March 16, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-7403 Filed 3-20-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 32935]

NEW MEXICO

Application

MARCH 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for a compressor site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 18 S., R. 29 E.,
Sec. 18, NE¼SW¼.

This compressor site will be used for natural gas operations across 0.034 of an acre of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-7389 Filed 3-20-78; 8:45 am]

[4310-70]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 10, 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, Office of Archeology and Historic Preservation, 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 April 1, 1978.

RONALD M. GREENBERG,
Acting Keeper of the National Register.

ALABAMA

Clarke County

Grove Hill, *Dickinson House,* 101 Dickinson Ave.

Madison County

Huntsville, *Hundley House,* 401 Madison Street.

Mobile County

Mobile, *State Street A.M.E. Zion Church,* 502 State St.

Perry County

Marion, *Chapel and Lovelace Hall, Marion Military Institute,* AL 14

CALIFORNIA

San Francisco County

San Francisco, *San Francisco Civic Center,* roughly bounded by Golden Gate Ave., 7th, Franklin, Hayes, and Market Sts.

San Luis Obispo County

San Luis Obispo vicinity, *Rancheria Del Buchon,* S of San Luis Obispo

ILLINOIS

Jackson County

Makanda vicinity, *Agnew, Dr. Frank M., House,* SE of Makanda on SR 12

INDIANA

Allen County

Fort Wayne, *Trinity Episcopal Church,* 611 W. Berry St.

Gibson County

Oakland City, *Cockrum, William M., House,* 627 W. Oak St.

Lake County

Gary, *Miller Town Hall,* jct. Miller Ave., Old Hobart Rd., Grand Blvd.
Gary, *Stewart, John, Settlement House,* 1501 Massachusetts St.

St. Joseph County

Notre Dame, *University of Notre Dame: Main and South Quadrangles,* off I 80/90

LOUISIANA

St. Martin Parish

St. Martinville, *Old Castillo Hotel,* 220 Port St.

West Feliciana Parish

St. Francisville, *Myrtles Plantation,* U.S. 61

MAINE

Piscataquis County

Greenville, *Katahdin* (lake boat), Moosehead Lake

MASSACHUSETTS

Essex County

Rockport vicinity, *Old Castle (Wheeler House),* N of Rockport on MA 127
Salem, *Chestnut Street Historic District,* (boundary increase to include both sides of River St.)

Middlesex County

Natick vicinity, *Jenison, Robert, House,* N of Natick off I90

MISSISSIPPI

Hinds County

Jackson, *Watkins, Will, House,* 1423 N. State St.

Rankin County

Brandon, *Stevens-Buchanan House,* 505 College St.

NEBRASKA

Seward County

Seward, *Cattle, John Jr., House,* W. Hillcrest

NEW MEXICO

San Miguel County

Pecos, *San Antonio de Padua Church,* TX 63

NEW YORK

Monroe County

Penfield, *Mud House,* 1000 Whalen Rd.

OREGON

Deschutes County

Bend vicinity, *Bend Skyliners Lodge,* 11 mi. (17.6 km) W of Bend on Deschutes National Forest

PENNSYLVANIA

Franklin County

Chambersburg, *Memorial Fountain and Statue,* Memorial Sq.

TENNESSEE

Hamilton County

Chattanooga, *Chattanooga, Harrison, Georgetown & Charleston Railroad Tunnel,* below N. Crest Rd.

Montgomery County

Fredonia, *Wilson, Sanford, House,* Old Ashland City Hwy.

WISCONSIN

Barron County

Rice Lake vicinity, *Barron County Pipestone Quarry,* E of Rice Lake

Calumet County

Chilton vicinity, *Ridge Group,* W of Chilton

Jefferson County

Fort Atkinson vicinity, *Carcajou Point,* W of Fort Atkinson

[FR Doc. 78-6809 Filed 3-20-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

U.S. v. CIBA CORP. AND CPC INTERNATIONAL, INC.

Consent Judgment

A proposed consent judgment, stipulation, and Competitive Impact Statement ("CIS") in *United States* v. *CIBA Corp. and CPC International, Inc.,* Civil Action No. 792-69 (D.N.J., filed July 9, 1969), as set forth below, were filed on March 8, 1978. The complaint in the case charged that the defendants had restrained the distribution and sale of the tranquilizer and antihypertensive pharmaceutical deserpidine, and that CIBA's patent on deserpidine was invalid.

The judgment would: require CIBA to disclaim the remaining term of its patent covering deserpidine; prohibit CPC from enforcing any rights under the deserpidine patent; and bar each defendant from an agreement pursuant to which the grant by the licensor of a license under a U.S. patent claiming the manufacture, use, or sale of deserpidine requires the prior approval of a third party (other than the prospective licensee).

The CIS describes the defendants' practices involved, the legal theory underlying the complaint, the key provisions of the judgment, and the alternatives to the judgment considered. Comments concerning the judgment should be directed to Richard H. Stern, Chief, Intellectual Property Section, Antitrust Division, Department of Justice, Room 704, Safeway Building, Washington, D.C. 20530, within the statutory 60 day comment period.

Dated: March 8, 1978.

CHARLES F. B. MCALEER,
Special Assistant for Judgment Negotiations.

U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

United States of America, Plaintiff v. *CIBA Corporation, and CPC International, Inc.,* Defendants.
Civil Action No. 792-69.
Filed: March 8, 1978.

STIPULATION

It is stipulated by and between the plaintiff, the United States of America, and the defendants, CIBA Corporation (now named CIBA-GEIGY Corp.) and CPC International, Inc., by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

Dated: March 8, 1978.

For the Plaintiff: John H. Shenefield, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, James A. Curley, Kenneth M. Frankel, Attorneys, Antitrust Division, U.S. Department of Justice.

For the Defendant CIBA Corporation (now named CIBA-GEIGY Corporation): Davis Polk & Wardwell, by Richard E. Nolan, Alfred E. Schretter, Attorneys for Defendant, CIBA Corporation, (now named CIBA-GEIGY Corporation).

For the Defendant CPC International, Inc.: Pitney, Hardin & Kipp, by Clyde A. Szuch, Attorney for Defendant, CPC International, Inc.

Stipulation approved for filing.

Dated: March 10, 1978.

JUDGE H. CURTIS MEANOR,
U.S. District Judge.

U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

United States of America, Plaintiff, v. *CIBA Corporation, and CPC International, Inc.,* Defendants.

Civil Action No. 792-69.
Filed: March 8, 1978.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein and an amendment thereto on July 9, 1969, and July 28, 1969, respectively, defendant CIBA Corp. (now named CIBA-GEIGY Corp.) having filed its answer on September 15, 1969, and defendant CPC International, Inc. having filed its answer and amended answer on September 18, 1969, and September 30, 1969, respectively, and plaintiff and the defendants by their respective attorneys having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party consenting hereto with respect to any such issue;

Now therefore, before any testimony or evidence has been taken herein and without trial or adjudicatin of any issue of fact or law herein, and upon the consent of the parties hereto;

It is hereby *ordered, adjudged, and decreed* as follows:

I

This Court has jurisdiction of the subject matter hereof and the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Defendants" means CIBA Corp. (now named CIBA-GEIGY Corporation) and CPC International, Inc.

(B) "Person" means any individual, partnership, firm, corporation, association, or other business or legal entity.

(C) "Deserpidine" means 11-desmethoxyreserpine.

III

The provisions of this Final Judgment shall apply to each defendant; to each of its officers, directors, agents, employees, subsidiaries, successors, and assigns; and to all persons in active concert or participation with any of them that have received actual notice of this Final Judgment by personal service or otherwise.

IV

(A) Defendant CIBA Corp. (now named CIBA-GEIGY Corp.) shall disclaim all claims of United States Patent No. 2,982,769, said disclaimer to be effective as of the date of entry of this Final Judgment and to disclaim the remaining term of said patent.

(B) Defendant CPC International, Inc. is enjoined and restrained from enforcing any rights under United States Patent No. 2,982,769;

(C) Each defendant is enjoined and restrained from entering into, adhering to, claiming any right under, or maintaining in effect any contract, combination, conspiracy, agreement, or understanding pursuant to which the grant by the licensor of a license under a United States patent claiming the manufacture, use, or sale of deserpidine requires the prior approval of a third party (other than the prospective licensee).

V

(A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgement; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of such defendant, who may have counsel present, regarding any such matters.

(B) A defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Article V shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings in which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or for law enforcement purposes, or as otherwise required by law.

(D) If at the time information or documents are furnished by any defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which that defendant is not a party.

VI

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate in relation to the construction of any of the provisions thereof, for the purpose of the enforcement of compliance therewith, and for the punishment of violations thereof.

VII

This Final Judgment shall terminate ten (10) years after the date of this Final Judgment.

VIII

Entry of this Judgment is in the public interest.

Dated:

United States District Judge.

UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY

United States of America, Plaintiff. v. *CIBA Corporation, and CPC International, Inc.,* Defendants.

Civil Action No. 792-69.
Judge Meanor.
Filed: March 8, 1978.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), the United States of America hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. NATURE OF THE PROCEEDING

The government filed this civil action on July 9, 1969, alleging that the defendants, CIBA Corporation (which is now named CIBA-GEIGY Corp., and which, together with its predecessors in interest are referred to hereafter as "CIBA") and CPC Interna-

tional, Inc. (referred to hereafter as "CPC"), violated § 1 of the Sherman Act by restraining the distribution and sale of the tranquilizer and antihypertensive drug known by the generic name deserpidine. The complaint also alleged that CIBA's patent on descerpidine is invalid, since deserpidine is merely a purified product of nature.

The prayer for relief sought: (1) an adjudication and decree that the defendants have entered into contracts and agreements that unlawfully restrain trade and commerce in deserpidine in violation of § 1 of the Sherman Act; (2) an injunction against each of the defendants agreeing to restrict any persons from selling any drug product in bulk form or under a name other than a specified tradename; (3) a declaration that CIBA's deserpidine patent is invalid, or an order that CIBA dedicate the patent to the public; and (4) an injunction against each of the defendants agreeing not to challenge the validity of a United States patent. The prayer also sought such other relief as the Court may deem just and proper, and the cost of the suit.

II. Description of the Practices Involved in the Alleged Violation

In 1959, CIBA Pharmaceutical Products, Inc. (a predecessor to CIBA-GEIGY), and S.B. Penick & Co. (which merged with CPC in 1968, and is referred to hereafter as "Penick") agreed to settle a pending Patent Office interference proceeding concerning their respective applications for a patent on deserpidine. On May 2, 1961, United States Patent No. 2,982,769 issued covering the product deserpidine, and was assigned to CIBA. Pursuant to the 1959 agreement, CIBA granted to Penick an exclusive license under the deserpidine patent to make and/or sell deserpidine in bulk form only, subject to CIBA's right to make, use, and sell deserpidine. Neither Penick nor CIBA had the right to sublicense others. The agreement also provided that the parties would cooperate with each other to eliminate infringement of the deserpidine patent by others, and that neither party would contest the validity of the deserpidine patent.

Penick's only customer for deserpidine was Abbott Laboratories ("Abbott"), which made the bulk deserpidine into dosage form. Prior to the patent's issuance, however, Abbott bought bulk deserpidine at a cheaper price from a third party that imported bulk deserpidine from France. Abbott wanted to continue buying from the third party after the patent issued, and sought a license from CIBA to permit Abbott to buy from that firm. Since Penick wanted to be Abbott's sole source of bulk deserpidine in the United States, Penick invoked the cooperation against infringement clause in the 1959 CIBA-Penick agreement, and sent an infringement notice to the third party in January 1962. Penick persisted in this posture until October 1962 when Penick offered to consider a sublicense to Abbott. CIBA would agree to allow Penick to sublicense Abbott if CIBA received the royalty it wanted. In December 1962, CIBA and Penick amended their 1959 agreement to authorize Penick to grant Abbott "a license to use, manufacture or have manufactured, and sell Deserpidine in package dosage form under Abbott's label only." The "under Abbott's label only" language was proposed by Penick. Penick did not want Abbott offering bulk deserpidine (or its equivalent) generally to the drug industry. Although Abbott objected to the "under Abbott's label only" language in the draft sublicense Penick offered, and to a clause in that draft prohibiting Abbott from contesting the validity of the deserpidine patent even beyond the terms of the sublicense, Abbott finally agreed to these provisions. On May 15, 1963, Penick granted Abbott a non-exclusive sublicense under the deserpidine patent "to make or have made, to import or have imported and to use Deserpidine, and to sell Deserpidine in Package Dosage Form under Abbott's label."

III. Explanation of the Proposed Consent Degree and its Anticipated Effect on Competition

The United States and the defendants have stipulated that the proposed consent judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed judgment provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed judgment would eliminate the basis for the challenged restrictions, the deserpidine patent. Thus, Article IV would require CIBA to disclaim the remaining term of the deserpidine patent, voiding the effect of the patent after the date of entry of the judgment. Article IV also would prohibit CPC (Penick's successor under the deserpidine patent license agreements) from enforcing any rights under the deserpidine patent.

In order for Abbott to obtain a license to use bulk deserpidine, Abbott had to meet not only the terms of CIBA, which had the right to use bulk deserpidine, but also the terms of Penick, an exclusive licensee only as to the manufacture and sale (but not use) of bulk deserpidine. To prohibit practices such as this, Article IV also would bar each defendant from an agreement pursuant to which the grant by the licensor of a license under a United States patent claiming the manufacture, use, or sale of deserpidine would require the prior approval of a third party (other than the prospective licensee).

These provisions in the judgment would allow, after the entry of the judgment, anyone in the United States to make, use, or sell deserpidine in bulk or other form without infringement of CIBA's deserpidine patent or payment of any royalties to CIBA or CPC. This would allow others freely to enter the market for deserpidine products.

IV. Remedies Available to Potential Private Plaintiffs

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages, and any other legal or equitable relief to which they would have been entitled, as if the proposed judgment were not entered. This judgment may not be used as prima facie evidence in private litigation, however, pursuant to Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a).

V. Alternatives to the Proposed Judgment Considered by the United States

A full trial on the merits was considered as an alternative to settlement. Because the relief in the proposed judgment would be substantially equivalent to that sought in the complaint, and because the relief would become effective upon entry of the judgment, the alternative of a trial on the merits was rejected.

In addition to considering provisions substantially similar to those contained in the proposed judgment, proposals considered by the government and then rejected included the following:

(a) A substantial issue during negotiations was broader product scope (e.g., all Rauwolfia plant derivatives, not just deserpidine). Government counsel concluded, however, that it is unlikely that the defendants would enter into the prohibited practices with other products, because the defendants would know that the government would challenge the practices again if the defendants subsequently adopted them. Thus, the government considers the limitation of the proposed judgment to deserpidine to be adequate.

(b) A substantial issue during negotiations also was a provision prohibiting the grant of a license under a patent claiming the manufacture, use, or sale of deserpidine unless at least one party to the license agreement has a unilateral right to grant either further licenses or sublicenses. Because the proposed judgment would prohibit a third party from having a veto power over a licensor's grant of a patent license to a prospective licensee, and because the proposed judgment would terminate CIBA's deserpidine patent, the government considers such a further provision unnecessary.

(c) The government considered a prohibition against each of the defendants agreeing to restrict any persons from selling any drug product in bulk form or under a name other than a specified tradename. However, the legality of a prohibition on the resale of bulk drugs is also in issue before Judge Meanor, the same judge presiding over this litigation, in *United States* v. *CIBA-GEIGY Corp.*, Civil No. 791-69 (D.N.J., filed July 9, 1969). Moreover, the evidence obtained in the instant case did not appear to indicate that these restrictions in the deserpidine license to Abbott had (at least at present) a significant economic effect. Thus, the government considers the relief obtained to be adequate.

(d) The government also considered an injunction against each of the defendants agreeing, or requiring another party to agree, not to contest the validity of a licensed patent. In view of the termination of the deserpidine patent by the proposed consent judgment, such an injunction is not necessary in the present circumstances.

VI. Determinative Documents

There are no materials or documents that the government considered determinative in formulating the proposed consent judgment. Therefore, none is being filed with this Competitive Impact Statement.

VII. Procedures Available for Modification of the Proposed Consent Judgment

The proposed consent judgment is subject to a stipulation between the United States and the defendants that provides that the United States may withdraw its consent to the proposed consent judgment at any time before the Court has found that entry of the judgment is in the public interest. The district court would retain jurisdiction of the case to permit any necessary construction or modification of the judgment, to enforce compliance and to punish any judgment violation.

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may, during the sixty-day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Richard H. Stern, Chief, Intellectual Property Section, Antitrust Division, Washington, D.C. 20530, which will file such comments and its response to them with the Court and publish them in the Federal Register. The Department of Justice will evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

Dated: March 8, 1978.

RICHARD H. STERN,
KENNETH M. FRANKEL,
Attorneys, Antitrust Division, U.S. Department of Justice.

[FR Doc. 78-7416 Filed 3-20-78; 8:45 am]

[4410-01]

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULE II

Proposed 1978 Revised Aggregate Production Quotas

Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On December 5, 1977, a notice of the final aggregate production quotas for these substances was published in the FEDERAL REGISTER (42 FR 61520-1). Also noted in this notice was that pursuant to Title 21 Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement Administration would in early 1978 adjust individual manufacturing quotas allocated for 1978 based upon a review of 1977 end of year inventory figures and 1977 disposition data as submitted by quota applicants and other information which would be available to DEA at this time.

Based upon consideration of the end of year inventory figures and the actual disposition data submitted by applicants, as well as estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, does hereby propose the following changes of the aggregate production quotas for 1978 for the below listed controlled substances expressed in grams of anhydrous acid or base:

Basic class	Previously finalized 1978 aggregate production quota	Proposed revised 1978 aggregate production quota
Alphaprodine	64,000	77,000
Amobarbital	7,838,000	8,340,000
Amphetamine	3,562,000	3,020,000
Anileridine	211,000	234,000
Codeine (for sale)	56,530,000	53,039,000
Codeine (for conversion)	2,029,000	1,518,000
Desoxyephedrine (1,765,000 g for the production of levodesoxyephedrine for use in a non-controlled, non-prescription product and 456,000 g for the production of methamphetamine)	2,172,000	2,221,000
Diphenoxylate	1,822,000	1,495,000
Ethylmorphine	26,000	23,000
Hydrocodone	717,000	794,000
Hydromorphone	83,000	103,000
Levorphanol	7,500	8,400
Meperidine	12,332,000	10,912,000
Methadone	1,715,000	1,591,000
Methadone intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)	2,280,000	2,153,000
Methaqualone	22,829,000	16,115,000
Methylphenidate	1,837,000	1,848,000
Mixed Alkaloids of Opium	33,500	39,000
Morphine (for sale)	550,000	604,000
Morphine (for conversion)	50,741,000	54,000,000
Opium (for tinctures, extracts, etc., expressed in terms of USP powdered opium in morphine content)	2,923,000	2,435,000
Oxycodone (for sale)	2,030,500	1,895,000
Oxycodone (for conversion)	7,000	14,000
Pentobarbital	14,493,000	14,051,000
Phenmetrazine		5,073,000
Secabarbital	10,402,000	6,800,000
Thebaine (for sale)	2,337,000	2,714,000
Thebaine (for conversion)	769,000	1,255,000

When establishing the above listed proposed revised 1978 aggregate production quotas, the following factors influenced DEA's determination to propose either raising or lowering the previously finalized quotas for 1978:

(a) Relative to alphaprodine, anileridine, codeine, hydrocodone levorphanol, methylphenidate, mixed alkaloids of opium and morphine—Increased sales, combined with inventories which had been overestimated in the derivation of the initially established quotas are primarily responsible for the proposed increases in these quotas.

(b) Relative to amphetamine, diphenoxylate, ethylmorphine, methadone, methaqualone, opium (for tinctures, extracts, etc.), oxycodone, meperidine and secobarbital—Decreased sales which resulted in inventories which had been underestimated in the derivation of the initially established quotas are primarily responsible for the proposed reduction in these quotas.

(c) Relative to amobarbital and pentobarbital—In spite of the general decline in medical usage of barbiturates, the proposed revised quotas of amobarbital and pentobarbital represent increses from their respective initially established quotas. In the case of amobarbital, a significantly increased export requirement has necessitated the proposed upward revision. In the case of pentobarbital, increasing veterinary needs and a significant inventory adjustment required at the bulk manufacturing level has resulted in this proposed increase.

(d) Relative to thebaine (for conversion) and codeine (for conversion)—Because of changes in the manufacturing procedures for the controlled substances which can be derived from either thebaine or codeine, the proposed revised quota for codeine (for conversion) represents a reduction from the initially established quota. The proposed revised quota for thebaine (for conversion) is correspondingly increased to allow for that portion of production initially expected to require codeine.

(e) Relative to phenmetrazine—The proposed revised quota for phenmetrazine represents a reduction of the established interim aggregate production quota of 5585 kg. for phenmetrazine (42 FR 61900-1) and is based on 1977 sales and year-end data.

(f) Relative to desoxyephedrine—The slight increase in the proposed revised quota is primarily due to an increased need for levo-desoxyephedrine for use in a non-prescription, non-controlled preparation.

(g) Relative to methadone intermediate, morphine (for conversion), oxycodone (for conversion) and thebaine—The proposed revisions for

these substances are directly related to the controlled substances that are derived from them. In addition, the proposed increase in the oxycodone (for conversion) quota is necessitated by low yields noted by the bulk manufacturer of oxymorphone.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. The comments or objections should state with particularlity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to any one or more of the above mentioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, Washington, D.C. 20537. Attention: DEA Federal Register Representative and must be received by April 21, 1977. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

Dated: March 15, 1978.

PETER B. BENSINGER,
Administrator.

[FR Doc. 78-7282 Filed 3-20-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

ECONOMIC STIMULUS PACKAGE REALLOCATIONS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ("CETA")

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists reallocation of funds under Title VI of the Comprehensive Employment and Training Act. The purpose of this notice is to advise all interested parties of this reallocation of funds.

FOR FURTHER INFORMATION CONTACT:

Roberts T. Jones, Director, Office of Community Employment Development Programs, Room 5402, 601 D Street NW., Washington, D.C. 20213, telephone 202-376-6366.

SUPPLEMENTARY INFORMATION: The Secretary of Labor is authorized to reallocate funds in accordance with the provisions of section 606 of Pub. L. 93-567 and pursuant to the regulation at 29 CFR 99.73.

