



Federal Register

highlights

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

Reservations for January are being accepted for the free workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409 from 9 to 11:30 a.m.

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

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

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

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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

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

federal register

Phone 523-5240

Area Code 202



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

[3410-02]

Title 7—Agriculture

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

[Navel Orange Reg. 422, Amdt. 1]

[Navel Orange Reg. 419, Amdt. 1]

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

Amendment of Size Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amended rules.

SUMMARY: These amendments reduce the minimum size requirement applicable to fresh domestic shipments of navel oranges grown in the production area from 2.32 inches in diameter to 2.20 inches in diameter. This action is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: December 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of handling of such navel oranges; as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for decreasing the minimum size requirement for navel oranges results from changes that have taken place in the marketing situation. The marketing picture now indicates that there is a greater demand for such smaller navel oranges than existed when the regulations were made effective. Therefore, in order to provide an opportunity for handlers to handle such smaller navel oranges to fill the current market demand, the regulations should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient, and these amendments relieve restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order. 1. The provisions of § 907.719 Navel Orange Regulation 419 (42 FR 63379) are amended to read as follows:

§ 907.719 Navel Orange Regulation 419.

(a) During the period December 30, 1977, through February 2, 1978, no handler shall handle any navel oranges grown in District 2 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) The terms "handler", "handle", and "District 2" as used herein shall have the same meaning as is given to the respective terms in said marketing agreement and order.

2. The provisions of § 907.722 Navel Orange Regulation 422 (42 FR 64360) are amended to read as follows:

§ 907.722 Navel Orange Regulation 422.

(a) During the period December 30, 1977, through July 13, 1978, no handler shall handle any navel oranges grown in District 1 or District 3 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the navel oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) The terms "handler", "handle", "District 1," and "District 3" as used herein shall have the same meaning as is given to the respective terms in said marketing agreement and order.

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

Dated: December 29, 1977, to become effective December 30, 1977.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit
and Vegetable Division, Agricultural Marketing Service.

[FR Doc.78-60 Filed 1-3-78;8:45 am]

[1505-01]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL¹ BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 303—WATCHES AND WATCH MOVEMENTS

Codification of Watch Quota Rules

Correction

In FR Doc. 77-35701 appearing at page 62907 in the issue for Wednesday, December 14, 1977, make the following changes:

(1) On page 62908, in § 303.1 first column, the text in parenthesis from lines 21 through 23 should have read as follows: " * * * (no provision is made for carryover of unutilized quota from one year to the next). * * * "

(2) On page 62910, middle column, in the 11th line of § 303.8(a) "Four DIB-321P" should have read "Form DIB-321P".

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 0—ORGANIZATION

Cleveland Regional Office Change of Address

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule changes the address of the Cleveland Regional Office.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Regional Director, Cleveland Regional Office, Federal Trade Commission, Suite 500, Mall Building, 118 Saint Clair Ave., Cleveland, Ohio 44114, 216-522-4207.

¹ Editorial Note: Chapter III will be formally renamed at a future date to "Industry & Trade Administration, Department of Commerce."

Accordingly, 16 CFR 0.18(b)(4) is amended to change the address for the Cleveland Regional Office to Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

(15 U.S.C. 46(g) and 5 U.S.C. 552.)

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.78-23 Filed 1-3-78;8:45 am]

[6750-01]

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

Editorial Amendment

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change deletes a reference to the Flammable Fabrics Act.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph N. Kuzew, Chief, Rules and Publications Branch, Federal Trade Commission, 6th and Pa. Ave., NW., Washington, D.C. 20580, 202-724-1185.

SUPPLEMENTARY INFORMATION: On May 14, 1973, functions under the Flammable Fabrics Act (15 U.S.C. 1191-1204) were transferred to the Consumer Product Safety Commission pursuant to section 30 of the Consumer Product Safety Act (15 U.S.C. 2079). Previously, the Department of Commerce, the Federal Trade Commission, and the Department of Health, Education, and Welfare had responsibilities under the Flammable Fabrics Act.

By notice published in Part III of the FEDERAL REGISTER on December 30, 1975 (40 FR 59884-59957), the Consumer Product Safety Commission codified flammability standards, policy statements, and interpretations under the Flammable Fabrics Act and transferred rules and regulations under that Act from Chapter 1 of Title 16, Code of Federal Regulations, Part 302 to Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

On February 2, 1976, the Commission published in the FEDERAL REGISTER (41 FR 4814) amendments of Subparts D and G of Subchapter A of Chapter 1 of Title 16 of the Code of Federal Regulations, to delete references to the Flammable Fabrics Act. The amendment being made by this document was inadvertently omitted from the February 2, 1976, amendments.

Accordingly, 16 CFR 3.61(a) is amended by deleting the words "or where the order was issued under the

Flammable Fabrics Act," from the third sentence.

(Section 6(g), 38 Stat. 721, (15 U.S.C. 46); sec. (a)(1), 80 Stat. 383, (5 U.S.C. 552).)

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.78-22 Filed 1-3-78;8:45 am]

[6750-01]

PART 4—MISCELLANEOUS RULES

Editorial Amendments

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change amends certain references in Part 4 of the Rules of Practice to conform them to a previous rules change appearing in the FEDERAL REGISTER issue of August 5, 1977.

EFFECTIVE DATE: Upon publication.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865.

SUPPLEMENTARY INFORMATION:

On August 5, 1977, the Commission published in the FEDERAL REGISTER (42 FR 39658-9) amendments to §§ 2.34, 2.35, and 3.25, 16 CFR 2.34, 2.35, and 3.25, of its Rules of Practice. Those changes amended the Commission's rules governing disclosure of material pertaining to consent order settlements so as to make available for public inspection and copying, at the beginning of the period for public comment on such order, material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act; and to provide for a form of automatic withdrawal of proceedings from adjudication where consent agreements have been signed. The provisions of § 3.25(f), 16 CFR 3.25(f), as published on August 5, 1977 were formerly contained in § 3.25(d), 16 CFR 3.25(d). Section 3.25(d) is referred to in § 4.9(b)(10) and (14), 16 CFR 4.9(b)(10) and (14), and accordingly should have been amended on August 5, 1977, to read § 3.25(f).

§ 4.9 [Amended]

Accordingly, the references to § 3.25(d) in 16 CFR 4.9(b)(10) and (14) are amended to read 3.25(f).

(15 U.S.C. 46 (f), (g) and 5 U.S.C. 552.)

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-78-21 Filed 1-3-78;8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

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

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

Delegation of Authority to Director of Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules governing the delegation of authority to the Director of its Division of Investment Management ("Director"). The new rule authorizes the Director to issue notices and orders under section 3(a) (2) of the Securities Act of 1933 in connection with applications for exemption from the registration provisions of the Securities Act of interests in certain stock bonus, pension, profit-sharing, and annuity plans. Such authority is limited to applications which appear to the Director to present issues previously settled by the Commission, and which do not require in the public interest or the interest of investors that a hearing be held. In such cases, the delegation of authority will permit more timely processing of applications by eliminating the delay occasioned by seeking Commission approval of the issuance of notices and orders under section 3(a) (2).

EFFECTIVE DATE: August 5, 1977.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: In 1970, section 3(a) (2) (15 U.S.C. 77c(a) (2)) of the Securities Act of 1933 (15 U.S.C. 77a et seq.) ("Securities Act") was amended by adding, in pertinent part:

The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title (15 U.S.C. 77e) any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c) (1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Since