Section 606 of the CETA provides that:

> The Secretary is authorized to make such reallocations as he deems appropriate of any amount of any allocation under this title to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided thirty days' advance notice to the prime sponsor for such an area and to the Governor of the State of the proposed reallocation, during which period of time the prime sponsor and the Governor may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor and affected prime sponsor of any decisions to reallocate funds and shall publish any such decisions in the FEDERAL REGISTER. Any such funds shall be reallocated to other areas within the same State.

Prime sponsors under title VI had been notified last summer that failure to achieve at least 70 percent of the minimum planned net increase in enrollment by July 31, 1977, would result in a determination by the Secretary that they were not able to use the funds within a reasonable period of time. The 70 percent minimum planned net increase in enrollment was increased to 80 percent for the month of October 1977 in FM 458-77 dated September 30, 1977. Reallocation actions were to be initiated for prime sponsors failing to make at least a 10 percent improvement in each subsequent month of the PSE buildup. The Hartford Consortium listed below was not performing at an acceptable level on November, 30, 1977, and was notified by letter on December 9, 1977, that if performance did not improve funds would be reallocated. Since the prime sponsor did not improve its performance, it has therefore been determined by the Secretary that this prime sponsor was not able to use all of its funds within a reasonable period of time. The Secretary is reallocating these funds in accordance with the authority of section 606.

The reallocation is as follows:

From	Amount	To	Amount
Hartford consortium.	$5,500,000	BOS Connecticut	$5,500,000

In addition to the above reallocation two prime sponsors voluntarily gave back portions of their allocations which they were unable to expend in the specified period of time, in order that the funds could be more effectively used in the other prime sponsor areas.

The following is a listing of these prime sponsors and the jurisdictions which received the funds.

From	Amount	To	Amount
BOS Nebraska.	$5,250,000	Omaha	$1,000,000
		Lincoln	250,000
Wichita	415,000	BOS Kansas.	415,000

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

MARCH 16, 1978.

[FR Doc. 78-7442 Filed 3-20-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on April 3 at the New Department of Labor Building, 3d Street and Constitution Avenue NW., Washington, D.C. The Committee will meet in Room N-3437. The meeting will begin at 9 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The Committee will consider the recommendations on OSHA's New Directions Education and Training Program proposed by Subgroup II, and discuss whether greater resources should be allocated to NIOSH's Control Technology Program.

For additional information contact:

Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3635, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone: 202-523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and its subgroups, and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include 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 chairpersons of the Committee and its subgroups, to the extent which time permits.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 16th day of March 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-7440 Filed 3-20-78; 8:45 am]

Office of the Secretary

[Secretary of Labor's Order 2-78]

COORDINATION AND DIRECTION OF DEPARTMENT OF LABOR PROGRAMS AFFECTING WOMEN

MARCH 10, 1978.

1. *Purpose.* To reaffirm the role of the Director of the Women's Bureau for insuring effective coordination among Department of Labor (DOL) Agencies on matters which relate to or may affect the interests of working women, to assign responsibilities related thereto, and to establish headquarters and regional committees to facilitate such coordination.

2. *Directives affected.* Secretary's Orders 25-76 and 11-77 are canceled.

3. *Background.* The Women's Bureau (WB) is the single unit at the Federal level of government exclusively concerned with serving and promoting the interests of working women. Through the years the scope of Women's Bureau concerns has expanded significantly until today the Bureau is addressing itself to the multiple roles of women in the work force and in our society at large.

4. *Policy.* It is the policy of the Department of Labor that all of its activities and programs that relate to or may affect the participation of women in the Nation's work force or in the economic or social development of the Nation will be coordinated with the Women's Bureau at the National and regional office levels. This coordination is not limited to insuring adherence to nondiscrimination but involves evaluating policy, programs, and materials to assure that the needs of women, and particularly working women, have been taken into account.

5. *Assignment of responsibility.*—a. The Director of the Women's Bureau will serve as the principal advisor to the Secretary with respect to the interests and concerns of women and will represent the Secretary on matters relating to women with Federal and State agencies and other appropriate governmental and private organizations. The Director is responsible for insuring coordination among DOL Agencies on matters or programs relating to or affecting women, is designated Chairperson of the Intradepartmental Coordinating Committee for Women (ICCW), is responsible for providing direction to Regional Administrators, Women's Bureau, in their roles as Chairpersons of Regional Committees on Activities Affecting Women (RCAAW's), which committees, like the ICCW, are established by this Order to facilitate coordination of DOL activities affecting women.

b. Heads of DOL Agencies are responsible for:

(1) Coordinating their policies and programs which impact upon women with the WB. Arrangements for the promotion of effective coordination shall be inclusive of, but not limited to, the following:

(a) Providing the WB up-to-date information concerning developments relating to proposals, plans, projects, studies, evaluations, policies, and programs which affect women.

(b) Utilizing the expertise of the WB which relates to women's interests including staff consultations, task forces, meeting and conference invitations, seminars, training sessions, etc.;

(c) Consulting with the WB in the policymaking processes and at an appropriate stage in the development of policy materials, which may have an impact on women, e.g., regulations, standards, and other material prepared for publication in the FEDERAL REGISTER, proposed legislation, and congressional testimony.

(2) Designating a staff member(s) at the policymaking level or their representative(s) with broadly-based responsibilities, to serve on the ICCW. Assignment to the ICCW shall be considered a part of that person's normal required duties.

(3) Directing their Regional Administrators to coordinate their regional programs and activities which impact upon women with the WB Regional Office and to serve, or appoint their representative(s) to serve, on the RCAAW. Assignment to the RCAAW shall be considered a part of that person's normal required duties.

c. Regional Administrators, Women's Bureau, are responsible for:

(1) Advising the DOL Regional Agency Heads with respect to the concerns of women;

(2) Representing, as appropriate, the Secretary's Regional Representative on programs relating to women with Federal and State agencies and other appropriate government and private organizations.

(3) Serving as a member of the Regional Executive Committee and as Chairperson of the RCAAW.

6. *Establishment of Committees.* There is hereby established the Intradepartmental Coordinating Committee for Women (ICCW) and a Regional Committee on Activities Affecting Women (RCAAW) in each of the ten DOL regions.

a. *Role.* The ICCW from a National perspective and RCAAW's from a regional perspective are established to review and assess DOL programs and activities as they affect women, identify gaps in and recommend ways and means for improving the Department's responsiveness to the concerns and interests of women including maximizing the utilization of DOL resources on behalf of women.

b. *Chairperson.* (1) ICCW—Director of the Women's Bureau, (2) RCAAW—Regional Administrator, Women's Bureau.

c. *Members.* (1) ICCW. A staff member at the policy level or a representative(s) designated by the head official from each agency, (2) RCAAW. DOL RA or their representative(s).

d. *Secretariat.* The Women's Bureau.

e. *Meetings.* The ICCW and RCAAW's shall meet at the call of the Chairperson but no less than once each quarter.

f. *Reports.* The RCAAW's will submit quarterly reports in accordance with a schedule established by the ICCW Chairperson, who in turn will submit reports on a quarterly basis to the Secretary in accordance with a prescribed schedule.

7. *Exemption.* This Order does not affect the DOL Federal Women's Program which is designed to enhance employment and advance opportunities for women within the Department and which is administered by the Director, Equal Employment Opportunity, OASAM.

8. *Effective date.* This Order is effective immediately.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78—7441 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-3076]

FREDERICK H. BURNHAM CO., MICHIGAN CITY, IND.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 7, 1978, in response to worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers' Union on January 31, 1978, on behalf of workers and former workers producing work gloves and mittens at the Frederick H. Burnham Co., Michigan City, Ind.

Notice of the investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7744). No public hearing was requested and none was held.

The petitioner in this case, Amalgamated Clothing and Textile Workers' Union, requested withdrawal of the petition on February 16, 1978, citing a previously filed petition and certification on behalf of the petitioning workers (TA-W-708). A new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 9th day of March 1978.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 78-7309 Filed 3-20-78; 8:45 am]

[4510-28]

[TA—W-2368]

DEVON, INC., THURMONT, MD.

Negative Determination 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-2368: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 20, 1977 in response to a worker petition received on September 16, 1977, which was filed on behalf of workers and former workers producing custom-tailored men's clothes at Devon, Inc., Thurmont, Md.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Devon, Incorporated, 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. Without regard to whether any of the above criteria have been met, the following criterion has not been met:

that increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The Department's investigation revealed Devon is a contractor and a wholly owned subsidiary of its parent firm. Sales and production of the parent company increased in 1976 compared to 1975 and also increased in the first nine months of 1977 compared to the time period of 1976.

CONCLUSION

After careful review, I conclude that all workers at Devon Inc., Thurmont, Md. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7310 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2794, 2795]

ERIE MINING CO., HOYT LAKES, MINN., TACONITE HARBOR, MINN.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on January 18, 1978 applicable to workers and former workers producing iron ore and iron ore pellets at the Hoyt Lakes, Minn. property of Erie Mining Co. and shipping iron ore pellets through the Taconite Harbor, Minn. shipping facilities of Erie Mining Co. The Notice of Certification was published in the FEDERAL REGISTER on January 31, 1978 (43 FR 4137).

At the request of officials of the United Steelworkers of America, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that substantial layoffs at Erie Mining Co. began in November 1976 and that production also declined on a quarterly basis starting in the third quarter of 1976. These layoffs were not covered by the original impact date of December 10, 1977.

The intent of the certification is to cover all workers at Erie Mining Co. who were engaged in employment related to the production of iron ore and iron ore pellets affected by the decline in production related to import competition. The certification, therefore, is revised, providing a new impact date of November 20, 1976.

The revised certification applicable to TA-W-2794/95 is hereby issued as follows:

All workers at Erie Mining Co., Hoyt Lakes, Minn. and its Taconite Harbor, Minn. shipping facilities who became totally or partially separated from employment on or after November 20, 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 1st day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7311 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2293]

GAF CORP., JARVIS STREET PLANT, BINGHAMPTON, N.Y.

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-2293: 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 29, 1977 in response to a worker petition received on August 25, 1977 which was filed by the International Chemical Workers Union on behalf of workers and former workers producing photographic and reprographic film, paper and related products at the Jarvis Street plant of the GAF Corp., Binghampton, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GAF Corp., 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. It is concluded that all of the requirements have been met.

United States imports of photographic films and plates increased in 1976 to 180 million dollars from 135 million dollars in 1975 and increased in the first nine months of 1977 to 151 million dollars from 127 million dollars in the same period in 1976.

United States imports of photographic paper increased in 1976 to 77,616 thousand dollars from 53,499 thousand dollars in 1975 and increased in the first nine months of 1977 to 73,634 thousand dollars from 54,841 thousand dollars in 1976.

United States imports of photographic processing chemicals in 1976 increased to 665,663 pounds from 647,594 pounds imported in 1975. Imports in 1977 increased by 22.6 percent to 816,391 pounds.

The Department conducted a survey of some of the customers that purchased GAF's photographic film, photographic paper and photographic processing chemicals. Some of these customers that purchased GAF's products responded that they had decreased their purchases from GAF and increased purchases of imports during 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with photographic film, photographic paper and photographic processing chemicals produced at the Jarvis Street, Binghamton, N.Y. plant of the GAF Corp. contributed importantly to the decline in sales and production and to the total or partial separation of workers engaged in employment related to the production of those products at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of photographic film, photographic paper and photographic processing chemicals at the Jarvis Street, Binghamton, N.Y., plant of GAF Corp. who became totally or partially separated from employment on or after August 22, 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 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7312 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2655]

GREENE TANNING CORP., MILTON MILLS, NEW HAMPSHIRE

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-2655: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 23, 1977, in response to a worker petition received on November 16, 1977, which was filed on behalf of workers and former workers producing tanned leather at Greene Tanning Corp., Milton Mills, N.H.

The Notice of Investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Greene Tanning Corp., 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 Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of tanned and finished leather increased from 88 million dollars in 1975 to 181 million dollars in 1976 before declining to 156 million dollars in 1977.

The ratio of imported tanned and finished leather to domestic production increased from 8.6 percent in 1975 to 13.6 percent in 1976. The level of imports in 1977 was over 35 percent greater than the 1975 import level.

A survey of manufacturers who contract work with Greene Tanning Corp. indicating that the firm's major client which represented a substantial proportion of Greene Tanning's production increased purchases of imported tanned leather in 1976 and 1977 and decreased contract work with Greene Tanning in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tanned leather produced by Greene Tanning Corp., Milton Mills, N.H. contributed importantly to the decrease in production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Greene Tanning Corp., Milton Mills, N.H. who became totally or partially separated from employment on or after November 3, 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 14th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7313 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2483]

G.T., INC., ROXBURY, MASS.

Negative Determination 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-2483: 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 19, 1977 in response to a worker petition received on October 7, 1977 which was filed on behalf of workers and former workers producing men's trousers and women's slacks and skirts at G.T., Inc., Roxbury, Mass.

The notice of investigation was published in the FEDERAL REGISTER on November 4, 1977 (42 FR 57775). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of G.T., Inc., its customers, the National Cotton Council of America, 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 Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the Department's investigation revealed that G.T., Inc. is a manufacturer of men's trousers and women's slacks and skirts. Sales at G.T., Inc. in 1974 dollars increased in fiscal year (FY) 1976 compared to FY 1975 and in FY 1977 compared to FY 1976.

The Department's survey of G.T.'s customers indicated that most of the respondents did not purchase imported garments.

CONCLUSION

After careful review I conclude that all workers at G.T., Inc., Roxbury, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7314 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2634]

JAFFE BROTHERS, INC. PHILADELPHIA, PA.

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-2634: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1977, in response to a worker petition received on November 11, 1977, which was filed on behalf of workers and former workers producing

men's suits and sportcoats at Jaffe Brothers, Inc., Philadelphia, Pa.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jaffe Brothers, 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 eligibiligy to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's and boys' suits increased from 3.1 million units in 1975 to 3.6 million units in 1976. Imports increased from 2.5 million units in the first three quarters of 1976 to 3.1 million units in the same period of 1977. The ratio of imports to domestic production increased from 18.3 percent in 1975 to 20.0 percent in 1976.

Imports of men's and boys' dress coats and sportcoats increased from 5.5 million units in 1975 to 7.0 million units in 1976. Imports decreased from 5.7 million units in the first three quarters of 1976 to 4.7 million units in the same period of 1977. The ratio of imports to domestic production increased from 28.2 percent in 1975 to 32.4 percent in 1976.

Customers of Jaffe Brothers who were surveyed indicated that some customers had decreased purchases of men's suits and sportcoats from Jaffe Brothers and increased purchases of imported men's suits and sportcoats.

CONCLUSION

After a careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sportcoats produced at Jaffe Brothers, Inc., Philadelphia, Pa., contributed importantly to the decline in sales or production and to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Jaffe Brothers, Inc., Philadelphia, Pa. and at the sales office, New York, N.Y., who became totally or partially separated from employment on or after January 28, 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 14th day of March 1978.

HARRY GRUBERT,
Director, Office of Foreign Economic Research.

[FR Doc. 78-7315 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2968]

PETER BRATTI ASSOCIATES, INC., NEW YORK, N.Y.

Negative Determination 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-2968: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 26, 1978, in response to a worker petition received January 11, 1978, which was filed on behalf of workers and former workers engaged in construction of high-rise buildings in New York City for Peter Bratti Associates, Inc., New York, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7070). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Peter Bratti Associates 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. The Department has already determined that services are not "articles" within the meaning of section 222 of the Act. See notice of negative determination in *Pan American World Airways, Incorporated* (TA-W-153; 40 FR 54639).

Peter Bratti Associates, a New York corporation, is a service firm which specializes in the design, erection, and installation of exterior stone, granite, interior marble, ceramic tile, terrazzo, and precast architectural concrete. The firm operates on a contract basis. The firm purchases material in a finished state and installs the material at construction sites. Peter Bratti Associates does not own or operate any fabricating facilities.

CONCLUSION

After careful review of the issues and facts involved, I conclude that services of the kind provided by Peter Bratti Associates, Inc., New York, N.Y., are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance, therefore, is denied.

Signed at Washington, D.C., this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7316 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2230]

PETER JAMES, INC., BOSTON, MASS.

Negative Determination 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 resualts of TA-W-2230: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 26, 1977, in response to a worker petition received on July 25, 1977, which was filed on behalf of workers and former workers producing ladies' slacks and skirts at Peter James, Inc., Boston, Mass.

The notice of investigation was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40287). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Peter James, 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 Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

that increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

Evidence developed during the Department's investigation revealed that Peter James was a contractor of women's slacks and skirts for three manufacturers in 1977. These manufacturers had increased sales in 1977 compared to 1976 and in 1976 compared to 1975. A Department's survey revealed that most of the respondents had reduced their business with Peter James and increased their business with other domestic contractors. The survey indicated that the manufacturers did not import slacks and skirts and did not utilize foreign contractors.

CONCLUSION

After careful review I conclude that all workers at Peter James, Inc.,

Boston, Mass., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7317 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2277]

QUALITY SPORTSWEAR, HALEDON, N.J.

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-2277: 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 18, 1977, in response to a worker petition received on August 16, 1977, which was filed on behalf of workers and former workers producing women's coats at Quality Sportswear, Haledon, N.J.

The notice of investigation was published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44299). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Quality Sportswear, 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 Act must be met. It is concluded that all of the requirements have been met.

Imports of women's, misses' and children's coats and jackets increased from 1,517 thousand dozens in 1975 to 2,252 thousand dozens in 1976. Imports increased from 1,680 thousand dozens in the first three quarters of 1976 to 2,081 thousand dozens in the same period in 1977. The ratio of imports of women's, misses' and children's coats and jackets to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

Quality Sportswear produces women's coats on contract with several manufacturers. Customers of Quality Sportswear's major client increased purchases of imports while decreasing purchases from Quality Sportswear's client from 1975 to 1976 and from 1976 to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's coats produced at Quality Sportswear in Haledon, N.J., contributed importantly to the decrease in production and to the total or partial separations of workers at that firm.

In accordance with the provisions of the Act, I make the following certification:

All workers at Quality Sportswear in Haledon, N.J., who became totally or partially separated from employment on or after August 5, 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 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7318 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2821]

REECE CORP. GORHAM, MAINE

Negative Determination 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-2821: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 27, 1977, in response to a worker petition received on August 15, 1977, which was filed on behalf of workers and former workers producing industrial sewing machines at the Gorham, Mass., plant of the Reece Corp.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 15555). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Reece Corp., 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 group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's survey of customers of the Reece Corp. indicated that they did not import or lease industrial sewing machines from foreign sources during the 1975-77 period. The survey indicated that the domestic sewing machine industry is being affected more by the large and increasing volume of imported apparel than by the imports of sewing machines. The survey also indicated that imported industrial sewing machines are not competitive with those produced by the Reece Corp.

CONCLUSION

After careful review, I conclude that all workers at the Gorham, Maine, plant of the Reece Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7319 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2262]

REECE CORP., WALTHAM, MASS.

Negative Determination 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-2262: 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 16, 1977 in response to a worker petition received on August 15, 1977, which was filed on behalf of workers and former workers producing industrial sewing machines at the Waltham, Mass. Plant of the Reece Corp.

The notice of investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Reece Corp., 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. With-

out regard to whether any of the other criteria have been met the following criterior has not been met.

That increases of imports like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's survey of customers of the Reece Corp. indicated that they did not import or lease industrial sewing machines from foreign sources during the 1975-1977 period. The survey indicated that the domestic sewing machine industry is being affected more by the large and increasing volumes of imported apparel then by the imports of sewing machines. The survey also indicated that imported industrial sewing machines are not competitive with those produced by the Reece Corp.

CONCLUSION

After careful review, I conclude that all workers at the Waltham, Mass. plant of the Reece Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7320 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2987]

SHENANGO, INC., DOVER, OHIO, MASBURY, OHIO

Negative Determination 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-2987: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 10, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at the Dover and Masbury, Ohio plants of Shenango, Inc. The investigation revealed that specialty castings are produced at the Dover, Ohio foundry and that Shenango, Inc., does not operate a plant in Masbury, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Shenango Inc., 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. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

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;

The Dover, Ohio, plant of Shenango, Inc. produces specialty castings.

Evidence developed during the Department's investigation reveals that no involuntary separations occurred at the Dover, Ohio foundry from January 5, 1977, which is one year prior to the date of the petition, to the present. Section 223(b)(1) of the Act states that unless separated more than one year prior to the date of the petition workers are not eligibile for program benefits.

CONCLUSION

After careful review of the facts I conclude that all workers at the Dover, Ohio foundry of Shenango, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7321 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2985]

SHENANGO INC., NEVILLE ISLAND, PA.

Negative Determination 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-2985: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978, in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at Shenango, Inc.'s, foundary and iron and coke plant in Neville Island, Pa. The investigation revealed that ingot molds are produced at the foundary and that pig iron and coke are produced at the iron and coke plant.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Shenango, Inc., 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 eligibilitry to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to workers producing ingot molds at the foundry, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that import statistics for ingot molds in the Tariff Schedules of the United States Annotated are under 674.1040, a basket category. Customers of ingot molds and industry analysts who were contracted in a survey conducted by the Department reported that imports of ingot molds are negligible.

Increased use of the continuous casting steel production processes, in which ingot molds are not required, and a depressed market for steel have contributed to the decreased demand for ingot molds.

The petitioners alleged that imports of steel have adversely affected the production of ingot molds at Shenango, Inc. The Department has previously determined that component parts are not like or directly competitive with the finished product. Therefore, imports of steel can not be considered to be like or directly competitive with ingot molds. Imports of ingot molds alone must be considered in determining the import injury to workers at Shenango, Inc. for the purposes of this program.

With respect to workers producing coke and pig iron at the Neville, Island, Pa. Iron and Coke Division plant, without regard to whether any of the other criteria have been met, the following criterion has not been met:

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:

Evidence developed during the Department's investigation reveals that there have been no involuntary separations of workers at the Iron and Coke Division plant in Neville Island from January 5, 1977, which is one year prior to the date of the petition, to the present. Section 223(b)(1) of the Act states that workers separated more than one year prior to the date of the petition are not eligible for program benefits.

CONCLUSION

After careful review of the facts, I conclude that all workers at the Neville Island, Pa., foundry and all workers at the Neville Island, Pa., Iron and Coke Division plant of Shenango, Inc., are not eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7322 Filed 3-20-78; 8:45 am]

[4510-28]

[TA-W-2986]

SHENANGO, INC. SHARPSVILLE, PA.

Negative Determination 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-2986: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1978, in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at the Sharpsville, Pa., plant of Shenango, Inc. The investigation revealed that ingot molds are produced at the plant.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Shenango Inc., 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. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that import statistics for ingot molds in the Tariff Schedules of the United States Annotated are under 674.1040, a basket category. Customers of ingot molds who were contacted in a survey conducted by the Department reported that imports of ingot molds are negligible.

The increased use of the continuous casting steel production processes, in which ingot molds are not required, and a depressed market for steel have reduced the demand for ingot molds.

The petitioners alledged that imports of steel have adversely affected the production of ingot molds at Shenango, Inc. The Department has previously determined that component parts are not like or directly competitive with the finished product. Therefore, imports of steel cannot be considered to be like or directly competitive with ingot molds. Imports of ingot molds alone must be considered in determining import injury to workers at the Sharpsville, Pa., plant of Shenango, Inc.

CONCLUSION

After careful review of the facts I conclude that all workers at the Sharpsville, Pa., foundary of Shenango, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of March 1978.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 78-7323 Filed 3-20-78; 8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Pendency of Proposed Exemption Relating to a Transaction Involving Heavy and General Laborers' Welfare Fund of New Jersey (Application No. L-684); Correction

In FR Doc. 77-30981 appearing at page 56378 in the FEDERAL REGISTER of Tuesday, October 25, 1977, the following changes should be made:

1. On page 56378, third column, the section entitled "SUMMARY", in the ninth line "Local No. 474" should read "Local No. 472."

2. On page 56378, third column, the section entitled "DATES", in the fourth line "on or before November 30, 1977." should read "on or before April 26, 1978."

3. On page 56379, the fourth full paragraph of the first column should be deleted and the following inserted in its place:

"On or before March 28, 1978, the notice of pendency of the proposed exemption published in the FEDERAL REGISTER on Tuesday, October 25, 1977, and this correction will be posted for a period of not less than twenty-one days in conspicuous places at the Union Hall and in the lobby of Plan offices."

Dated: March 13, 1978.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 78-7394 Filed 3-16-78; 11:31 am]

[1410-03]

LIBRARY OF CONGRESS

Copyright Office

[Docket S77-6-D]

PERFORMANCE RIGHTS IN SOUND RECORDINGS

Addenda to Report

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of addenda to report.

SUMMARY: Section 114(d) of the Act for General Revision of the Copyright Law directs the Register of Copyrights to study and report to Congress whether section 114 should be amended to provide performance rights in sound recordings. The purpose of this notice is to advise the public that addenda to the January 3, 1978, report of the Register of Copyrights have been transmitted to Congress and are available for public inspection. The addenda consist of an independently-contracted study, supplemental analyses, a bibliography, and a statement summarizing the Office's views of the various legal and economic issues raised in the report, with specific legislative recommendations.

FOR FURTHER INFORMATION CONTACT:

Harriet L. Oler, Senior Attorney, Office of the General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8737.

SUPPLEMENTARY INFORMATION: The newly revised copyright law (Pub.

L. 94-553; 90 Stat. 2541) specifies that the exclusive rights of the owner of copyright in a sound recording are limited to the rights to reproduce the sound recording in copies or phonorecords, to prepare derivative works based on the sound recording, and to distribute copies or phonorecords of the sound recording to the public. Section 114(a) expressly excludes any exclusive right to perform publicly copyrighted sound recordings. Paragraph (d) of section 114 directs the Register of Copyrights to consult with various interests in the broadcasting, recording, motion picture, and entertainment industries, art organizations, and representatives of copyright owners, organized labor and performers and to describe the views of major interested parties and the status of performance rights in foreign countries. The report was also to present specific legislative or other recommendations, if any.

On January 3, 1978, the statutory deadline, the Office submitted to Congress a report summarizing and analyzing data relevant to the performance rights question. Because of time pressures generated by the Copyright Office's implementation of the 1978 copyright law, the Office requested permission to submit addenda including:

(1) A report, prepared by an independent legal consultant, of labor union involvement with performance rights in sound recordings over the past thirty years; (2) a response, by the independent economic consultant who prepared the independent economic analysis included in the report, to the public comments received on that analysis; (3) a bibliography of works dealing with performance rights in sound recordings; and (4) a statement by the Register of Copyrights summarizing the views of the Copyright Office on the various legal and economic issues raised in the report and containing specific legislative recommendations. A copy of the Register's statement, including recommendations for performance rights legislation, follows.

Copies of the complete addenda to the Register's report will be available for public inspection and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, in the Public Information Office, Room No. 101, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., 703-557-8700.

(17 U.S.C. 114.)

Dated: March 13, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc. 78-7356 Filed 3-20-78; 8:45 am]

[7532-01]

NATIONAL COMMISSION ON NEIGHBORHOODS

PUBLIC MEETING

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: Saturday, April 1, 1978, at 2 p.m.

PLACE: Berea Presbyterian Church, 3010 Olive Street, St. Louis, Mo. 63103.

AGENDA: Open public hearing.

CONTACT PERSON:

Ms. Frances Phipps, Deputy Director, telephone number, 202-632-5200.

ROBERT KUTTNER,
Acting Executive Staff Director.

[FR Doc. 78-7385 Filed 3-20-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HUMANITIES PANEL ADVISORY COMMITTEE

Establishment

MARCH 15, 1978.

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63 of March 1974, and after consultation with the Committee Management Secretariat, it has been determined that the Education Panel, Fellowships Panel, Planning Office Panel, Public Programs Panel and Research Panel Advisory Committees should be merged into one Advisory Committee. The functions of these panels are necessary and in the public interest. However, their functions can be performed by a single consolidated Humanities Panel Advisory Committee.

The Humanities Panel Advisory Committee will advise the National Council on the Humanities with respect to recommendations it would make to the Chairman and advise the Chairman concerning policies, programs and procedures for carrying out his functions and on recommendations on action to be taken on applications for financial support presented to the National Endowment for the Humanities.

The committee will function as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, on or before April 5, 1978.

JOSEPH D. DUFFEY,
Chairman.

[FR Doc. 78-7362 Filed 3-20; 8:45 am]

[7536-01]

ADVISORY COMMITTEE DIVISION OF PUBLIC PROGRAMS PANEL

Meeting

FEBRUARY 21, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Division of Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9 a.m. to 5:30 p.m. on March 31, 1978.

The purpose of the meeting is to review State Program applications submitted to the National Endowment for the Humanities for programs beginning after May 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-7363 Filed 3-20-78; 8:45 am]

[7536-01]

ADVISORY COMMITTEE PUBLIC PROGRAMS PANEL

Meeting

MARCH 6, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on April 4, 1978, from 9 a.m. to 5:30 p.m., and April 5, 1978, from 9 a.m. to 5:30 p.m., in the First Floor Conference room, National Endowment for the Humanities at 806 15th Street NW., Washington, D.C. 20506.

The purpose of the meeting is to review applications for the development of humanities Public Program formats submitted to the National Endowment for the Humanities for projects beginning after July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-7364 Filed 3-20-78; 8:45 am]

[7536-01]

ADVISORY COMMITTEE PUBLIC PROGRAMS PANEL

Meeting

MARCH 6, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Public Programs Panel will be held at Living History Farms, 2600 Northwest, One (1) 11th Street, Des Moines, Iowa 50322, Administration Building, from 9 a.m. to 5:30 p.m., on April 6 and 7, 1978.

The purpose of the meeting is to review Public Programs applications for museums and historical organizations projects submitted to the National Endowment for the Humanities for projects beginning after July 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-7365 Filed 3-20-78; 8:45 am]

[7536-01]

ADVISORY COMMITTEE RESEARCH GRANTS PANEL

Meeting

FEBRUARY 28, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Research Grants Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on March 31, 1978.

The purpose of this meeting is to review applications submitted to the State, Local and Regional History Program of the national Endowment for the Humanities, for projects beginning September 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-7366 Filed 3-20-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

Meeting

The ACRS Subcommittee on Regulatory Activities will hold an open meeting on April 5, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, April 5, 1978. The meeting will commence at 8:45 a.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Proposed Regulatory Guide 1.XXX, "Criteria for Lightning Protection for Nuclear Power Plants".

(2) Regulatory Guide 1.29, Revision 3, "Seismic Design Classification".

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.29, Revision 3 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practical to Mr. Gary R. Quittschreiber (ACRS), the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, D.C. 20555 or telecopy them to the Designated Federal Employee, 202-634-1925, as far in advance of the meeting as practical. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Mr. Gary R. Quittschreiber, telephone 202-634-1374, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: March 14, 1978.

JOHN C. HOYLE,
Advisory Committee, Management Officer.

[FR Doc. 78-7228 Filed 3-20-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORT

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 15, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division of office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF TRANSPORTATION

Departmental and other, Neighborhood and Viability and Transit Development Survey, single time, individuals in twelve Atlanta neighborhoods, Office of Federal Statistical Policy and Standard, 673-7959.

REVISIONS

DEPARTMENT OF TRANSPORTATION

Coast Guard, Survivor Debriefing Form (Marine casualty), on occasion, SAR incident participants, 1,000 responses, 200 hours, Clearance Office, 395-3772.

EXTENSIONS

VETERANS ADMINISTRATION

Blood Donor Registration, 10-2420, on occasion, blood donors, 16,000 responses, 1,333 hours, clearance office, 395-3772.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Interview Log—Atlantic Bluefin Tuna Sport Fish Survey, NOAA 88-917, on occasion, tuna sport fishermen, 10,000 responses, 500 hours, Clearance Office, 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other:

Pre-Award Survey for Evaluation of Prospective Bidders, DD1524, on occasion, DOD contractors, 10,000 responses, 5,000 hours, Marsha Traynham, 395-3773.

Pre-Award Patent Rights Documentation, DD 1564, on occasion, DOD R. & D. contractors, 10,000 responses, 5,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Spanish-Surnamed Physician and Medical Student Study in the U.S., 0, single time, Hispanic physicians and medical students, 750 responses, 562 hours, Office of Federal Statistical Policy and Standard, 673-7959.

Alcohol, Drug Abuse and Mental Health Administration, CMHC Monitoring Package, annually, Federally supported CMHC's in States, Puerto Rico, Virgin Islands, Guam, 547 responses, 5,000 hours, Richard Eisinger, Lowry, R. L., 395-3214.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Survey of Union Wage Rates and Hours in Building Trades; Heavy Construction; Printing Trades; Local Trucking; Local Transit, BLS 1150.1, BLS 1150.2, BLS 1150.3, BLS 1150.4, BLS 1150.5, annually, union office in cities of 100,000 inhabitants or more, 3,700 responses, 1,850 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF THE INTERIOR

Geological Survey:

Alaska Coal Lease Report, 9-519, monthly, Federal coal lessees, 84 responses, 84 hours, Ellett, C. A., 395-6132.

Lessees Report of Sales and Royalty—Outer Continental Shelf Operations, 9-153, monthly, offshore oil and gas producers-Federal leases, 10,000 responses, 5,000 hours, Ellett, C. A., 395-6132.

Application for Permit to Drill, Deepen, or Plug Back (Operators—Federal and Indian Oil and Gas Leases), 9-331-C, on occasion, Lessees and operators of independent and Federal oil and gas leases, 10,000 responses, 5,000 hours, Ellett, C. A., 395-6132.

Well Completion or Recompletion Report and Log, 9-330, on occasion, Lessees and operators of independent and Federal oil and gas leases, 30,000 responses, 30,000 hours, Ellett, C. A., 395-6132.

Sundry Notices and Report on Wells (Oil and Gas), 9-331, on occasion, Lessees and operators of independent and Federal oil and gas leases, 20,000 responses, 10,000 hours, Ellett, C.A., 395-6132.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, State highway income, PR-531, annually, 50 States, District of Columbia, and Puerto Rico, 52 responses, 2,080 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 78-7540 Filed 3-20-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering, and Technology Advisory Panel; Natural Resources and Environment Task Force.

DATES: April 6, 1978; 11 a.m.-6 p.m.; April 7, 1978; 9 a.m.-3 p.m.

PLACE: National Conference of State Legislatures, 23d floor 1405 Curtis Street, Denver, Colo.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President; telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by April 3, 1978.

Purpose of Panel: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on February 28, 1978. The Panel is to identify State, regional, and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

Minutes of the Meeting: Executive minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

1. Discussion of such issues relating to LANDSAT and remote-sensing data use by State, regional, and local government officials as:

a. Internal and external technical and institutional problems in using LANDSAT.

b. Types of assistance State and local governments need to achieve operational capabilities with the current LANDSAT system.

c. What, if any, standardized data products should the Federal Government provide to State, regional, and local governments.

d. How should State and local governments participate in decisions regarding remote sensing policies and system characteristics.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-7290 Filed 3-20-78; 8:45 am]

[7555-02]

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF ENERGY

Date: April 6-7, 1978.
Time: 9 a.m. to 4 p.m.
Place: Room 3104, New Executive Office Building, Washington, D.C.
Type of meeting: Open.
Contact person: Mr. William J. Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692
Summary minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500
Purpose of advisory committee: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOE is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.
Agenda: 9 a.m. to 4 p.m. The meeting will be used to discuss changes in the final report resulting from discussions with Drs. Press and Deutch held during the previous meeting.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-7446 Filed 3-20-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/30]

ADVISORY COMMITTEE TO THE UNITED STATES NATIONAL SECTION OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS

Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas will be held on April 6, 1978, in the penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. at 9 a.m.

The meeting will be open to the public and the public may participate in the discussions subject to the instructions of the Committee Chairman. Subjects to be discussed include: a general review of National Marine Fisheries Service Atlantic bluefin tuna research programs; a review of the data base and cohort analysis for Atlantic bluefin tuna, a review of the functions of the Northeast Regional Office and the Southeast Fisheries Center of the National Marine Fisheries Service as they relate to Atlantic bluefin tuna; the development of fishery management strategy by the Northeast Regional Office of the National Marine Fisheries Center; proposed 1978 regulations for the U.S. Atlantic bluefin tuna fishery; interaction of the National Marine Fisheries Service with the International Commission for the Conservation of Atlantic Tunas Advisory Committee; U.S. scientific contributions to the 1978 International Commission for the Conservation of Atlantic Tunas annual meeting; key issues regarding Atlantic tunas; and other business.

Requests for further information on the meeting should be directed to Brian Hallman, OES/OFA/FA, Room 3214, Department of State. He may be reached by telephone on 202-632-1073.

Dated: March 14, 1978.

JOHN D. NEGROPONTE,
Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 78-7423 Filed 3-20-78; 8:45 am]

[4710-01]

[Public Notice CM-8/29]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Tuesday, April 11, 1978 at the Department of State in Conference Room 1205 from 9:30 a.m. to 1 p.m.

The purpose of this open meeting will be to discuss the following topics:

1. Possible U.S. adherence to the Berne Convention.
2. The Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite.
3. The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (the Rome Convention).
4. Report of the December, 1977 meeting of the Intergovernmental Copyright Committee.

The public attending may, as time permits and subject to the instructions of the chairperson participate in the discussions or may submit their views in writing to the chairperson prior to or at the meeting for later consideration by the Committee.

Members of the public who plan to attend will be admitted up to the limits of the conference room's capacity. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation and address to Ms. Laura McArthur, Office of Business Practices, Department of State, telephone 202-632-0307, prior to April 11, 1978. All non-government attendees at the meeting should use the C Street Entrance to the building.

Dated: March 10, 1978.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc. 78-7422 Filed 3-20-78; 8:45 am]

[4710-01]

[Public Notice CM-8/28]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

The Ocean Affairs Advisory Committee, Fisheries Section, will meet at 10 a.m. on June 1, 1978, in conference room 1406 of the Department of State, Washington, D.C.

The Committee will discuss key fisheries issues and problems in view of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson.

The Ocean Affairs Advisory Committee will continue that afternoon and, as necessary, on June 2 in a session which will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and the public interest requires that such discussions be withheld from disclosure. The purpose of these discussions will be to elicit views on alternatives and options open to the United States in development of multilateral and bilateral fishery negotiations and the implementation of current international agreements, and to assist in the preparations for future negotiations in these areas. This portion of the meeting will include classified briefings and examination and discussion of classified documents, pursuant to Executive Order 11652.

Requests for further information on the meeting should be directed to Benoit Brookens, OES/OFA, Room 3214, Department of State. He may be reached by telephone on 202-632-2798.

Dated: March 7, 1978.

BENOIT BROOKENS, II,
Staff Assistant to the Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 78-7421 Filed 3-20-78; 8:45 am]

[4710-01]

[Public Notice CM-8/27]

STUDY GROUP 1 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on April 12, 1978 at 10 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to leased channel service, international maritime services, and data services in order to develop U.S. positions to be taken at meetings of international CCITT Study Group III and the Joint Working Party on Maritime Mobile Service (SMM) to be held during 1978 in Geneva, Switzerland.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: March 13, 1978.

ARTHUR L. FREEMAN,
Chairman,
U.S. CCITT National Committee.

[FR Doc. 78-7420 Filed 3-20-78; 8:45 am]

[4710-01]

[Public Notice CM-8/26]

STUDY GROUP 5 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 5 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on April 19, 1978, from 9:30 a.m. until 2:30 p.m. in Room 4071 of the ComSat Building, 950 L'Enfant Plaza, SW., Washington, D.C.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the nonionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The purpose of the meeting is a final review of proposed contributions to the CCIR Special Preparatory Meeting for the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

MARCH 14, 1978.

[FR Doc. 78-7419 Filed 3-20-78; 8:45 am]

[4710-01]

[Public Notice CM-8/25]

STUDY GROUP 1 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on April 14, 1978, in the Forum Room, Office of Telecommunications, U.S. Department of Commerce, 1325 G Street, NW., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting on April 14 is to review and adopt the final documents proposed for submission to the CCIR Special Preparatory Meeting (SPM) which will convene in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman.

Dated: March 14, 1978.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc. 78-7418 Filed 3-20-78; 8:45 am]

[4710-01]

[Public Notice CM-8/24]

STUDY GROUP 4 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on April 11, 1978, at 10 a.m. in the Theater of the ComSat Building, 950 L'Enfant Plaza SW., Washington, D.C.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be consideration of documents being developed, and further work requirements, in preparation for the CCIR Special Preparatory Meeting (SPM) which will convene in October, 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Dated: March 9, 1978.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc. 78-7417 Filed 3-20-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting

Pursuant to section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); 5 U.S.C. App. I) Notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held April 11, 1978, at 10 a.m. until 5 p.m. at the Department of Transportation, 400 7th Street SW., Room 4436 and 4438, Washington, D.C. 20590. The agenda for the meeting is as follows:

Program Orientation and Review

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Mr. Kenneth E. Bolton, Executive Director, Minority Business Resource Center, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, telephone: 202-426-2852. Any member of the public may present a written statement to the Committee at any time.

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

KENNETH E. BOLTON,
Executive Secretary.

[FR Doc. 78-7428 Filed 3-20-78; 8:45 am]

[4910-57]

Urban Mass Transportation Administration

TRANSBUS SPECIFICATIONS

Revision of "Transbus Procurement Requirements" and Request for Final Comments Prior to Formal Advertisement

On May 19, 1977, Secretary of Transportation Brock Adams announced his decision to mandate the low floor, ramp-equipped "Transbus." Transbus is the result of a major Urban Mass Transportation Administration (UMTA) research project to develop an improved transit bus that would attract mass ridership, be accessible to those elderly and handicapped persons for whom the high floor and stairs of current buses provide serious obstacles, and encourage continued competition among the manufacturers of transit buses.

The mandate took the form of requiring the use of the Transbus Procurement Requirements bid document for all federally funded procurements of new, standard, full-sized urban transit buses advertised after September 30, 1979. In accordance with the Secretary's decision statement, the complete Transbus Procurement Requirements bid document was issued by UMTA in June 1977.

On September 9, 1977, UMTA's regulations on Transportation for Elderly and Handicapped persons were amended to reflect the Transbus mandate (42 FR 48339, September 23, 1977). That amendment gave official notice of the Transbus mandate to organizations and individuals not already aware of the Secretary's decision.

The mandate specifically applies only to federally funded bus procurements advertised after September 30, 1979. However, UMTA determined that the most effective method of implementing the mandate and bringing about delivery on the schedule contemplated by the mandate was to encourage voluntary Transbus procurements well in advance of that date. Several UMTA grantees are now ready to advertise the first Transbus procurement, and are awaiting only receipt of the final bid document.

In further support of the Transbus mandate, UMTA undertook to refine the Transbus Procurement Requirements document in ways that would make timely delivery more likely or improve the bus but would not compromise the basic requirements of the mandate. As part of this effort, UMTA solicited comments from various parties, particularly the three domestic manufacturers who currently produce standard, full-size transit buses for the U.S. market, U.S. transit operators, who would buy the buses, and representatives of various elderly and handicapped organizations.

As a result of reviewing the comments and proposals received, UMTA has revised the June 1977 "Transbus Procurement Requirements." None of the changes alters the major features of the transbus mandate. Although UMTA is under no legal obligation to follow a formal notice and comment procedure concerning the changes, this Notice is provided in order to help assure that all affected parties are aware of the progress that has been made in the specification. In particular, the specification continues to require a 22-inch floor height at the front door, a kneeling feature for an effective floor height of 18 inches at the front door, a front door ramp for boarding and exiting, a wide front door, and provision for wheelchair parking and tiedown.

The primary change is to require two axles instead of three. In conjunction with this change, the specification has been revised to provide for a lower gross weight and to permit slightly larger tire size. The specification has also been revised to permit a beam-type front axle. The advantages of these changes are reduced manufacturing and maintenance costs, reduced total bus weight, and earlier availability of components, all of which combine to result in lower bus acquisition and operating costs. The primary compromise required to attain these advantages is the raising of some inward-facing, longitudinal seats over the forward wheelwells to a height greater than the previous 20-inch limit. The best configuration for these longitudinal seats has not been established but the specification will provide that as few seats as possible be affected.

Copies of the revised Transbus Procurement Requirements document are available by contacting Mr. Charles J. Daniels, Chief, Bus Technology Development Program (UTD-21), Urban Mass Transportation Administration, Department of Transportation, Washington, D.C. 20590, telephone 202-426-4035.

Comments on the revised Transbus Procurement Requirements should be sent or delivered to the following address: Administrator, Urban Mass Transportation Administration, Room 9324, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. Any comments received on or before April 6, 1978 will be considered by UMTA before UMTA releases for formal procurement advertisement the version of the Transbus Procurement Requirements to be used in the first advertisement.

In view of the extensive consultation with bus manufacturers, bus operators, elderly and handicapped representatives, and other interested parties that has already occurred in relation to the revisions announced in this Notice, a 15-day comment period is deemed to be sufficient to allow further comment while proceeding promptly in order to meet the delivery dates contemplated by the Transbus mandate.

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

RICHARD S. PAGE,
Urban Mass Transportation Administrator.

[FR Doc. 78-7511 Filed 3-20-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Alton, Joseph W., Jr., 5 Park Lane, Annapolis, Md., convicted on Dec. 6, 1975, in the U.S. District Court, District of Maryland.

Barco, James E., 207½ Shady Lane, Tampa, Fla., convicted on Sept. 22, 1958, and on Oct. 21, 1963, in the Hillsborough County Circuit Court, Tampa, Fla.

Berridge, Joe G., 2570 Cedar Springs Dr., Nashville, Tenn., convicted on May 12, 1967, in the U.S. District Court, Middle Judicial District of Tennessee, Nashville, Tenn.

Blackburn, Jesse E., Route 1, Box 348, Roaring River, N.C., convicted on Nov. 23, 1956, in the U.S. District Court for the Middle District of North Carolina, Wilkesboro Division.

Boudreau, Denis, 374 Fore St., Portland, Maine, convicted on Apr. 5, 1974, in the Cumberland County Superior Court, Maine.

Brown, Ernest E., Route 2, Box 109, Trenton, Fla., convicted on Oct. 14, 1957, in the Circuit Court of Florida, Alachua County, Gainesville, Fla.

Brown, Joseph, Jr., 3652 Concord, Detroit, Mich., convicted on Feb. 2, 1945, and on Nov. 10, 1955, in the Detroit Recorder's Court, Michigan.

Brown, Roy C., Sr., 702 Swanson St., LaGrange, Ga., convicted on Jan. 15, 1967, in the Superior Court, Troup County, Ga.

Burnett, Virgil, Route 2, Box 331-F, Lake Wales, Fla., convicted on June 23, 1958, in the Circuit Court, Hillsborough County, Fla., and on June 23, 1973, in the Criminal Court, Polk County, Fla.

Burrill, Warner R., North 4324 Post St., Spokane, Wash., convicted on June 13, 1975, in the Spokane County Superior Court, Spokane, Wash.

Carr, Charlie F., Route 4, Box 190, Nathalie, Va., convicted on Jan. 13, 1964, in the Circuit Court of Campbell County, Rustberg, Va.; and on Jan. 29, 1964, in the Circuit Court for the County of Halifax, Halifax County, Va.

Carrier, Antone R., South 518 Howard, Spokane, Wash., convicted on Sept. 26, 1974, in the Spokane County Superior Court, Spokane, Wash.

Carrolla, Joseph S., 901 East 5th St., Kansas City, Mo., convicted on Dec. 2, 1943, in the U.S. District Court, District of Kansas, First Division.

Chaney, Leroy, R.F.D. No. 2, Saegertown, Pa., convicted on Feb. 10, 1958, in the Court of Quarter Sessions, Erie County, Pa.

Cimpritz, Frank J., 371 Cedar St., Elko, Nev., convicted on Nov. 29, 1945, in the Superior Court, San Diego County, Calif.

Coram, Jon M., 1403 East Cayuga St., Tampa, Fla., convicted on Oct. 28, 1963, and on Dec. 1, 1966, in the Criminal Court of record, Orange County, Orlando, Fla.

Davis, Tyrone L., 1118 South Dupre St., New Orleans, La.; convicted on May 9, 1969, in the Criminal District Court, Parish of Orleans, New Orleans, La.

Doerrer, Stephen A., Horse Hill Rd., Westbrook, Conn., convicted on or about Feb. 26, 1970, in the District Court, 72d Judicial District, Port Huron, Mich.; and on May 6, 1971, in the U.S. District Court, Eastern District, Brooklyn, N.Y.

Dupree, Edward A., 2629 Cross Country Blv., Baltimore, Md., convicted on Oct. 5, 1959, in the Superior Court, Durham County, N.C. Fernegel, Donald J., 9960 Emerson Ave., Columbia Station, Ohio, convicted on Nov. 21, 1966, in the Cuyahoga County Court, Cleveland, Ohio.

Goldman, Joseph A., 39 B Edgewater Park, Bronx, N.Y., convicted on Sept. 15, 1954, in the New York State Supreme Court, Brooklyn, N.Y.

Goodwin, Charles B., 13737 Wadsworth St., Detroit, Mich., convicted on Oct. 12, 1960, and on Apr. 5, 1962, in the Detroit Recorder's Court, Detroit, Mich.

Goss, Edward E., 3238 South Millwood, Wichita, Kans., convicted on Feb. 20, 1951, and on June 13, 1955, in the District Court, Sedgwick County, Kans.; and on June 18, 1952, in the U.S. District Court, Houston, Tex.

Green, Daniel R., 148 Redstone Way, Birmingham, Ala., convicted on Nov. 26, 1973, in the Shelby County Criminal Court, Columbia, Ala.

Griffin, Arthur W., Castetter Rd., Henryville, Ind., convicted on May 24, 1963, in the Kentucky Circuit Court, Jefferson County.

Hendricks, John, 37106 Dogwood Dr., Lebanon, Oreg., convicted on Aug. 19, 1974, in the U.S. District Court, Portland, Oreg.

Herbert, Norman E., 6527 Auburn St., Detroit, Mich., convicted on Feb. 14, 1964, in the District Court, Southfield, Mich.; and on July 2, 1964, in the Recorder's Court, Detroit, Mich.

Howie, Donald A., 9823 Dorothy Ave., Southgate, Calif., convicted on July 1, 1940, in the Rice County Court, Fairbault, Minn.

Huffman, George R., 1921 Pleasant, Ceres, Calif., convicted on Feb. 19, 1974, in the Municipal Court, Modesto Judicial District, County of Stanislaus, Calif.

Hugh, James E., 3325 Bayshore Blvd., Tampa, Fla., convicted on June 21, 1973, in the U.S. District Court, Southern District of Florida (Miami).

Humphrey, Robert L., 4439 West 12th St., Houston, Tex., convicted on Oct. 1, 1975, in the 177th District Court of Harris County, Tex.

Hutchinson, Ronnie C., 327 North 3d St., Earlville, Ill., convicted on Jan. 18, 1971, in the La Salle County Circuit Court, Ill.

Johnson, Charles I., Jr., 110 South Cherry St., Asheboro, N.C., convicted on Dec. 19, 1957, in the U.S. District Court, Eastern District, North Carolina; and on June 26, 1959, in the U.S. District Court, Middle District, North Carolina.

Jones, Jack, 1313 Northeast 45th St., Oklahoma City, Okla., convicted on May 1, 1962, in in the U.S. District Court, Western District, Oklahoma.

Juarez, Manuel Daniel, 228 Adams, Grants, N.M., convicted on July 25, 1972, in the U.S. District Court, Western District of Texas.

Kalmanson, Barbara, 2055 Summerland Ave., Maitland, Fla., convicted on Dec. 16, 1971, in the U.S. District Court, Middle District of Florida, Orlando, Fla.

Kalmanson, Lester, 2055 Summerland Ave., Maitland, Fla., convicted on Dec. 16, 1971, in the U.S. District Court, Middle District of Florida, Orlando, Fla.

Kelly, Thomas J., General Delivery, Blooming Rose, W. Va., convicted on Sept. 30, 1958, in the Circuit Court, Kanawha County, W. Va., and on Apr. 7, 1972, in the U.S. District Court, Southern District, W. Va.

Laster, Willie L., P.O. Box 1486, Jenking Rd., Americus, Ga., convicted on Mar. 3, 1975, in the Superior Court, Sumter County, Ga.

Leffe, Peter R., 155 Pearl St., Jackson, Wyo., convicted on July 12, 1971, in the Superior Court, State of California, Merced County.

Loftin, Jimmy R., 5797 South King St., Littleton, Colo., convicted on July 18, 1974, in the Eighteenth District Court, Potter County, Tex.

McKenzie, George R., 8940 Rosetta Circle, Sacramento, Calif., convicted on Aug. 3, 1961, in the Sacramento County Superior Court, Calif.; and on or about Feb. 26, 1963, in the Sacramento County Superior Court, California.

Marker, David G., Route 5, West Bealmont, Caldwell, Idaho, convicted on June 25, 1976, in the District Court, Third Judicial District of Idaho, in and for the County of Cangon.

Martin, James A., Rural Route 5, Spears Rd., Lexington, Ky., convicted on or about Nov. 14, 1970, in the Circuit Court, Jessamine County, Ky.

Mateer, David D., 28 Salem Drive, R.D. 4, Greensburg, Pa., convicted on Feb. 21, 1975, in the Allegheny County Court of Oyer and Terminer, Pa.

Meyers, William H., 515 Caldwell Nampa Blvd., Nampa, Idaho, convicted on Jan. 27, 1976, in the District Court, Third Judicial District, State of Idaho, Canyon County.

Monroe, Donald N., Rural Route 1, Letterman Rd., Paragon, Ind., convicted on July 18, 1961, in the Hamilton County Circuit Court, Noblesville, Ind.; and on Aug. 16, 1962, in the Marion Criminal Court, Indianapolis, Ind.

Morgan, William V., 3884 Governors Dr., Montgomery, Ala., convicted on Aug. 2, 1976, in the U.S. District Court, Middle District of Alabama, Montgomery, Ala.

Neal, James P., P.O. Box 253, Paragon, Ind., convicted on Aug. 8, 1958, in the Marion County Superior Court, Indianapolis, Ind.; and on Sept. 30, 1959, in the Hamilton County Court, Noblesville, Ind.

Neal, Willis, 1535 Garland, Detroit, Mich., convicted on Aug. 9, 1934, in the Circuit Court, Cook County, Ill.

Ogle, William O., 1705 Randall Rd., Indianapolis, Ind., convicted on Mar. 27, 1942, in Greensburg, Pa.

Pedersen, Michael C., 160 Roy Morse Park Way, No. 9, Longview, Wash., convicted on Mar. 21, 1974, in the Superior Court of Washington, Cowlitz County, Wash.

Perry, George E., 731 Carolina Rd., Suffolk, Va., convicted on Mar. 16, 1970, in the Court of Hustings of the city of Portsmouth, Va.; and on Oct. 13, 1971, in the Circuit Court of the city of Suffolk, Va.

Petty, Alvis B., Jr., Route 1, Penrose, N.C., convicted on Jan. 24, 1973, in the Lee County Superior Court, Sanford, N.C.

Quimby, Charles C., No. 2 Pinecrest Place, Laurel, Miss., convicted on Feb. 23, 1962, in the U.S. District Court, Southern Judicial District of Alabama, Mobile, Ala.

Reed, Samuel W., R.D. No. 4, Box 423 B29, Blairsville, Pa., convicted on Nov. 10, 1970, in the Court of Common Pleas, County of Columbia, Pa.

Rhodes, James T., 4506 Little Crest, Houston, Tex., convicted on Sept. 20, 1974, in the District Court of Harris County, Tex.

Roberts, Henry E., 7400 Mettetal, Detroit, Mich., convicted on Nov. 30, 1962, in the Recorder's Court, city of Detroit, Wayne County, Mich.

Rydman, Ronald K., 7974 Hillside Rd., Alta Loma, Calif., convicted on Jan. 15, 1972, in the Superior Court of California, Los Angeles County, Torrance Division.

Scott, Edward A., 105-C Forest Pines, Franklin, Va., convicted on July 31, 1974, in the U.S. District Court, Eastern District, Virginia.

Shew, Hardin G., Route 2, Box 414-A, Wilkesboro, N.C., convicted on Nov. 28, 1960, in the U.S. District Court, Wilkesboro, N.C.

Simplot Company, J.R., 99 Main St., Boise, Idaho, convicted on May 20, 1977, in the U.S. District Court for the District of Idaho.

Simplot Industries, Inc., d.b.a. Simplot Silica Products, 99 Main St., Boise, Idaho, convicted on May 20, 1977, in the U.S. District Court for the District of Idaho.

Smith, Harry P., 1794 Lincoln Way East, Chambersburg, Pa., convicted on Aug. 19, 1963, in the Court of Quarter Sessions, Franklin County, Pa.

Smith, John D., P.O. Box 261, LaCenter, Wash., convicted on Apr. 24, 1974, in the Superior Court of the State of Washington, Clark County.

Stacey, Robert E., 5626 Chandler Dr., San Diego, Calif., convicted on June 28, 1976, in the U.S. District Court, Southern District, San Diego, Calif.

Stevison, Ellsworth E., Saybrook Rd., Essex, Conn., convicted on June 16, 1961, in the Superior Court of Washington County, Maine.

Strasser, Paul M., Route 1, Box 175, Stratford, Wis., convicted on Dec. 14, 1976, in the District Court, Wood County, Wis.

Taylor, Barry R., 7320 Lennox Ave., Van Nuys, Calif., convicted on May 30, 1974, in the Superior Court, County of Ventura, Ventura, Calif.

Tolen, Raymond M., 5800 Bell Rd., Jacksonville, Fla., convicted on Sept. 8, 1966, in the Criminal Court, Duval County, Fla.

Tompkins, Vernon W., 721 Golfview Ave., Dayton, Ohio, convicted on Oct. 25, 1955,

in the Superior Court, County of San Diego, Calif.

Trippe, Torrance H., 304 College Ave., Coalings, Calif., convicted on May 5, 1967, in the Superior Court, Fresno County, Calif.

Urbahns, Walter H., 2315 Riverside Dr., Mobile, Ala., convicted on Dec. 30, 1927, in the Municipal Court, Kansas City, Mo.

Weaver, Robert W., 720 Patricia Ave., Talladega, Ala., convicted on Jan. 13, 1976, in the Circuit Court of Hale County, Ala.; on Mar. 5, 1976, in the U.S. District Court, Northern District of Alabama; and on Mar. 11, 1976, in the Circuit Court of Talladega County, Ala.

Williams, Robert G., Route 2, Social Circle, Ga., convicted on Oct. 25, 1963, in the U.S. District Court for the Middle District of Georgia.

Signed at Washington, D.C., this 2nd day of March 1978.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc. 78-7426 Filed 3-20-78; 8:45 am]

[4810-40]

Office of the Secretary

[Public Debt Series—No. 7-78]

TREASURY NOTES OF MARCH 31, 1980

Series M-1980

MARCH 16, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of U.S. securities, designated Treasury Notes of March 31, 1980, Series M-1980 (CUSIP No. 912827 HP 0). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal reserve Banks as agents of foreign and international monetary authorities.

1.2. If the interest rate determined in accordance with this circular is identical to the rate on an outstanding issue of U.S. notes, and the terms and conditions of such outstanding issue are otherwise identical to terms and conditions of the securities offered by this circular, this shall be considered an invitation for an additional amount of the outstanding securities and this circular will be amended accordingly. Payment for the securities in that event will be calculated on the basis of the auction price determined in accordance with this circular plus accrued interest from the last preceding interest payment date on the outstanding securities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated March 31, 1978, and will bear interest from that date, payable on a semiannual basis on September 30, 1978, and each subsequent 6 months on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1980, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The Securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., e.s.t., Wednesday, March 22, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 21, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompained by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectable checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a one-eighth of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount

limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Friday, March 31, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing U.S. securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Tuesday, March 28, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Monday, March 27, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-7427 Filed 3-20-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 615]

Assignment of Hearings

MARCH 16, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains propsective 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. MC 123788 (Sub-No. 4), American-Western Co., Inc., now being assigned May 2, 1978 (1 day), at Portland, OR, in a room to be later designated.

No. MC 138875 (Sub-No. 58) Shoemaker Trucking Co., now being assigned May 3, 1978 (3 days), at Portland, OR, in a room to be later designated.

No. MC 123407 (Sub-No. 391), Sawyer Transport, Inc., now being assigned may 8, 1978 (5 days), at Portland, OR, in a room to be later designated.

No. MC 143923, Richard B. Livingstone, now being assigned May 15, 1978, (2 days), at Seattle, WA, in a room to be later designated.

No. MC 119789 (Sub-No. 361), Caravan Refrigerated Cargo, Inc., now being assigned May 17, 1978 (3 days), at Seattle, WA, in a room to be later designated.

MC 143129, B. J. T. Transport, Inc.,now assigned May 2, 1978, at Washington, DC, is cancelled.

MC 143129, B. J. T. Transport, Inc., now being assigned hearing August 28, 1978, (1 week) at Providence, RI, in a hearing room to be later designated, and contin-

ued to October 17, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MCF 13381, Associated Truck Lines, Inc—Control and Merger—Centrailia Cartage Co., is assigned for hearing April 19, 1978, at St. Louis, Mo., and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

MC 141459 (Sub-1), A.G.S. Enterprises, Inc., is assigned for hearing April 24, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

MC 134826, (Sub-31), Illini Express, Inc., is assigned for hearing April 25, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

MC 119626 (Sub-11), Ill-Pac Coast Transportation Co., is assigned for hearing May 2, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

MC 3101 (Sub-4), Schaum Transfer Co., is assigned for hearing May 4, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

MCF 13341, Truck Transport Inc.—Purchase—Drum Transport, Inc., by Drum White, Inc., assignee, is assigned for hearing May 8, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

MCF 13296, Lyons Transportation Lines, Inc.—Control—Modern Truck Lines, Inc., is assigned for hearing April 26, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House. MC 128007 (Sub-109), Hofer, Inc., is assigned for hearing April 18, 1978, at St. Louis, MO, and will be held at Court Room 3, 5th Floor, 1114 Market Street, U.S. Court and Customs House.

I & S M 27312, Restructured Rates and Charges, Central States Territory, now being assigned March 20, 1978, at Washington, DC, is cancelled and reassigned to April 18, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 113651 (Sub-242), Indiana Refrigerator Lines, Inc., now being assigned June 5, 1978 (2 weeks), at Orlando, FL, in a hearing room to be later designated.

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

[FR Doc. 78-7432 Filed 3-2-78; 8:45 am]

[7035-01]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Onondaga Beverage Transport, Inc., (MC-129563), lessor, has filed an application for approval of contract carrier rental contract No. 1019 with Seneca Beverage Corp. of Elmira Heights, N.Y., lessee, under paragraph (b) of § 1057.6 of the Lease and Interchange of Vehicles regulations (49 CFR Part 1057).

We find: 1. That the contract does not contain any minimum annual rental agreement.

2. That the application, if granted, would permit a mixture of private and contract carrier operations under lessee's certificate No. MC 129563 Sub 2, from Columbus, Ohio and Newark, N.J. to Elmira Heights, N.Y., and that those operations would lack the mutual interdependence required of commonly-controlled contract and private carriers.

3. That the lessor agrees to assume liability for physical damage and loss to any vehicle used by lessee throughout the terms of the agreement and that this right constitutes failure of lessee to assume the financial burdens required.

It is ordered: 1. That applicant's request for approval of the contract carrier rental contract No. 1019 is denied.

Decided March 13, 1978.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and William F. Sibbald, Jr., Board Member Burns not participating.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78—7433 Filed 3-20-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6335-01]

1

COMMISSION ON CIVIL RIGHTS.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 9762, March 9, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 13, 1978, 9 a.m.-11:30 a.m.; 1 p.m.-4 p.m. March 14, 1978, 9 a.m.-12 noon.

CHANGES IN THE MEETING:

During the course of the session on March 14, the Commission voted unanimously to add the following items to the agenda:

(1) Request for staff inquiry regarding civil rights implications of Federal Educational Tax Credits.

(2) Request for staff inquiry of support for genetic counselling centers under the Medicare program.

STATUS OF THE MEETING: Open to the public.

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-609-78 Filed 3-17-78; 3:04 pm]

[3410-05]

2

COMMODITY CREDIT CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 9762, March 9, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, March 16, 1978.

RESCHEDULED TIME AND DATE OF THE MEETING: 2 p.m., Monday, March 27, 1978.

CHANGES IN MEETING: The meeting scheduled on March 16, 1978, was convened as scheduled but was adjourned after consideration of only items 1 and 2 on the agenda because of personal security reasons of the Secretary of Agriculture and the members of the Board. The remaining two items on the agenda will be considered by the Board on March 27, 1978.

[S-605-78 Filed 3-17-78; 10:48 am]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., March 21, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: April Commission Calendar and Options Suspension.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-606-78 Filed 3-17-78; 2:25 pm]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Announced March 17, 1978, page 11298A.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., March 23, 1978.

CHANGES IN THE MEETING: Meeting canceled.

[S-607-78 Filed 3-17-78; 2:25 pm]

[6355-01]

5

CONSUMER PRODUCT SAFETY COMMISSION.

DATE ORIGINALLY ANNOUNCED: March 23, 1978, 9:30 a.m.

CITATION OF ORIGINAL ANNOUNCEMENT: 43 FR 11036.

CHANGES IN AGENDA: At its March 16, 1978, meeting, the Commission revised the agenda for the March 23, 1978, Commission Meeting. In order to clarify the changes, we are publishing the entire agenda below.

A. Open to the public:

1. Proposed financial compensation program

The Commission will consider a proposal to initiate a temporary program for the financial compensation of participants in rulemaking proceedings, pending the establishment and staffing or an Office of Public Participation within the Commission.

2. Comments on proposed section 15 regulations

In September, 1977, the Commission proposed reporting regulations for persons who manufacture, import, distribute or sell products which may present a substantial product hazard. At this meeting, the Commission and staff will dicuss possible CPSC action on this proposal, specifically a FEDERAL REGISTER document on issues related to a possible hearing on the proposal.

B. Partly closed to the public:

3. Briefing on recommended safety standard for miniature christmas tree lights.

The staff will brief the Commission on issues related to the recommended standard on miniature Christmas tree lights prepared and submitted by the National Consumers League. Portions of the meeting related to legal and compliance options will be closed to the public.

C. Closed to the public:

4. Briefing on a section 4(g)(2) post-employment matter

In this briefing, the staff and Commission will discuss a former employee's request for an interpretation of post-employment restrictions in section 4(g)(2) of the Consumer Product Safety Act.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207.

[S-602-78 Filed 3-17-78; 9:05 am]

[6355-01]

6

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: March 22 and March 23, 1978, times listed below.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: At the request of the affected groups, the

Commission has agreed to meet with the following groups:

MARCH 22, 1978

10 a.m.—Representatives of building codes associations are meeting with the Commission to discuss possible CPSC actions with regard to home insulation and architectural glazing.

2 p.m.—The Commission is meeting with representatives of the Upholstered Furniture Action Council to discuss possible standards for the flammability of upholstered furniture.

3:30 a.m.—The Commission is meeting with representatives of the Carpet & Rug Institute and the American Textile Manufacturers Institute to discuss issues related to the flammability of textiles and carpets.

MARCH 23, 1978

2 p.m.—The Commission is meeting with representatives of the Outdoor Power Equipment Institute to discuss issues related to the Commission's proposed safety standard for power lawn mowers.

3:30 p.m.—The Commission is meeting with representatives of the Chain Saw Manufacturer's Association to discuss the status of voluntary safety standards for chain saws.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-603-78 Filed 3-17-78; 9:05 am]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published March 17, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., March 22, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

RP-3.—RP76-140, Natural Gas Pipeline Co. of America; RP77-4, Tennessee Gas Pipeline Co., a division of Tenneco Inc.

ER-4.—E-8570 (Fuel Clause), Southern California Edison Co.

KENNETH F. PLUMB,
Secretary.

[S-604-78 Filed 3-17-78; 10:38 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, March 16, 1978.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open (changes).

MATTERS TO BE CONSIDERED:

THURSDAY, MARCH 16, 9:30 A.M.

1. Approval of General Order Extending Review Time in Adjudicatory and Enforcement Actions (5 minutes-Additional meeting).
2. Discussion of Draft Amendments to Atomic Energy Act on the Protection of Safeguards Information and Related Matters (approximately 1 hour). (Public briefing—(As announced.)
3. Discussion of NRDC Petition re Tarapur Export License (approximately 1 hour). (Public briefing—As announced.)
4. Affirmation Items (5 minutes—Public meeting):
   a. Amendments to Parts 2 and 50 concerning antitrust information,
   b. Extension of review time in Midland (ALAB-458),
   c. Personnel matters—No access clearance for PDR employee, and
   d. Miscellaneous amendments to Part 2 are cancelled.

THURSDAY, MARCH 16, 1:30 P.M.

1. Discussion of Proposed Licensing Legislation, if necessary. (Approximately 1½ hours.) (Closed—Exemption 9 is cancelled.)

NOTE.—Commission meetings during the weeks of March 13 and March 20 may take place without a quorum; consequently, final action may not be taken on certain items discussed.

MARCH 16, 1978.

WALTER MAGEE,
Office of the Secretary.

[S-608-78 Filed 3-21-78; 8:45 am]

federal register

TUESDAY, MARCH 21, 1978
PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Base Flood Elevation Determinations for Various Communities

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3953]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Pratt, Pratt County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in The City of Pratt, Pratt County, Kans.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Pratt Kans.

Send comments to: The Honorable Conrad D. Gilham, Mayor, City of Pratt, 105-B West 4th, Pratt, Kans. 67124.

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 the proposed determinations of base (100-year) flood elevations for the City of Pratt, 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 1917.4(a)

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Ninnescah River.	750 ft downstream of Country Club Rd.	1,834
	At Country Club Rd	1,837
	Confluence with Valley View Ditch.	1,838
	1050 ft downstream of southeastern corporate limit.	1,839
	Confluence with Big Ditch.	1,843
	At Main St	1,850
	2,100 ft upstream of Main St.	1,851
	4,600 ft upstream of Main St.	1,854
	2,500 ft downstream of West River Rd.	1,861
	At West River Rd	1,866
	5,800 ft upstream of West River Rd.	1,879
	2.4 miles upstream of West River Rd.	1,890
Big Ditch	150 ft downstream of Santa Fe RR.	1,845
	Just upstream of Santa Fe RR.	1,848
	100 ft downstream of Main St.	1,853
	At Main St	1,855
	400 ft upstream of Jackson St.	1,856
	At 8th St	1,858
	At 7th St	1,861
	At 6th St	1,862
	At 4th St	1,865
	High School track	1,867
	Downstream of Blaine St.	1,870
	50 ft downstream of Cleveland St.	1,872
	At Cleveland St	1,873
Valley View Ditch.	At 6th St	1,838
	600 ft upstream of 6th St.	1,842
	50 ft downstream of 1st St.	1,849
	50 ft upstream of 1st St.	1,855
	1,250 ft upstream of eastern corporate limit.	1,855
	1,200 ft downstream of North St.	1,869
	100 ft upstream of North St.	1,880

(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. 78-6928 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3954]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Catlettsburg, Boyd County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Catlettsburg, Boyd County, Ky.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Catlettsburg City Building, 26th and Broadway, Catlettsburg, Ky. 41129.

Send comments to: Hon. Charles G. Gibbs, Mayor of Catlettsburg, 26th and Broadway, Catlettsburg, Ky. 41129.

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 the proposed determi-

nations of base (100-year) flood elevations for the city of Catlettsburg, Boyd County, Ky., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Confluence of Horse Creek.	549
	Confluence of Catletts Creek.	550
Big Sandy River	U.S. Route 60	550
	Chessie System	551
Catletts Creek	U.S. Route 60	550
	Broadway St	550
	Upstream corporate limits.	550
Horse Creek	Chessie System	549
	Upstream corporate limits.	549

(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. 78-6929 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3955]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Laurel, Prince Georges County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Laurel, Prince Georges County, Maryland.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Laurel City Hall, 350 Municipal Square, Laurel, Maryland.

Send comments to: Hon. Leo E. Wilson, Mayor of Laurel, Laurel City Hall, 350 Municipal Square, Laurel, Md. 20810.

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 the proposed determinations of base (100-year) flood elevations for the City of Laurel, Prince Georges County, Maryland 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crows Branch	Route 197	139
	Marshall Ave	145
	U.S. Route 1 (southbound).	154
	5th St	158
	8th St	171
Patuxent River	B. & O. RR	143
	U.S. Route 1 (southbound).	148
	Route 216	151
	Upstream corporate limits.	160

(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. 78-6930 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-2593]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Berkley, Bristol County, Mass.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 4275 of the FEDERAL REGISTER of January 24, 1977.

EFFECTIVE DATE: January 24, 1977.

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. 20420.

The following corrections are made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taunton River	Peters Point	14.5
	Berkley Bridge	14.5
	Three Mile River	14.0
	Berkley-Taunton line.	13.5
Assonet River	Corporate limits	14.5

(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. 78-6931 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3447]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Floodwood, St. Louis County, Minn.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 54102 of the FEDERAL REGISTER of October 4, 1977.

EFFECTIVE DATE: October 4, 1977.

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.

The following corrections are made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Savanna River.	U.S. Highway 2 and Minnesota Trunk Highway 73.	1,244

(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. 78-6932 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3956]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Kanabec County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Kanabec County, Minn.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Kanabec County Courthouse, Mora, Minn.

Send comments to: Mr. Donald Holland, Chairman, Kanabec County Board of Commissioners, Kanabec County Courthouse, Mora, Minn. 55051.

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 the proposed determinations of base (100-year) flood elevations for Kanabec County, Minn., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Snake River	Minnesota Highway 107.	951
	County Road 43	952
	County-State aid Highway 11.	958
	Minnesota Highway 65	983
	County-State aid Highway 19.	995
	County-State aid Highway 3.	1,020
Ann Lake	Along Lake Shore	962

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, 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.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6933 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3957]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Red Wing, Goodhue County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Red Wing, Goodhue County, Minn.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Red Wing, Minn.

Send comments to: Mayor Edward Powderly, City Hall, Red Wing, Minn. 55066.

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 the proposed determinations of base (100-year) flood elevations for the City of Red Wing, Minn., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hay Creek	Chicago, Milwaukee, St. Paul & Pacific RR., downstream of Main St.	689
	Main St	693
	Chicago, Milwaukee, St. Paul & Pacific RR., upstream of Main St.	693
	U.S. Highway 61	693
	Chicago & Northwestern RR.	694
	Featherstone Rd [1]	695
	do [2]	697
	Pioneer Trail	705
Trout Brook	Driveway downstream of Pioneer Trail [1]	713
	do [2]	716
	Pioneer Trail [1]	716
	do [2]	720
Spring Creek	Chicago & Northwestern RR.	690
	U.S. Highway 61 [1]	696
	do [2]	699
	Spring Creek Ave [1]	718
	do [2]	722

[1] Downstream.
[2] Upstream.

(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. 78-6934 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3958]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Grenada, Grenada County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Grenada, Grenada County, Miss.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Grenada, Miss.

Send comments to: Mr. James Turner, City Manager, City of Grenada, P.O. Drawer 310, Grenada, Miss. 38901.

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 the proposed determinations of base (100-year) flood elevations for the city of Grenada, Miss., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yalobusha River	State Highway 51	180
	Main St	181
	Illinois Central Gulf RR	182
Yalobusha River Tributary 1.	Gayoso St	180
	State Highway 7	182
	Cathey Dr	184
	State Highway 8 [1]	201
Yalobusha River Tributary 1A.	Illinois Central Gulf RR	180
	Pearl St	
	Cherry St [2]	187
	South St	194
	Telegraph St	195
		207
Yalobusha River Tributary 1B.	500 ft. from mouth [2]	206
	1000 ft. from mouth [2]	208
	1500 ft from mouth [2]	216
Batupan Bogue	State Highway 8	187
Batupan Bogue Tributary 1.	Illinois Central Gulf RR	187
	Franklin St	188
Browns Creek	State Highway 8 [1]	189
	Vance Rd	192
	Provine Rd [2]	194
	Illinois Central Gulf RR	195
	Fairground Rd	200
	U.S. Highway 51	204
Browns Creek Tributary.	Dr. F.S. Hill Dr	213
	Govan St.	227
Perry Creek	Vance Rd	192
	Illinois Central Gulf RR	197
	Jackson St	198

[1] Downstream side.
[2] Upstream side.

(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. 78-6935 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3559]

NATIONAL FLOOD INSURANCE PROGRAM

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

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bellefontaine Neighbors, St. Louis County, Mo.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Building Office, City Hall, Bellefontaine Neighbors, Mo.

Send comments to: The Honorable Joseph Berger, Mayor, City of Bellefontaine Neighbors, 9641 Bellefontaine Road, Bellefontaine Neighbors, Mo. 63137.

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 the proposed determinations of base (100-year) flood elevations for the City of Bellefontaine Neighbors, 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 1917.4(a).

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 proposed elevations will also 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 their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maline Creek	2,600 ft downstream of confluence of Calumet Creek.	433
	2,050 ft downstream of confluence of Calumet Creek.	436
	1,000 ft downstream of confluence of Calumet Creek.	438
	Confluence of Calumet Creek at Bellefontaine Rd.	442
	2,300 ft upstream of Bellefontaine Rd.	443
	At confluence of Stormwater Creek.	444
	At Western corporate limits.	446
Calumet Creek	At confluence of Maline Creek.	440
	350 ft downstream of the Chicago Burlington and Quincy RR.	440
	At the Chicago Burlington Quincy RR.	446
Stormwater Creek	At the confluence with Maline Creek.	444
	At Forest Home Dr	445
	325 ft upstream of Forest Home Dr.	445
	550 ft upstream of Forest Home Dr.	448
	950 ft upstream of Forest Home Dr.	450
Wakins Creek	500 ft downstream of Lilac Ave.	459
	At Lilac Ave	463
	700 ft upstream of Lilac Ave.	464
	550 ft downstream of Belgrove Rd.	466
	At Belgrove Rd	468
	1750 ft upstream of Belgrove Rd.	472
	3300 ft upstream of Belgrove Rd.	476

(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.

PARTICIA ROBERTS HARRIS,
Secretary.

[FR Doc.78-6936 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3960]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Mackenzie, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Mackenzie, St. Louis County, Mo.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the office of the Village Clerk, 7108 Holly Hills, Mackenzie, Mo.

Send comments to: Mr. Turner Reid, Chairman of the Board, 7108 Holly Hills, Mackenzie, Mo. 63125.

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 the proposed determinations of base (100-year) flood elevations for the Village of Mackenzie, St. Louis County, Mo., 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 1917.4(a).

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 purusant to policies established by other Federal, State, or regional entities. These proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
No Name Creek	Eastern corporate limits	425
	Downstream of Mackenzie Rd.	428

(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. 78-6937 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3961]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Independent City of St. Louis, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Independent City of St. Louis, Mo.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Office of the Board of Public Services, St. Louis, Mo.

Send comments to: Mayor James F. Conway, Room 200, City Hall, 1200 Market Street, St. Louis, Mo. 63103.

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 the proposed determinations of base (100-year) flood elevations for the Independent City of St. Louis, Mo., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Mississippi River	Just upstream of Interstate 270 Bridge.	434
	Just upstream of McKinley Bridge.	430
	Just upstream of Poplar St. Bridge (Interstate 70).	427
River Des Peres	Sublette Ave	453
	Just downstream of Southwest Ave.	440
	Confluence of Deer Creek.	432
	Just upstream of Lansdowne Ave.	430
Rock Creek	Approximately 200 feet downstream of Loughborough Ave.	422
No Name Creek	Just upstream of River Des Peres Blvd.	424

(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. 78-6938 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3383]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Springfield, Greene County, Mo.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 54374 of the FEDERAL REGISTER of October 5, 1977.

EFFECTIVE DATE: October 5, 1977.

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.

The following elevations should be corrected to read:

Source of flooding	Location	Elevation in feet, national geoditic vertical datum
Galloway Creek.....	U.S. Highways 60 and 65.	1156

(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. 78-6939 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3962]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Broken Bow, Custer County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Broken Bow, Custer County, Nebr.

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 reamin qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, 314 South 10th Avenue, Broken Bow, Nebr.

Send comments to: Hon. Marvin Talbot, Mayor, city of Broken Bow, City Hall, P.O. Box, 504, Broken Bow, Nebr. 68822.

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 the proposed determinations of base (100-year) flood elevations for the city of Broken Bow, 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Creek	Eastern corporate limits	2,468
	At Burlington Northern Bridge.	2,472
	At 5th Ave.....	2,474
	300 Ft downstream of 9th Ave.	2,475
	At 9th Ave.....	2,477
	At 10th Ave.....	2,478
	At 12th Ave.....	2,479
	1750 ft upstream of 12th Ave.	2,480
	50 ft upstream of western corporate limits.	2,482
	150 ft upstream of western corporate limits.	2,484
Unnamed tributary.	Confluence with Mud Creek.	2,475
	At Burlington Northern Bridge.	2,479
	450 ft upstream of north "B" St.	2,480
	125 ft downstream of north "E" St.	2,483
	At north "E" St	2,486
	660 ft downstream of north "L" St.	2,487
	At 17th Ave.....	2,494

(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. 78-6940 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-3963]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Borough of Florham Park, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Florham Park, Morris County, N.J.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Florham Park Borough Hall, 111 Ridgedale Avenue, Florham Park, N.J.

Send comments to: Hon. Ralph A. Loveys, Mayor of Florham Park, 111 Ridgedale Avenue, Florham Park, N.J. 07932.

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 the proposed determinations of base (100-year) flood elevations for the Borough of Florham Park, Morris County, N.J. 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Corporate limits (downstream).	176
	Columbia Turnpike	177
	Passaic Ave	177
	Corporate limits (upstream).	178
Black Cat Ditch	Vreeland Rd	176
	Fernwood Rd	179
	Columbia Turnpike	189
	Brooklake Rd	192
Fish's Brook	Brooklake Rd	177
	Lakeview Ave	195
Spring Garden Brook.	Brooklake Rd	177
	Dam	177
	East Madison Ave	181
	Corporate limits (upstream).	183
Pinch Brook	Corporate limits (downstream).	183
	Ridgedale Ave	185
	Corporate limits (upstream).	186
Black Brook	Columbia Turnpike	183
	Private Rd	183

(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. 78-6941 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3964]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Farmington, San Juan County, N. Mex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Farmington, San Juan County, N. Mex.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Department of Public Works, Farmington, N. Mex.

Send comments to: Mayor Mario L. Webb, or Mr. C. C. Cash, P.O. Box 900, Farmington, N. Mex. 87401.

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 the proposed determinations of base (100-year) flood elevations for the City of Farmington, San Juan County, N. Mex., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
San Juan River	Approximately 500 ft downstream of State Highway 361.	5,242
La Plata River	Just upstream of U.S. Highway 550.	5,230
Animas River	Just downstream of South Miller Ave.	5,281
	Approximately 100 ft downstream of State Highway 17.	5,301
	Confluence of Porter Arroyo.	5,360
Farmington Glade	Just downstream of U.S. Highway 550.	5,260
	Just upstream of West Apache St..	5,294

(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. 78-6942 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3965]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Allegany, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Allegany, Cattaraugus County, N.Y.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, West Main Street, Allegany, N.Y.

Send comments to Mr. Edward G. Stayer Town Supervisor of Allegany, Town Hall, West Main Street, Allegany, N.Y. 14706.

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 the proposed determinations of base (100-year) flood elevations for the town of Allegany, Cattaraugus County, N.Y. 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River	Town boundary (downstream).	1,406
	Vandalia Highway	1,406
	Confluence of Fivemile Creek.	1,415
	South 1st St	1,416
	Confluence of Fourmile Creek.	1,418
	Confluence of Twomile Creek.	1,420
	Town boundary (upstream).	1,422
Fivemile Creek	Mouth	1,415
	West Main St	1,417
	U.S. Route 17	1,419
	Archibald Crossroad	1,440
	Wing Hollow Rd	1,464
	Eaton's Cross Rd	1,501
	Fivemile Rd	1,516
	Church Rd	1,527
	Town boundary	1,529
Fourmile Creek	Mouth	1,418
	West River Rd	1,430
	West Branch Rd	1,444
	Approximately 3,000 ft upstream of West Branch Rd.	1,469
West Branch of Fourmile Cree.	Mouth	1,441
	5,000 ft above mouth	1,442
	10,000 ft above mouth	1,451
	15,000 ft above mouth	1,459
	20,000 ft above mouth	1,466
	25,000 ft above mouth	1,473
Twomile Creek	Mouth	1,420
	Olean Flood Protection Project.	1,420
	Levee: (Allegheny River backwater) downstream side.	1,420
	Upstream side	1,407
	Old U.S. Route 17	1,411
	Grant City Entrance	1,412
	Grant City Exit	1,413
	Town boundary	1,413

(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. 78-6943 Filed 3-20-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3966]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Ardsley, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Ardsley, Westchester County, N.Y.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Ardsley Administrative Office, 505 Ashford Avenue, Ardsley, N.Y.

Send comments to: Hon. Richard A. Fontana, Mayor of Ardsley, 505 Ashford Ave, Ardsley, N.Y. 10502.

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 the proposed determinations of base (100-year) flood elevations for the Village of Ardsley, Westchester County, N.Y., 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Saw Mill River	Downstream corporate limit.	129
	Elm St. Bridge	130
	New York State Thruway:	130
	Ashford Ave	132
	Old Ashford Ave	133
Sprain Brook	Downstream corporate limit.	180
	Ashford Ave	181
	Cross Rd	186
	Access road—Our Lady of Perpetual Help School: Upstream.	193
	Downstream	167

(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, 2974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-6944 Filed 3-20-78; 8:45 am]

[4210-01]

24 CFR PART 1917]

[Docket No. FI-3967]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Village of Greenwood Lake, Orange County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Greenwood Lake, Orange County, N.Y.

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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Greenwood Lake Village Hall, Church Street, Greenwood Lake, N.Y.

Send comments to: Hon. Bernard Winstanley, Mayor of Greenwood Lake, Church Street, Greenwood Lake, N.Y. 10925.

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 the proposed determinations of base (100-year) flood elevations for the Village of Greenwood Lake, Orange County, N.Y. 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 1917.4(a).

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 proposed elevations will also 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 their contents.

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

Source of flooding	Location	Elevation in feet above mean sea level
Greenwood Lake	Entire Shoreline	622
East Arm Greenwood Lake.	do	622

(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. 78-6945 Filed 3-20-78; 8:45 am]

federal register

TUESDAY, MARCH 21, 1978
PART III

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

■

FIREARMS REGULATIONS

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 178 and 179]

[Notice No. 321]

FIREARMS REGULATIONS

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that (1) licensed manufacturers and licensed importers put a unique serial number on each firearm imported into or manufactured in the United States; (2) each Federal firearms licensee report to ATF any theft, loss, or recovery of a firearm; (3) each licensed manufacturer submit to ATF a quarterly report of firearms manufactured; and (4) each licensed manufacturer, licensed importer, and licensed dealer submit to ATF a quarterly report of firearm dispositions. Implementation of the proposals would significantly improve ATF's ability to gather information necessary to enforce Federal firearms laws, to curtail firearms thefts, and to assist State and local law enforcement agencies in their enforcement responsibilities. In determining whether to adopt these proposed regulations, the Bureau will also consider during the comment period the burdens and costs of these proposals.

DATE: Comments must be submitted on or before May 22, 1978.

ADDRESS: Send comments, in duplicate, to: Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

J. A. Hunt or A. N. Stickney, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

PROPOSED CHANGES

The sections under 27 CFR Parts 178 and 179 with proposed changes are as follows:

UNIQUE SERIAL NUMBERS

1. *Sections 178.92 and 179.102.* These sections would be amended substantially to require licensed manufacturers and licensed importers to identify each firearm by a serial number which would be unique to the licensee and to the firearm. The format of the unique serial number would consist of 14 characters as follows: The first three characters would identify the manufacturer or importer; the fourth and fifth would be the last two digits in a production or importation year; the sixth and seventh would identify the firearm model and caliber or gauge; the eighth through fourteenth would be the serialized numerals of the model produced or imported during a production or importation year. The unique serial number would standardize the basic identification appearing on all firearms. This standardization would naturally assist law-enforcement official in accurately identifying recovered and confiscated firearms and will eliminate confusion in tracing weapons associated with crime, and expand the ability to trace these weapons. This ability to accurately identify would improve changes of successful prosecutions.

The following diagram is the proposed format for the unique serial number:

Example of One Line	
3CT78PP0013425	
Example of Two Lines	
3CT78PP 0013425	minimum of ⅛ inch or ½ mm apart

REPORTING THEFTS OF FIREARMS

1. *Section 178.128.* Federal and State law enforcement agencies have found that stolen firearms are a major source of firearms used in crime. As a result, the Director proposes to amend present firearms regulations to assist in dealing with the problem of firearm thefts. A new section is proposed, § 178.128, which would require that information of a firearm theft, loss, or recovery be reported to ATF. This proposed requirement would provide ATF with better information on where and when firearms leave legal commerce. This knowledge would improve ATF's ability to deter thefts and losses of firearms as well as investigate those which have occurred.

As proposed, the licensee would prepare ATF F 3310.6A "Record and Report of Theft, Loss, and Recovery of Firearms (including frames or receivers), and report the required information by telephoning the toll-free or collect telephone number appearing on the form within 24 hours of discovering the theft, loss, or recovery. Within 7 days of a discovery, the licensee would mail the completed preaddressed form. The licensee would retain the copy of the completed form on the licensed premises and make an entry of each recorded and reported firearm into the firearms receipt and disposition record, as required by Subpart H of 27 CFR Part 178.

REPORTING FIREARMS MANUFACTURE AND DISPOSITION

1. *Section 178.130 Quarterly report of firearms manufactured.* This proposed new section would require the use of form ATF F 5300.11, Quarterly Firearms Manufacturing Report, to be submitted quarterly by licensed manufacturers of firearms. The quarterly report would identify the number of firearms manufactured within a 3 month period. This report, known presently as Form 4483-A, is submitted currently under the general reporting requirement in § 178.126.

2. *Section 178.131 Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.* This proposed new section would require licensees to submit to the Director a quarterly report of their sales or other dispositions of firearms. However, reports of sales or other dispositions, by licensed importers, licensed manufacturers and licensed dealers would not identify a nonlicensed transferee by name and address.

These two reports submitted to the Bureau would provide a readily available source of firearms information to improve the tracing of firearms used in crimes. This information would also enable the Bureau to put resources more effectively into problem areas. The data would also provide important information on firearms entering commercial channels for the Bureau and other law enforcement agencies, particularly any unusual flow of firearms which would warrant investigation. This information also would provide invaluable assistance in identifying dealers who may be illegally diverting firearms and selling them contrary to law.

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments, which would further conform the regulations to the proposed changes, are as follows:

1. The table of sections to Part 178 would be amended to reflect the redesignation of § 178.126a to § 178.129 and the addition of §§ 178.128, 178.129, 178.130, and 178.131.

2. Several sections provide dates the regulations would become effective.

3. Existing sections affected by the proposed changes would be revised to achieve clarity and readability. Minor editoriald changes would also be made.

PUBLIC PARTICIPATION

ATF requests comments from all interested persons. Of particular interest are comments from State and local law enforcement officials, as well as other public officials, on the effects these proposed regulations would have on their law enforcement efforts. In addition, comments from the firearms

industry on costs of the proposed unique serial number and reporting requirements are especially requested.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

Copies of the proposed changes and of written comments are available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

Copies of the proposed forms may be requested from:

Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

DRAFTING INFORMATION

Officials from the Bureau of Alcohol, Tobacco and Firearms and from the Treasury Department jointly participated in developing the proposals, both on matters of substance and style.

AUTHORITY

Accordingly, under the authority contained in 18 U.S.C. 926, as amended (82 Stat. 1226), the Director proposes to amend 27 CFR Parts 178 and 179 as follows:

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

1. The table of sections in 27 CFR Part 178, Subpart H is amended to read as follows:

Subpart H—Records and Reports

Sec.

* * * * *

178.128 Recording and reporting theft, loss, and recovery of firearms.
179.128 Recording multiple sales or other disposition of pistols and revolvers.
178.130 Quarterly report of firearms manufacture.
178.131 Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.

2. Section 178.92 is revised to read as follows:

§ 178.92 Identification of firearms.

(a) *Unique serial numbers.* (1) After——[180 days after the final regulation is published in the FEDERAL REGISTER], each licensed importer or licensed manufacturer of each firearm imported or manufactured shall affix a unique serial number on—

(i) Each firearm; and

(ii) Each firearm frame or receiver which is not a component part of a complete firearm at the time it is sold, shipped, or otherwise diposed of by a licensed importer or licensed manufacturer.

(2) The unique serial number shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the frame or receiver of a completed firearm in a manner not susceptible of being readily obliterated, altered, or removed.

However, the unique serial number shall be inconspicuously placed on the frame or receiver by licensed manufacturers or importers of frames or receivers which are to be sent to another licensed manufacturer. Additionally, a licensed manufacturer or importer of frames or receivers to be sent to another licensed manufacturer may omit the sixth and seventh characters of the unique serial number if a model and caliber or gauge is unknown.

(3) The unique serial number format on the frame or receiver of the firearm shall consist of 14 characters as follows:

(i) The first three characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the importer or manufacturer;

(ii) The fourth and fifth characters shall be the last two digits in a production or importation year;

(iii) The sixth and seventh characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the firearm model and caliber or gauge;

(iv) The eighth through fourteenth characters shall be serialized numerals of the model that is produced or imported during a production or importation year.

The unique serial number may consist of not more than two lines, and the marking shall be readily legible and not smaller than 8-point Gothic without serifs. When the unique serial number appears on two lines, however, the first line shall consist of seven characters and the following seven characters shall appear not less than ½ millimeter from the first line.

(b) *Identification marks before*——[181 days after the final regulation is published in the FEDERAL REGISTER].

(1) Each licensed importer or licensed manufacture of each firearm imported or manufactured shall legibly identify—

(i) Each firearm; and

(ii) Each firearm frame or receiver which is not a component part of a complete firearm at the time it is sold, shipped or otherwise disposed of by a licensed importer of licensed manufacturer.

(2) Identification marks shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the firearm in a manner not susceptible of being readily obliterated, altered, or removed. The individual serial number shall be placed on the frame or receiver and other marks shall be placed on the frame, receiver or barrel of the firearm. Required identification marks are:

(i) An individual serial number, not duplicating any serial number placed by the manufacturer or importer on any other firearm;

(ii) The model, if a model designation has been made;

(iii) The caliber or gauge;

(iv) The name (or recognized abbreviation) of the manufacturer and also, when applicable, of the importer;

(v) In the case of a domestically-manufactured firearm, the city and State (or recognized abbreviation of the State) where the licensed manufacturer maintains the place of business;

(vi) In the case of an imported firearm, the name and country in which manufactured and the city and State (or recognized abbreviation of the State) of the importer; and

(vii) Any other means of identification of the licensed manufacturer or licensed importer as authorized by the Director upon receipt of a letter application, in duplicate. The letter application shall show the identification is reasonable and will not hinder the effective administration of this part.

(c) *Destructive devices.* In the case of a destructive device, the Director may authorize other means of identifying that destructive device upon receipt of letter application, in duplicate, from the licensed importer, licensed dealer, or licensed manufacturer, showing that engraving, casting, or stamping (impressing) the destructive device would be dangerous or impracticable.

3. The center heading of Subpart H, preceding § 178.121, is amended to read as follows:

Subpart H—Records and Reports

§ 178.126a [Redesignated as § 178.129]

4. Section 178.126a is redesignated to § 178.129.

5. Section 178.128 is added to read as follows:

§ 178.128 Recording and reporting theft, loss, and recovery of firearms.

(a) *General.* Each licensee shall record and report the theft, loss, and recovery of a firearm, including frames or receivers, as required by this section.

(b) *Theft or loss.* Upon the discovery of a theft or loss of a firearm from a licensee's inventory, or upon notification that a firearm shipped by the licensee (cosignor) was stolen or lost prior to delivery to the consignee, a person responsible for the management of the licensed business shall:

(1) Within 24 hours, record all available information on ATF F 3310.6A, in accordance with the instructions on the form, including the circumstances surrounding the theft or loss; and report the information by calling the telephone number indicated on the form;

(2) Within 7 days, complete, sign under the penalties imposed by 18 U.S.C. 924 and 1001 and mail the preaddressed original of the form, and retain the copy as paDt of the permanent firearms records; and

(3) Within 7 days, make the appropriate entry in the firearms acquisition and disposition record required to be maintained under this subpart.

(c) *Recovery of previously stolen or lost firearms.* If after reporting a firearm as stolen or lost the licensee recovers possession of the firearm, or discovers that the firearm was not actually stolen or lost, the licensee shall follow the procedures in paragraph (b)(1) through (3) of this section.

(d) *Effective date.* This section is effective on —— [60 days after the final regulation is published in the FEDERAL REGISTER].

6. Section 178.130 is added to read as follows:

§ 178.130 Quarterly report of firearms manufacture.

(a) *Report.* Each licensed manufacturer of firearms, including frames or receivers, shall submit a quarterly report to the Director on ATF F 5300.11, showing the firearms manufactured by the licensee. A negative report on ATF F 5300.11 shall be submitted if there is no firearm manufactured during the quarter. The licensee shall:

(1) Prepare and submit the report, as instructed on the form, no later than 30 calendar days after the end of the 3-month reporting period. The report shall be signed under the penalties imposed by 18 U.S.C. 924 and 1001 by a person responsible for the management of the licensed business. A copy of the report shall be retained on the licensee's premises and shall be made available for inspection for 2 years following the date of preparation.

(2) Report all the information required by the form, unless other instructions are issued in writing by the Director.

(3) Attach to the report a list of all firearms, manufactured during the 3-month reporting period showing for each, identification markings required by § 178.92.

(b) *Alternate reports.* Notwithstanding paragraph (a) of this section, the Director may authorize alternate reports submitted by a licensed manufacturer to report the firearms manufactured at the end of a 3-month reporting period when the licensed manufacturer shows that the alternate report will accurately and readily disclose the information required by paragraph (a) of this section. A licensed manufacturer who proposes to use an alternate report shall submit a letter application to the Director and shall describe the proposed alternate report and the need for it. The licensed manufacturer shall not employ the proposed alternate report until approval is received from the Director.

(c) *Effective date.* This section becomes effective on —— [beginning of the next quarterly period following the publication of the final regulations in the FEDERAL REGISTER].

7. Section 178.131 is added to read as follows:

§ 178.131 Quarterly report of firearms disposition by licensed importers, licensed manufacturers, and licensed dealers.

(a) *Licensed importer.* Each licensed importer shall prepare and submit to the Director a quarterly report showing any disposition of firearms during the reporting period. If there is no disposition of firearms during the reporting period, a report showing no transactions during the reporting period shall be submitted to the Director. The quarterly report shall be prepared and submitted as prescribed by paragraph (d) of this section.

(b) *Licensed manufacturer.* Each licensed manufacturer shall prepare and submit to the Director a quarterly report showing disposition of firearms during the reporting period. If there is no disposition of firearms during the reporting period, a report showing no transactions during the reporting period shall be submitted to the Director. The quarterly report shall be prepared and submitted as prescribed in paragraph (d) of this section.

(c) *Licensed dealer.* Each licensed dealer shall prepare and submit to the Director a quarterly report showing disposition of firearms during the reporting period. If there is no disposition of firearms during the reporting period, a report showing no transactions during the reporting period shall be submitted to the Director. The quarterly report shall be prepared and submitted as prescribed in paragraph (d) of this section.

(d) *Preparation and submission of report.* Each licensee shall prepare a report on ATF F 0000.00,[1] in duplicate and as instructed on the form, showing data on the description and disposition of the firearm and information about the mode of transportation to another licensee, including date transported, and name and address of the carrier. Dispositions to nonlicensees shall include the date of disposition and firearm description, but the report shall not contain the name and address of the nonlicensee. The report shall be signed by a person responsible for the management of the licensed business. The licensee shall prepare and submit the report, as instructed on the form, no later than 30 calendar days after the end of the 3-month reporting period. The report shall be signed under the penalties imposed by 18 U.S.C. 924 and 1001 by a person responsible for the management of the licensed business. A copy of the report shall be retained on the licensee's premises and shall be made available for inspection for 2 years following the date of preparation.

(e) *Alternate reports.* Notwithstanding paragraph (d) and, as applicable, paragraph (a), (b), or (c) of this section, the Director may authorize alternate reports submitted by a licensee to report firearms disposed of during a quarterly period when the licensee shows that the alternate report will accurately and readily disclose the information required by paragraph (d) of this section. A licensee who proposes to use an alternate report shall submit a letter application to the Director and shall describe the proposed alternate report and the need for it. The licensee shall not employ the proposed alternate record until approval is received from the Director.

(f) *Effective date.* This section becomes effective on ———— [the first day of the first month beginning not less than 180 days after the final regulation is published in the FEDERAL REGISTER].

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

8. Section 179.102 is revised to read as follows:

§ 179.102 Identification of firearms.

(a) *Unique serial numbers.* (1) After ———— [180 days after the final regulation is published in the FEDERAL REGISTER], each licensed importer or licensed manufacturer of each firearm imported or manufactured shall affix a unique serial number on—

(i) Each firearm; and

(ii) Each firearm frame or receiver which is not a component part of a

[1] No number designation to date.

complete firearm at the time it is sold, shipped, or otherwise disposed of by a licensed importer or licensed manufacturer.

(2) The unique serial number shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the frame or receiver of a completed firearm in a manner not susceptible of being readily obliterated, altered, or removed.

However, the unique serial number shall be inconspicuously placed on the frame or receiver by licensed manufacturers or importers of frames or receivers which are to be sent to another licensed manufacturer. Additionally, a licensed manufacturer or importer of frames or receivers to be sent to another licensed manufacturer may omit the sixth and seventh characters of the unique serial number if a model and caliber or gauge is unknown.

(3) The unique serial number format on the frame or receiver of the firearm shall consist of 14 characters as follows:

(i) The first three characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the importer or manufacturer;

(ii) The fourth and fifth characters shall be the last two digits in a production or importation year;

(iii) The sixth and seventh characters shall be assigned by the Director and shall be uppercase alphabetical characters, or combined uppercase alphabetical and numerical characters, identifying the firearm model and caliber or gauge;

(iv) The eighth through fourteenth characters shall be serialized numerals of the model that is produced or imported during a production or importation year.

The unique serial number may consist of not more than two lines, and the marking shall be readily legible and not smaller than 8-point Gothic without serifs. When the unique serial number appears on two lines, however, the first line shall consist of seven characters and the following seven characters shall appear not less than ½ millimeter from the first line.

(b) *Identification marks before* ———— [181 Days after the final regulation is published in the FEDERAL REGISTER].

(1) Each licensed importer or licensed manufacturer of each firearm imported or manufactured shall legibly identify—

(i) Each firearm; and

(ii) Each firearm frame or receiver which is not a component part of a complete firearm at the time it is sold, shipped, or otherwise disposed of by a licensed importer or licensed manufacturer.

(2) Identification marks shall be engraved, cast, stamped (impressed), or otherwise conspicuously placed or caused to be engraved, cast, stamped (impressed), or placed on the firearm in a manner not susceptible of being readily obliterated, altered, or removed. The individual serial number shall be placed on the frame or receiver, and other marks shall be placed on the frame, receiver, or barrel of the firearm. Required identification marks are:

(i) An individual serial number, not duplicating any serial number placed by the manufacturer or importer on any other firearm;

(ii) The model, if a model designation has been made;

(iii) The caliber or gauge;

(iv) The name (or recognized abbreviation) of the manufacturer and also, when applicable, of the importer;

(v) In the case of a domestically-manufactured firearm, the city and State (or recognized abbreviation of the State) where the licensed manufacturer maintains the place of business;

(vi) In the case of an imported firearm, the name and country in which manufactured and the city and State (or recognized abbreviation of the State) of the importer; and

(vii) Any other means of identification of the licensed manufacturer or licensed importer as authorized by the Director upon receipt of a letter application, in duplicate. The letter application shall show the identification is reasonable and will not hinder the effective administration of this part.

(c) *Destructive devices.* In the case of a destructive device, the Director may authorize other means of indentifying that destructive device upon receipt of letter application, in duplicate, from the licensed importer, licensed dealer, or licensed manufacturer, showing that engraving, casting, or stamping (impressing) the destructive device would be dangerous or impracticable.

Signed: February 28, 1978.

REX D. DAVIS,
Director.

Approved: March 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-7303 Filed 3-16-78; 3:10 pm]

[4810-31]

[27 CFR Parts 47, 178, and 179]

[Notice No. 322]

FIREARMS REGULATIONS

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that (1) importers and certain military members of the Armed Forces submit a revised form for authorization to import or bring firearms into the United States; (2) owners of certain National Firearms Act (NFA) firearms submit a form for authorization to transport their NFA firearms in interstate or foreign commerce; and (3) a Federal firearms licensee report by telephone information on firearms receipts and disposition when requested by ATF. This proposal would also allow dealers to return firearms for repair or replacement to their manufacturer or importer without having to obtain a copy of the manufacturer or importer's license, and that copies of licenses, when required, would be retained as part of the licensees' permanent records, enabling ATF officers to verify compliance with this proposed amendment. Additionally, miscellaneous, clarifying and editorial changes are proposed. The proposals would improve ATF's administration and enforcement of Federal firearms laws.

DATE: Comments must be submitted on or before May 22, 1978.

ADDRESS: Send comments, in duplicate, to: Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Regulations and Procedures Division.

FOR FURTHER INFORMATION CONTACT:

J. A. Hunt or A. N. Stickney, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

PROPOSED CHANGES

The sections under 27 CFR Parts 47, 178, and 179 with proposed changes are as follows:

IMPORTATION

Sections 47.42, 47.45, 178.112, 178.113, 178.114, 179.111, 179.112, 179.113, and 179.142 on the use of Forms 6—Part I, 6—Part II, and 6A for importations, would be amended.

The proposed importation regulations would require that a one-time importation of a stated amount of firearms, implements of war, and ammunition be made under a single authorization. Forms 6 and 6A would become one multi-use form: Proposed ATF F 7570.3. The proposed form would serve as (1) an application to import, (2) a permit, (3) a certification of release from customs custody, and (4) a verification of importation by all Federal firearms licensees. This proposed form would relieve Federal firearms licensees, military members of the U.S. Armed Forces, and U.S. Customs Ser-

vice and ATF personnel from preparing duplicate accounting information.

For military members of the U.S. Armed Forces, the requirement that import authorization be obtained for each firearm and ammunition imported was relaxed somewhat in 1969 by allowing, under specified conditions and for personal use, importation of not more than three rifles or shotguns and not more than 1,000 rounds of ammunition, excluding military surplus, without obtaining an approved Form 6 (Revenue Ruling 69-309, 1969-1 C.B. 361 (Internal Revenue)). Under the ruling, the military member or a duly authorized agent of the military member must furnish to the U.S. Customs officer releasing the firearms a certification on Form 6A attesting to the requirements for importation. The U.S. Customs official then certifies Form 6A and forwards the form along with the military member's certification to ATF.

Over the years ATF has found that handguns and surplus military firearms have been imported under the military exemption. Therefore, the Director intends to declare Revenue Ruling 69-309 obsolete. An authorization for each firearm and quantity of ammunition to be imported would be obtained by military members of the U.S. Armed Forces by using ATF F 7570.3.

ATF has also found that handguns have been imported or brought into the United States by members of the U.S. Armed Forces to their place of residence without having obtained the required permit or other authorization required to possess or own a handgun in their State of residence. In order to assure that the importation is not in violation of applicable State laws, this proposal requires a U.S. military member, who is a resident of any State or territory which requires a permit or other authorization, submit evidence of compliance with State law.

Additionally, under current regulations a licensee, other than a licensed importer, may lawfully import on an occasional basis a sporting-type firearm (1) for personal use, or (2) on behalf of a nonlicensee without the necessity of an importer's license. However, the regulations do not expressly require on the importation application a statement as to the purpose of importation. The proposed regulation would require such statement of purpose and, in the case of an importation on behalf of a nonlicensee, the application must contain the nonlicensee's name and address.

TRANSPORTATION OF CERTAIN NATIONAL FIREARMS ACT (NFA) FIREARMS

1. *Section 178.28.* This section currently requires a person transporting any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle in interstate or foreign commerce to submit a written request to an approving official in order to obtain transport authority.

In lieu of a letter request, the Director proposes the required use of a form, ATF F 7560.8, Application to Transport Interstate or to Temporarily Export Certain National Firearms Act (NFA) Firearms. While current regulations specify the information that a letter request should contain, details relative to the transportation or exportation are often omitted from the letter. The form is designed to be useful to both the applicant and ATF by providing uniformity and ease in preparing and processing all pertinent information. This form would also ensure that a person transporting these National Firearms Act (NFA) firearms is in compliance with 18 U.S.C. 922(e) by meeting the written notice requirements to a contract or common carrier in delivering a firearm for transportation in interstate or foreign commerce. Finally, an approved copy of ATF F 7560.8 would remain in the possession of the carrier during the transportation of the NFA firearm and would provide the carrier proof of authorization for the movement of a NFA firearm, in compliance with 18 U.S.C. 922(f).

Additionally, a person transporting NFA firearms would be required to certify on ATF F 7560.8 that the interstate transportation or temporary export was completed and would forward the certified ATF F 7560.8 to the Director.

In revising § 17828, it is further proposed that the following changes, in addition to some editorial changes, be made:

(1) Change the title to the section to read, "Transportation of Certain National Firearms Act (NFA) Firearms."

(2) Limit the use of an approved ATF F 7560.8 to a specified time period; otherwise, another application would be submitted and approved before further movement of a NFA firearm could begin.

(3) Since ATF F 7560.8 would contain all the essential information to account for the movement of NFA firearms in interstate and foreign commerce, it is proposed that the information required by subdivisions (1) through (7) of paragraph (a) be deleted from the section.

(4) The application, as proposed, would be submitted to the Director rather than to a regional office.

2. *Section 178.31.* Section 178.31 would be amended to require the use of ATF F 7560.8 as proposed in § 178.28, and to makde editorial changes.

3. *Section 178.2.* Section 178.2 would be amended to cross-reference the transportation provisions of § 178.28.

LICENSE COPY BETWEEN LICENSEES

Section 178.94. At the present time, licensees selling or otherwise disposing of firearms or ammunition to other licensees are required by 27 CFR 178.94 to verify the identity and licensed status of the person receiving the firearm prior to making the transaction. Except under three circumstances, § 178.94 requires that the verification be established by having the person receiving the firearm furnish to the person transferring the firearm a certified copy of his or her license and by any other means as the person transferring the firearm thinks necessary.

As proposed, § 178.94 would provide a fourth exemption: that licensed manufacturers and licensed importers, whose name and address appear on an annual list published by ATF, need not furnish certified copies of their firearms licenses to other licensees from whom they receive firearms for the purpose of repair or replacement. Furthermore, § 178.94 would be amended to require that certified copies of licenses, as required, be maintained on the transferor's premises as part of the permanent records.

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments, which would further conform the regulations to the proposed changes, are as follows:

1. Pub. L. 94-329, the Arms Export Control Act of 1976, repealed section 414 of the Mutual Security Act of 1954 although all determinations, authorizations, regulations, orders, contracts, agreements, and actions issued, undertaken, or entered into under section 414 of the Mutual Security Act of 1954 continue in full force and effect until modified, revoked, or superseded by appropriate authority. This law primarily controls the international traffic of arms into and from the United States. As a result, §§ 47.1, 47.2, 47.22, 47.44, 47.54, 178.2, 178.114, and the center heading preceding §§ 179.122, 179.122 and 179.193 would be amended to replace any reference to the "Mutual Security Act of 1954" with the "Arms Export Control Act of 1976". Section 47.57 would be amended to refer to the Arms Export Control Act of 1976. Since the Arms Export Control Act of 1976 increases the fine for violations to $100,000, §§ 47.61 and 47.62 would be amended to reflect the statutory change.

2. The table of sections to Part 47 would be amended to reflect a center-heading change preceding § 47.41, a title change to § 47.63, and to supply an updated citation of authority. The table of sections to Part 178 would be amended to reflect a title change to §§ 178.28 and 178.114, as well as the center-heading change preceding § 178.121; and to supply and updated citation of authority. The table of sec-

tions to Part 179 would be amended to reflect a title change to §179.112, as well as the center-heading change following §179.121; and a title change to §179.193 which would read, "Arms Export Control Act" instead of "Mutual Security Act". At the end of the table of sections to Part 179, the citation of authority would be updated.

3. Add and revise some meanings of terms in §§47.11, 178.11, and 179.11, as part of a program to standardize certain terms throughout Title 27 of the Code of Federal Regulations.

4. All new and revised forms would conform to the Bureau's subject classification, coding system (for example, ATF F 5300.11 and ATF F 7570.3 in lieu of ATF Form 4483-A and ATF Forms 6 or 6A, respectively). All references to the proposed forms, appearing in parentheses, are being used as explanatory items.

5. The provisions in §178.112 pertaining to an "Importation List" would be eliminated since there is no need for its compilation.

6. The majority of the sections affected by the proposed changes would be revised to achieve clarity and readability. Minor editorial changes would also be made.

PUBLIC PARTICIPATION

ATF requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

Copies of the proposed changes and of written comments are available for public inspection during normal business hours at the following location:

Public Reading Room, Room 4408, Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C.

Copies of the proposed forms may be requested from:

Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

DRAFTING INFORMATION

Officials from the Bureau of Alcohol, Tobacco and Firearms and from the Treasury Department jointly participated in developing the proposals, both on matters of substance and style.

AUTHORITY

Accordingly, under the authority contained in 18 U.S.C. 926, as amended (82 Stat. 1226) and in 22 U.S.C. 2778 (90 Stat. 744), the Director proposes to amend 27 CFR Parts 47, 178, and 179 as follows:

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

1. The table of sections to 27 CFR Part 47 Subpart E is amended to read as follows:

Subpart E—Importations Other Than Those Subject to Controls Under 27 CFR Parts 178 and 179

Sec.

* * * * *

47.63 Importing merchandise contrary to law; forfeiture.

AUTHORITY: Pub. L. 94-329, Section 38, 90 Stat. 744 (22 U.S.C. 2778), unless otherwise noted.

2. Section 47.1 is revised to read as follows:

§ 47.1 General.

The regulations in this part relate to that portion of section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) which is concerned with the importation of arms, ammunition, and implements of war. This part contains the U.S. Munitions Import List and includes procedural and administrative requirements and provisions relating to registration of importers, permits, articles in transit, import certification, delivery verification, import restrictions applicable to certain countries, exemptions, U.S. military firearms or ammunition, penalties, seizures, and forfeitures. All designations and changes in designations of articles subject to import control under section 38 of the Arms Export Control Act of 1976 have the concurrence of the Secretary of State and the Secretary of Defense.

3. Section 47.2 is amended by deleting the phrase "26 CFR * * *" wherever it appears and by replacing it with "27 CFR * * *". Furthermore, § 47.2(d) is amended to read as follows:

§ 47.2 Relation to other laws and regulations.

* * * * *

(d) Articles on the U.S. Munitions Import List imported for the United States or any State or political subdivision of the United States are exempt from the import controls of 27 CFR Part 178, but are not exempt from the Arms Export Control Act of 1976 unless imported by the United States or any agency of the United States. * * *

4. Section 47.11 is amended to read as follows:

§ 47.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Chemical agent. * * *

Customs officer. Any officer of the U.S. Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the U.S. Customs Service.

* * * * *

Machine gun. * * *

Permit. The term "permit" means the same as "license" for the purposes of 22 U.S.C. 2778.

* * * * *

Regional Director. Wherever used in this part shall mean a regional regulatory administrator as defined in this section.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

* * * * *

5. Section 47.22 is revised to read as follows:

§ 47.22 Forgings, castings, and machine bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated on the Import List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be articles for the purpose of section 38 of the Arms Export Control Act of 1976.

§ 47.34 [Amended]

6. Section 47.34 is amended in paragraph (a) by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *".

7. The center heading of Subpart E is amended by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *".

§ 47.41 [Amended]

8. Section 47.41 is amended in paragraphs (a), (c), and (d) by deleting the phrase "26 CFR * * *" whereever it appears and by replacing it with "27 CFR * * *".

9. Section 47.42 is revised to read as follows:

§ 47.42 Application for permit.

Persons required to obtain a permit as provided in § 47.41 shall file with the Director ATF F 7570.3 (Form 6—Part I), as instructed on the form and signed under the penalties imposed by 22 U.S.C. 2778(c) and 18 U.S.C. 1001. An approved ATF F 7570.3 will be returned to the applicant and shall serve as the import permit.

10. Section 47.43(c) is amended to read as follows:

§ 47.43 Terms of permit.

(a) * * *

(b) * * *

(c) No amendments or alterations of previous entries may be made on the permit, except by the Director. No photographic or other copy of a permit may be used to effect release from customs custody, unless certified by the Director.

11. Section 47.44(a) is amended to read as follows:

§ 47.44 Permit denial, revocation or suspension.

(a) Import permits under this subpart may be denied, revoked, suspended, or revised without prior notice whenever the Director finds the proposed importation to be inconsistent with the purpose or in violation of section 38 of the Arms Export Control Act of 1976 or the regulations in this part.

* * * * *

12. Section 47.45 is revised to read as follows:

§ 47.45 Importation.

(a) An importer who imported articles into the United States, subject to the import procedures of this subpart, may get the imported articles released from customs custody upon completing ATF F 7570.3 (Form 6A) as instructed on the form and upon furnishing the copies of the form to the Customs officer releasing the articles. The Customs officer, after certifying ATF F 7570.3 (Form 6A), shall forward one copy of ATF F 7570.3 to the Director and return the others to the importer.

(b) Within 15 days of the date of the articles' release from customs custody, the importer of the articles released shall forward to the Director a copy of ATF F 7570.3 (Form 6A) on which shall be reported any error of discrepancy appearing on the form certified by the U.S. Customs Service.

13. Section 47.54 is revised to read as follows:

§ 47.54 Administrative procedures inapplicable.

The functions conferred under section 38 of the Arms Export Control Act of 1976 are excluded from the operation of 5 U.S.C. Chapter 5, with respect to rulemaking and adjudications (5 U.S.C. 553, 554).

§ 47.56 [Amended]

14. Section 47.56 is amended in paragraph (a) by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *".

15. Section 47.57(a) is amended in the first sentence by deleting the phrase "26 CFR * * *" where it appears and by replacing it with "27 CFR * * *". Furthermore, the last sentence in paragraph (a) is amended to read as follows:

§ 47.57 U.S. military firearms or ammunition.

(a) * * * This prohibition applies to military firearms and ammunition furnished on a grant basis to, or for which payment in full was not made by, a foreign government under the Lend-Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1954, as amended; the Foreign Assistance Act of 1961, as amended; the Arms Export Control Act of 1967; or any other foreign assistance program of the United States.

* * * * *

§ 47.61 [Amended]

16. Section 47.61 is amended by deleting "$25,000" where it appears and by replacing it with the maximum fine for violations of "$100,000".

§ 47.62 [Amended]

17. Section 47.62 is amended by deleting "$25,000" where it appears and by replacing it with the maximum fine for violations of "$100,000".

18. Section 47.63 is revised to read as follows:

§ 47.63 Importing merchandise contrary to law; forfeiture.

Any person who fraudulently or knowingly:

(a) Imports or brings into the United States contrary to law any merchandise on the Import List; or

(b) Receives, conceals, buys, sells, or in any manner facilitates the transportation of merchandise that has been imported contrary to law—shall be fined not more than $10,000 or imprisoned not more than 5 years or both; and the imported merchandise, or the value of the merchandise, shall be forfeited to the United States.

(18 U.S.C. 545.)

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

1. The table of sections to 27 CFR Part 178 is amended to read as follows:

* * * * *

Subpart C—Administrative and Miscellaneous Provisions

Sec.
178.28 Transportation of certain National Firearms Act (NFA) firearms.

* * * * *

Subpart G—Importation

* * * * *

178.114 Importation by military members of the U.S. Armed Forces.

* * * * *

AUTHORITY: Pub. L. 591, 68A Stat. 917, as amended (26 U.S.C. 7805); Sec. 902, Title IV, Pub. L. 90-351, 82 Stat. 236, (18 U.S.C. Appendix); Sec. 102, Title I, Pub. L. 90-618, 82 Stat. 1214-1226, as amended (18 U.S.C. 921-928), unless otherwise noted.

2. Section 178.2 is revised to read as follows:

§ 178.2 Relation to other provisions of law.

The provisions in this part deal with commerce in firearms or ammunition and are in addition to, and are not in lieu of, any other provision of law or regulations. For regulations on traffic in machine guns, destructive devices, and certain other firearms, see § 178.28 and 27 CFR Part 179. For statutes on the registration and licensing of persons engaged in the business of manufacturing, importing, or exporting firearms, ammunition, or implements of war, see section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778) and regulations at 27 CFR Part 47. For statutes on nonmailable firearms, see 18 U.S.C. 1715 and implementing regulations.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778); Sec. 6(j) (24), Pub. L. 91-375, 84 Stat. 779, as amended (18 U.S.C. 1715).)

3. Section 178.11 is amended by deleting the term "Regional Commissioner" where it appears; and is further amended to read as follows:

§ 178.11 Meaning of terms.

* * * * *

Assistant Regional Commissioner. Wherever used in this section shall mean a regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform

any function relating to the administration or enforcement of this part.

* * * * *

Commissioner. Wherever used in this part shall mean the Director as defined in this section.

* * * * *

Customs officer. Any officer of the U.S. Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the U.S. Customs Service.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

* * * * *

National Firearms Act firearms or NFA firearms. Any firearm as defined in 27 CFR Part 179, Subpart B (26 U.S.C. 5845(a) through (g)).

* * * * *

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

* * * * *

Surplus military firearm. Any firearm that was acquired by a regular or irregular military force of a nation for the use of its soldiers, including any firearm originally manufactured for commercial use but which subsequently was acquired by the military force.

United States. The States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone), unless otherwise expressly defined.

* * * * *

4. Section 178.28 is revised to read as follows:

§ 178.28 Transportation of certain National Firearms Act firearms.

(a) A person desiring to transport in interstate or foreign commerce, or to temporarily export, destructive devices, machine guns, short-barreled shotguns, or short-barreled rifles shall apply on ATF F 7560.8, executed under the penalties of perjury and as instructed on the form, and shall receive approval from the Director before the proposed movement is made.

(b) The Director may approve a properly executed ATF F 7560.8 to transport in interstate or foreign commerce certain NFA firearms if the Director determines that the transportation is reasonably necessary, consistent with public safety, and in conformance with State and local law. Upon approval or disapproval, the processed ATF F 7560.8 will be returned to the applicant.

(c) A copy of ATF F 7560.8 shall be furnished to the common or contract carrier performing the approved transportation in interstate or foreign commerce. The common or contract carrier shall retain the furnished copy of ATF F 7560.8 while transporting or shipping the designated firearm in order to meet the provisions of 18 U.S.C. 922(f) and 27 CFR 178.31(a).

(d) Authorization for the transportation of the firearm is limited to the specified dates and locations on ATF F 7560.8. If the firearm for any reason is not in transit during the authorized return period, the authorization is automatically revoked. Any further movement of the firearm would require another application.

(e) Within 7 days of completing an interstate transport or temporary export of a NFA firearm approved for movement, the person who received authorization shall certify on ATF F 7560.8 that the movement was completed on a given date and shall mail the certified copy of the form to the Director.

(f) If an approved ATF F 7560.8 expires before the firearm is transported in interstate or foreign commerce, or if the approved ATF F 7560.8 is unused or revoked before the expiration date, the person who received authorization on the approved ATF F 7560.8 shall mail it immediately to the Director.

(g) Authorization granted by this section does not carry or import relief from any other statutory or regulatory provision relating to firearms.

(h) A licensed manufacturer, licensed importer, or licensed dealer who is a special (occupational) taxpayer qualified under 26 U.S.C. 5801 need not obtain authorization from the Director to transport in interstate or foreign commerce firearms as specified by the special tax payment. A licensed collector qualified under 26 U.S.C. 5801 need not obtain authorization if the firearm to be transported is a curio or relic.

5. Section 178.31 is revised to read as follows:

§ 178.31 Transporting or shipping firearms and ammunition via common or contract carrier.

(a) Any person transporting or shipping by common or contract carrier any package containing a firearm or ammunition in interstate or foreign commerce to any person shall give written notice to the carrier unless the firearm or ammunition is to be sent to a licensed importer, licensed manufacturer, licensed dealer or licensed collector.

(b) Any passenger who owns or legally possesses a firearm or ammunition being transported abroad any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver the firearm or ammunition into the custody of the pilot, captain, conductor or operator of the common or contract carrier for the duration of that trip without violating any provisions of this part.

(c) No common or contract carrier shall transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt of any firearm or ammunition would be in violation of this part. This paragraph, however, is not applicable to the transportation of firearms or ammunition in in-bond shipment under U.S. Customs Service laws and regulations.

§ 178.44 [Amended]

6. Section 178.44 is amended by changing the following sentence where it appears in paragraphs (a) and (b), "The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924.", to read as follows: "The application must be signed under the penalties imposed by 18 U.S.C. 924 and 1001".

7. Section 178.94 is revised to read as follows:

§ 178.94 Sales or deliveries between licensees.

(a) *General.* A licensed importer, licensed manufacturer, or licensed dealer (transferor) selling or otherwise disposing of firearms or ammunition, and a licensed collector (transferor) selling or otherwise disposing of curios or relics, to another licensee (transferee) shall verify the identity and licensed status of the transferee prior to making the transaction. Verification shall be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by any other means as the transferor finds necessary. The certified copy of the license required by this section shall be maintained on the transferor's premises as a part of the permanent records required by Subpart H of this part. A transferor who has the certified information required by this section may sell or dispose of firearms or ammunition to a transferee for not more than 45 days following the expiration date of the transferee's license.

(b) *Exemptions from license copies.* (1) A transferee who has furnished a certified copy of his license to a transferor need not furnish another certified copy of his license to a transferor during the term of the transferee's current license.

(2) Licensees of multilicensed business organizations need not furnish certified copies of their licenses to other licensed locations operated by that organization.

(3) Multilicensed business organizations need not furnish certified copies of their licenses to a transferor if they furnish, in lieu of a certified copy of each license, a certified list containing the name, address, license number, and the expiration date of the license at each licensed location operated by that organization. A transferor may sell or otherwise dispose of firearms and ammunition as provided by this section to any licensee appearing on the list without requiring a certified copy of a license.

(4) A licensed manufacturer or licensed importer need not furnish a certified copy of its license to another licensee if a firearm is being returned for the purpose of repair or replacement with a firearm of the same kind and type, and the licensed manufacturer or licensed importer's name appears on a list compiled by the Bureau and published annually.

8. Section 178.112 is revised to read as follows:

§ 178.112 Importation by a licensed importer.

(a) *General.* A licensed importer (as defined in § 178.11) may import or bring into the United States a firearm or ammunition only (1) if the Director authorizes the importation of the firearm or ammunition, and (2) if the licensed importer complies with the requirements of this section.

(b) *Execution of permit application.* To import or bring a firearm or ammunition into the United States, a licensed importer shall file with the Director an application for a permit on ATF F 7570.3, Part I, (Form 6—Part I), as instructed on the form and signed undr the penalties imposed by 18 U.S.C. 924 and 1001.

The licensed importer shall also furnish information establishing that the firearm or ammunition is:

(1) Being imported or brought in for scientific or research purposes;

(2) For use in connection with U.S. Army competition or training under 10 U.S.C. Chapter 401;

(3) An unserviceable firearm, other than a machine gun, imported or brought in as a curio or museum piece, including how the firearm was made unserviceable and why it is a curio or museum piece; or

(4) Generally recognized as particularly suitable or readily adaptable to sporting purposes, excluding surplus military firearms, and not covered by the definition of a firearm in 26 U.S.C. 5845(a). Approval of properly executed ATF F 7570.3 (Form 6—Part I) by the Director shall serve as the permit for a single importation of the firearm or ammunition during the period of validity (usually 6 months) specified on the form. If the entire shipment cannot be completed as one importation, another application on ATF F 7570.3 (Form 6—PartI) shall be submitted to the Director for a permit to cover the unshipped balance. The new application may include firearms or ammunition in addition to the unshipped balance. If the Director disapproves ATF F 7570.3 (Form 6—Part I), he shall notify the licensed importer on the form of the basis for a disapproval.

(c) *Release from customs custody.* A firearm or ammunition imported or brought into the United States by a licensed importer may be realeased from customs custody to the licensed importer upon presenting to a Customs officer an approved ATF F 7570.3 (Form 6—Part I) from the Director for the importation of the firearm or ammunition to be released. In obtaining release from customs custody of an authorized firearm or ammunition, the licensed importer shall complete ATF F 7570.3, Part I (Form 6A), in triplicate, and shall furnish the forms to the Customs officer releasing the firearm or ammunition. The Customs officer shall certify Part III of ATF F 7570.3 (Form 6A), forward a copy to the Director, and return the other copies to the licensed importer.

(d) *Verification of importation.* Within 15 days of the date of release from customs custody, the licensed importer shall—

(1) Record on ATF F 7570.3 the identification required by § 178.92;

(2) Prepare Part IV of ATF F 7570.3 (Form 6A) as instructed on the form, and sign under the penalties imposed by 18 U.S.C. 924 and 1001;

(3) Forward to the Director a copy of ATF F 7570.3 (Form 6A) on which shall be reported any error or discrepancy appearing on Part I of ATF F 7570.3 (Form 6A) certified by the Customs officer; and

(4) Post all required information regarding the importation in the records required to be maintained by the licensed importer under Subpart H of this part.

9. Section 178.113 is revised to read as follows:

§ 178.113 Importation by other licenses.

(a) *General.* No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. The Director, however, may permit a licensee, other than a licensed importer, to import or bring into the United States a firearm or ammunition under certain conditions, as required by paragraph (b) of this section.

(b) *Execution of permit application.* To import or bring a firearm or ammunition into the United States, a licensee, other than a licensed importer, shall file with the Director an application for a permit on ATF F 7570.3 (Form 6—Part I), as instructed on the form and signed under the penalties imposed by 18 U.S.C. 924 and 1001. The licensee shall also furnish information establishing that the firearm or ammunition is:

(1) Being imported for the personal use of the licensee or on behalf of a nonlicensee (when the firearm is being imported for a nonlicensee, the name and address of the nonlicensee shall be stated);

(2) Being imported or brought in for scientific or research purposes;

(3) For use in connection with U.S. Army competition or training under 10 U.S.C. Chapter 401;

(4) An unserviceable firearm, other than a machine gun, imported or brought in as a curio or museum piece; or

(5) Generally recognized as particularly suitable or readily adaptable to sporting purposes, excluding surplus military firearms, and not covered by the definition of a firearm in 26 U.S.C. 5845(a).

Approval of a properly executed ATF F 7570.3 (Form 6—Part I) by the Director shall serve as the permit for a single importation of the firearm or ammunition during the period of validity (usually 6 months) specified on the form. If the entire shipment cannot be completed as one importation, another application on ATF F 7570.3 (Form 6—Part I) shall be submitted to the Director for a permit to cover the unshipped balance. The new application may include firearms or ammunition in addition to the unshipped balance. If the Director disapproves ATF F 7570.3 (Form 6—Part I), he shall notify the licensee on the form of the basis for disapproval.

(c) *Release from customs custody.* In obtaining release from customs custody, the licensee shall complete ATF F 7570.3 (Form 6A), as instructed on the form, and shall furnish the copies to the Customs officer releasing the firearm or ammunition. The Customs officer shall certify Part III of ATF F 7570.3 (Form 6A), forward a copy to the Director, and return the other copies to the licensee.

(d) *Verification of importation.*— (1) *licensed manufacturer.* Within 7 days of the date of release from customs custody, the licensed manufacturer shall verify the importation as required in § 178.112 (d) (1) through (4) for licensed importers.

(2) *Licensed dealer or licensed collector.* The licensed dealer or licensed collector, within 2 business days of the date of release from customs custody, shall verify the importation as required in § 178.112(d) (2) through (4) for licensed importers.

10. Section 178.114 is revised to read as follows:

§ 178.114 Importation by military members of the U.S. Armed Forces.

(a) *General.* A military member of the U.S. Armed Forces may import or bring into the United States a firearm or ammunition upon receiving authorization from the Director. The military member filing an application shall meet the following conditions:

(1) The military member is on active duty outside the United States or has been on active duty outside the United States within the 60-day period immediately preceding the intended importation;

(2) The firearm or ammunition is being imported or brought to the place of residence of the military member; and

(3) The military member intends to use the firearm or ammunition for personal use.

(b) *Execution of application.* A military member shall file with the Director an application on ATF F 7570.3, Part I (Form 6—Part II), following the instructions on the form and signed under the penalties imposed by 18 U.S.C. 924 and 1001, for authorization to import or to bring a firearm or ammunition into the United States. The following information shall also be furnished:

(1) Certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any Federal law, State statute, or published ordinance at the place of his or her residence; and

(2) Statements that—

(i) The firearm or ammunition being imported is for personal use; and

(ii) If a firearm, is not a surplus military firearm and does not fall within the definition of a firearm under 26 U.S.C 5845(a) and why it is generally recognized as particularly suitable for or readily adaptable for sporting purposes or is determined by the Department of Defense to be a type of firearm normally classified as a war souvenir; or

(iii) If ammunition, why he or she believes it is generally recognized as particularly suitable or readily adaptable to sporting purposes.

(3) A copy of the license, permit, certificate of registration, or firearm identification card, as applicable and as required by his or her State, to import into the United States a pistol or revolver for sporting purposes.

The Director may issue an authorization to import or bring into the United States a firearm or ammunition if the firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for personal use of the military member. If the Director approves ATF F 7570.3 (Form 6—Part II), the approved form will be forwarded to the military member and shall serve as authorization for a single importation of the firearm or ammunition within a period of 6 months as specified on the approved form. If the Director disapproves the application, he shall notify the military member of the basis for disapproval on ATF F 7570.3, Part II (Form 6—Part II).

(c) *Release from customs custody.* Upon receipt of an approved form to import the firearm or ammunition, the military member shall obtain release of the firearm or ammunition from customs custody upon furnishing the approved ATF F 7570.3 (Form 6—Part II) to the Customs officer releasing the firearm or ammunition. The Customs officer shall certify and forward a copy of ATF F 7570.3 (Form 6A) to the Director and return the other copy to the military member. However, when a military member is on active duty outside the United States, the military member may appoint, in writing, an agent to obtain the release of the firearm or ammunition from customs custody for the military member. The agent shall furnish sufficient personal identification, the written authorization to act on behalf of the military member, and the approved ATF F 7570.3 to the Customs officer.

(d) *War souvenirs.* Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by military members of the U.S. Armed Forces under the regulations and procedures as issued by the Department of Defense.

§ 178.124 [Amended]

11. Paragraph (g) of § 178.124 is amended by changing the phrase, "executed under the penalties of perjury," where it appears in paragraph (g) to read "signed under the penalties imposed by 18 U.S.C. 924 and 1001."

12. Section 178.126 is revised to read as follows:

§ 178.126 Furnishing transaction information.

Each licensee shall submit, when required by letter issued by the regional regulatory administrator, a report of firearms transactions, for the period and the time specified in the letter. The report shall involve all record information required by this subpart, or a portion of that record information as specified by the regional regulatory administrator's letter. When an ATF officer indicates a need for information concerning receipts and disposition of firearms, the licensee shall report by telephone the information as requested by the ATF officer.

13. Section 178.171 is revised to read as follows:

§ 178.171 Exportation.

Licensed manufacturers, licensed importers, and licensed dealers shall export firearms and ammunition according to the applicable provisions of section 38 of the Arms Export Control Act of 1976 (90 Stat. 744; 22 U.S.C. 2778). In addition, the licensee shall maintain showing:

(a) The manufacture of firearms and ammunition as required by this part,

(b) The acquisition of the firearms and ammunition as required by this part,

(c) The name and address of the foreign consignee of the firearms and ammunition, and

(d) The date the firearms and ammunition were exported.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778).)

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

1. The table of sections to 27 CFR Part 179 is amended to read as follows:

* * * * *

Sec.
179.111 * * *
179.112 Application procedure for registration of imported firearms.

* * * * *

ARMS EXPORT CONTROL ACT

* * * * *

Subpart O—Other Laws Applicable

* * * * *

179.193 Arms Export Control Act.

AUTHORITY: Pub. L. 591, 68A Stat. 917, as amended (26 U.S.C. 7805); sec. 201, Pub. L. 90-618, 82 Stat. 1227, etc. (26 U.S.C. 5801-5872); unless otherwise noted.

2. Section 179.11 is amended to read as follows:

§ 179.11 Meaning of terms.

* * * * *

Assistant Regional Commissioner. Whenever used in this part shall mean a regional regulatory administrator as defined in his section.

Commissioner. Wherever used in this part shall mean the Director as defined in this section.

Customs officer. Any officer of the U.S. Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the U.S. Customs Service.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the

Department of the Treasury, Washington, D.C. 20226.

* * * * *

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

* * * * *

§ 179.92 [Amended]

3. Section 179.92 is amended by replacing the term "any Assistant Regional Commissioner" with "the Director".

4. Section 179.111 is amended to read as follows:

§ 179.111 Procedure.

(a) *General.* * * *

(1) * * *

(2) * * *

(3) * * * The burden of proof that a firearm is being imported or brought in under paragraph (a) (1), (2), or (3) of this section shall be borne by any person importing or bringing the firearm into the United States or any territory under its control or jurisdiction.

(b) *Application.* Any person desiring to import or to bring a firearm into the United States under this section shall file with the Director an application on ATF F 7570.3 (Form 6—Part I), as instructed on the form and executed under the penalties of perjury, to permit the importation of firearms and ammunition. The application shall show the information required on the form and by Subpart G of Part 178 of this chapter. Attached to the application shall be a detailed explanation of why the importation of the firearm falls within the standards set out in paragraph (a) of this section. The person seeking to import or to bring in the firearm will be notified of the approval or of the disapproval of the application. If the application is approved, it will be stamped with a permit number and signed by the Director.

An approved ATF F 7570.3 (Form 6—Part I) shall be furnished to the Customs officer at the port of importation to effect release of the firearm from customs custody. The approved ATF F 7570.3 (Form 6—Part I) shall be automatically terminated at the expiration of 6 months from the date of approval or upon completion of a single importation within the period of validity, whichever occurs first. Upon request, the Director may extend the expiration date. If an approved application expires before the described firearm is imported, or if the approved application is unused, suspended, or revoked, the person responsible for the approved application shall return it immediately to the Director with a statement that it has not been used. The person responsible for importing or bringing in a firearm not covered by an approved application may be subject to civil and criminal liabilities. (See 26 U.S.C. 5861, 5871, and 5872.)

(c) *Other requirements.* (1) Parts 47 and 178 of this chapter also contain requirements and procedures for the importation of firearms into the United States. A firearm may not be imported into the United States under this part unless those requirements and procedures are also complied with by the person importing the firearm.

(2) A person may return a firearm to the United States or any territory under the control or jurisdiction of the United States if he or she can establish to the satisfaction of the U.S. Customs Service that—

(i) The firearm was taken out of the United States or any territory under the control or jurisdiction of the United States by him or her;

(ii) The firearm is registered to him or her; and

(iii) If appropriate, the authorization required by 27 CFR 178.28 for the temporary exportation of the firearm in foreign commerce has been obtained by him or her.

5. Section 179.112 is revised to read as follows:

§ 179.112 Application procedure for registration of imported firearms.

(a) *Application.* Each importer shall prepare on Form 2 (Firearms), in duplicate, an accurate notice of firearms imported by him or her. The notice shall be executed under the penalties of perjury and shall set forth the following:

(1) The name and address of the importer;

(2) The special (occupational) tax stamp and the Federal firearms license identifications;

(3) The date of release from customs custody;

(4) The type, model, length of barrel, overall length, caliber, and gauge or size;

(5) Serial number;

(6) Other marks of identification of the firearm imported;

(7) The place where the imported firearm will be kept.

The importer shall file the original notice with the Director no later than fifteen (15) days from the date the firearm was released from customs custody. The copy of the notice shall be kept with the records required by Subpart I of this part at the premises covered by the importer's special (occupational) tax stamp.

(b) *Registration.* The timely receipt by the Director of Form 2 (Firearms), and of a copy of ATF F 7570.3 (Form 6A) required by § 178.112 of this part and covering the firearm reported on Form 2 (Firearms), shall effect the registration of the firearm to the importer.

(c) *Transfers.* The requirements of this part, relating to the transfer of a firearm, are also applicable to the transfer of the imported firearms.

6. Section 179.122 and the centerhead preceding the section are revised to read as follows:

ARMS EXPORT CONTROL ACT

§ 179.122 Requirements.

(a) *Imports.* Persons engaged in the business of importing firearms are required by the Arms Export Control Act of 1976 (22 U.S.C. 2778) to register with the Director. (See 27 CFR Part 47.)

(b) *Exports.* Persons engaged in the business of exporting firearms caliber .22 or larger are subject to the requirements of a license issued by the Secretary of State. Applications for a license, prior to exporting firearms, shall be made to the Office of Munitions Control, Department of State, Washington, D.C. 20520.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778).)

7. Section 179.142 is revised to read as follows:

§ 179.142 Stolen, lost, or destroyed documents.

When any Forms 1, 2, 3, 4, 5, 10 (Firearms), ATF F 7560.8 and ATF F 7570.3 (Form 6A) which shows possession of a firearm, is stolen, lost, or destroyed, the person losing possession of the document shall immediately report to the Director the circumstances of the theft, loss, or destruction in detail. The report shall also include all known facts which identify the document. The Director will make an investigation, as appropriate, upon receipt of the report and may issue a duplicate document if circumstances warrant.

8. Section 179.193 is revised to read as follows:

§ 179.193 Arms Export Control Act.

See section 38 of the Arms Export Control Act of 1976 (22 U.S.C. 2778), and the regulations in 27 CFR Part 47, for provisions relating to the registration of persons engaged in the business of manufacturing, importing, or exporting arms, ammunition, or implements of war.

(Sec. 38, Pub. L. 94-329, 90 Stat. 774 (22 U.S.C. 2778).)

Signed: February 28, 1978.

REX D. DAVIS,
Director.

Approved: March 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.

[FR Doc. 78-7425 Filed 3-16-78; 3:10 pm]

FEDERAL REGISTER

TUESDAY, MARCH 21, 1978
PART IV

CIVIL SERVICE COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEPARTMENT OF JUSTICE

DEPARTMENT OF LABOR

■

PROPOSED UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Issues of Particular Interest for Public Hearing and Meeting

[6570-06]

CIVIL SERVICE COMMISSION

[5 CFR Part 300]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1607]

DEPARTMENT OF JUSTICE

[28 CFR Part 50]

DEPARTMENT OF LABOR

[41 CFR Part 60-3]

PROPOSED UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Issues of Particular Interest for Public Hearing and Meeting

AGENCIES: Civil Service Commission, Equal Employment Opportunity Commission, Department of Justice, Department of Labor.

ACTION: Announcement of issues of particular interest for public hearing and meeting on Proposed Uniform Guidelines on Employee Selection Procedures.

SUMMARY: The four agencies previously published proposed guidelines for comment and announced that a public hearing and meeting would be held on the guidelines and that the agences would publish a notice indicating those issues raised by the proposed guidelines on which testimony would be most helpful. This document provides notice of the issues of particular interest to the four agencies who will participate at a public hearing and meeting on the proposed Uniform Guidelines on Employee Selection Procedures and also provides questions and answers clarifying the proposed guidelines as presently drafted.

DATE: Public Hearing: April 10, 1978 at 10 a.m.

ADDRESS: This notice confirms that the public hearing and meeting will be held in the Auditorium, General Services Administration Building, 18th and F Streets NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Peter C. Robertson, Director, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506, 202-634-7060 or 202-634-7058.

David L. Rose, Chief, Employment Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202-739-3831.

William A. Gorham, Director, Personnel Research and Development Center, Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, 202-632-5440.

H. Patrick Swygert, General Counsel, Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415, 202-632-4632.

Donald J. Schwartz, Staff Psychologist, Office of Federal Contract Compliance Programs, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-9426.

SUPPLEMENTARY INFORMATION: The Civil Service Commission, Equal Employment Opportunity Commission, Department of Justice, and the Department of Labor published a notice of proposed rulemaking announcing a draft set of uniform guidelines on employee selection procedures in the FEDERAL REGISTER on December 30, 1977 (42 FR 65542). That publication indicated that a hearing and public meeting would be held on the subject of the guidelines.

Subsequently, the agencies announced on March 3, 1978 (43 FR 9131) that a public hearing and meeting would be held on April 10, 1978, commencing at the General Services Administration Auditorium, 18th and F Streets NW., with respect to the proposed adoption of the uniform guidelines on employee selection procedure.

As announced in the notice of public hearing and meeting (43 FR 9131), notice is hereby given that the four agencies believe that the four issues set forth in Appendix A are of particular interest and invite testimony on these issues at the public hearing and meeting to be held on April 10, 1978, at 10 a.m. in the General Service Administration (GSA) Auditorium, 18th and F Streets NW., Washington, D.C. This notice is not intended to prevent the presentation of views on any other issue. Set forth as Appendix B are questions and answers interpreting the proposed uniform guidelines on three of the issues of particular interest, and on another issue which was a matter of concern to a number of commentors. These questions and answers are designed to clarify the intent of the present draft so as to provide a sharper focus for the testimony at the April 10, 1978 meeting.

The hearing on April 10, 1978, will cover the proposed recordkeeping obligations of the proposed guidelines for the Equal Employment Opportunity Commission pursuant to section 709 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8, and EEOC recordkeeping regulations (29 CFR Part 1602). This proceeding will also constitute the public meeting on the uniform guidelines on employee selection procedures by all four agencies described in the notice of proposed rulemaking (42 FR 65542, December 30, 1977). Persons or organizations wishing to present their views orally should notify the agencies of their desire to do so in writing, no later than March 31, 1978, by a request to: Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, D.C. 20506.

The phrase "Meeting, Uniform Guidelines on Employee Selection Procedures" should be written at the lower lefthand corner of the envelope. The request should include a written summary of the remarks to be offered. Individuals should include their telephone numbers in their letters. Any person or organization who desires to submit a written statement in lieu of testimony should submit that statement to the above address prior to the date of the meeting. The agencies will respond to requests to present views orally, prior to the scheduled hearing date. Individuals not able to testify will be given the opportunity to submit a written statement.

Signed this 20th day of March, 1978.

ELEANOR H. NORTON,
Equal Employment Opportunity Commission.
RICHARD J. DEVINE,
Department of Labor.
DREW S. DAYS,
Department of Justice
JULE M. SUGARMAN,
U.S. Civil Service Commission.

APPENDIX A—ISSUES

1. What, if any, guidance should the uniform guidelines provide concerning the relationship between the requirements for validation of selection procedures and (a) use of alternative selection procedures which eliminate adverse impact (§ 6A), and (b) affirmative action programs (§ 13 and § 4E)?

2. Under what circumstances, if any, should the Federal enforcement agencies require validity evidence and take enforcement action with respect to a selection procedure which has an adverse impact if the overall selection process for that job has no adverse impact (§ 4C)?

3. What should be the extent of the user's obligation, in conducting a validity study, to investigate alternative selection procedures and methods of use which reduce adverse impact (§ 3B)?

4. On what basis should cut-off scores be set (§ 5C)?

APPENDIX B—QUESTIONS AND ANSWERS

Question No. 1. Section 6A authorizes the use of alternative selection procedures to eliminate adverse impact, and suggests some examples of such procedures, but does not appear to address the issue of job-relatedness or validity. Thus, the use of these alternatives seems to be presented as an option in lieu of validation. Is that its intent?

Answer. Under Federal equal employment opportunity law the use of any selection procedure which has an adverse impact on any racial, sex or ethnic group is discriminatory unless the procedure has been properly validated, or the use of the procedure is

other wise justified under federal law. (*Griggs* v. *Duke Power Co.*, 401 U.S. 424.) See proposed uniform guidelines § 3A. For that reason, Federal equal employment opportunity law does not require a user to conduct validity studies for selection procedures which have no adverse impact. See § 1B. Thus under Federal equal employment opportunity law, the user has always had the option of eliminating adverse impact rather than carrying out validity studies of selection procedures which have an adverse impact.

The example given are illustrative of alternative techniques which might eliminate adverse impact and might be job related in a particular situation. If the use of the alternative procedure still resulted in adverse impact, the guidelines would of course require that it be properly validated.

In addition, many employers while wishing to validate all of their selection procedures, are not able to conduct the validity studies immediately. It would therefore be permissible to use, for a period of time, alternative techniques which eliminate adverse impact with a view to providing a basis for determining which selection procedures are valid and have as little adverse impact as possible.

Employers have many economic incentives even where not required by Federal equal employment opportunity law to conduct validity studies and use properly validated selection procedues. But Federal equal employment opportunity law does not require such studies to be conducted unless there is adverse impact. Nothing a section 6A should be interpreted as discouraging the use of properly validated selection procedures. See § 2C.

Question No. 2. When may a user be race, sex or ethnic-conscious (§ 13B)?

Answer. The parameters of what voluntary affirmative action procedures are lawful are now being litigated in the courts. The procedures described in the affirmative action policy statement of the Equal Employment Opportunity Coordinating Council, as published on September 13, 1976 and restated in section 13B of the guidelines, are believed by the issuing agencies to be clearly lawful.

Under section 13B(3), an employer may justifiably be "* * * race, color, sex or ethnic-conscious * * *" in circumstances where it has reason to believe that qualified persons of specific race, color, sex or ethnicity have been excluded from or underutilized in its work force or particular jobs therein. In establishing long and short range goals, the employer may use the race, color, sex, or ethnic classification as the basis for such goals (§ 13B(3)(a)).

In establishing a recruiting program, the employer may direct its recruiting activities to locations or institutions which have a high proportion of the race, sex, color or ethnic group which has been excluded or underutilized (§ 13B(3)(b)). In establishing the pool of qualified persons from which final selections are to be made, the employer may take reasonable steps to assure that members of the excluded or underutilized race, sex, ethnic or color group are included in the pool (§ 13B(3)(e)). Similarly, the employer may be race, color, sex or ethnic-conscious in determining what changes should be implemented if the objectives of the plans are not being met (§ 13B(3)(g)). Similarly, the four agencies believe that the law clearly authorizes a user to be race, sex or ethnic-conscious in taking appropriate and lawful measures to eliminate adverse impact from selection procedures which are not validated (§ 6A).

Question No. 3. Under section 4(C), what is the meaning of the term "generally" as it is used in conjunction with the institution of an enforcement action?

Answer. The term "generally" in section 4(C) is intended to qualify the principle that enforcement agencies will not require validity evidence or take enforcement action against a user if the total selection process for a job does not have an adverse impact, even though a specific component of the process has such an impact. Thus, there may be circumstances where, despite the absence of overall adverse impact, Federal enforcement action would be appropriate. These circumstances are expected to be unusual. They include, but are not limited to:

(a) Where the user has engaged in purposefully discriminatory actions.

(b) Where it is well settled, by court decisions or administrative interpretation, that a specific procedure, such as height and weight requirement, or a "no arrest" record requirement, is not job related in the same or similar circumstances, e.g., *Dothard* v. *Rawlinson*, — U.S. —, 45 U.S.L.W. 4888 (June 1977) (height requirement); *Gregory* v. *Litton Industries*, 472 F. 2d 631 (9th Cir., 1972) ("no arrest" record).

Question No. 4. The guidelines designate the "total selection process" as the initial basis for determining the impact of selection procedures. What is meant by the "total selection process"?

Answer. The "total selection process" refers to the combined effect of all selection procedures leading to the final employment decision such as hiring or promoting. For example, appraisal of candidates for administrative assistant positions in an organization might include initial screening based upon an application blank and interview, a written test, a medical examination, a background check, and a supervisor's interview. These in combination are the total selection process.

Additionally, where there is more than one route to the particular kind of employment decision, the total selection process encompasses the combined results of all routes. For example, an employer may select some applicants for a particular kind of job through appropriate written and performance tests. Others may be selected through an internal upward mobility program, on the basis of successful performance in a directly related trainee type of position. In such a case, the impact on the total selection process would be the combined effect of both avenues of entry.

Question No. 5. In what circumstances do the guidelines call for the use of an alternative selection procedure or an alternative method of using the procedure?

Answer. The alternative selection procedure (or method of use) should be used when it has less adverse impact and the evidence of validity is stronger or of approximately the same strength. Thus, if under the original selection procedure the selection rate for black applicants was only one half (50 percent) that of the selection rate for white applicants, whereas under the alternative selection procedure the selection rate for blacks is two-thirds (67 percent) that of white applicants, the new "alternative" selection procedure should be used if the evidence of validity is as strong or stronger than the evidence of validity of the original procedure. The same principles apply to a new user who is deciding what selection procedure to institute.

Question No. 6. In what circumstances do the guidelines (§ 3B) call for a user to investigate "suitable alternative selection procedures and suitable alternative methods of using the selection procedure which have as little adverse impact as possible"?

Answer. Such an investigation is called for, as a part of the validity study, when the user is obligated to conduct a validity study—i.e., when the user is utilizing a selection procedure which has an adverse impact and which has not previously been properly validated. If the user has made a reasonable investigation of alternative procedures or uses as a part of its validity study (which demonstrates validity), it need not conduct further investigation of alternatives until such time as the validity study should be reviewed for currency, unless the user is shown an alternative procedure with less adverse impact and with substantial evidence of validity for the same job is similar circumstances. In such circumstances, the user is obliged to investigate only the particular procedure which has been presented.

Question No. 7. How do you determine whether the evidence of validity is as strong or stronger for one procedure than another?

Answer. Whether the evidence of validity is as strong depends, in the case of a criterion related validity study, upon the importance and number of criteria for which significant relationships are found, and the magnitude of the relationship between selection procedure scores and criterion measures and the size of the samples used. For content validity, the strength of validity evidence would depend upon the number of critical and/or important job behaviors measured, and the extent to which the selection procedure resembles actual work samples or work behaviors.

Question No. 8. What does the phrase "systematically screen out" mean in § 5H? Does it mean any employment practice which has an adverse impact, even those that have been validated?

Answer. The phrase "where the user's employment practices systematically screen out a disproportionate number of any racial, sex or ethnic group," has the following meaning:

An employer's practices which discourage employees of a particular race, sex or ethnic group from remaining in employment or from seeking promotional opportunities, or otherwise discriminate against them so that they leave in disproportionate numbers.

The phrase "systematically screens out" applies only to the users' practices. If employees of a particular racial, ethnic or sex group leave employment in disproportionate numbers because of enhanced opportunities elsewhere for personal advancement, or any other reason not related to improper acts of the user, the phrase has no application.

The phrase applies only to those practices which are not lawful and proper. If, for example, a user has a reasonable requirement with respect to attendance, and applies reasonable disciplinary sanctions, cumulating after appropriate warnings in discharge, and this standard is applied evenly and fairly and with full notice to all employees, the fact that a higher proportion of any specific race, sex or ethnic group is adversely affected, would not constitute "systematically screening out" of employees.

Similarly, if an employer gave a test which had been determined to be valid after a probationary period, and this test had an adverse effect on a specific group, this would not constitute the type of "systematic screening out" which the section deals with.

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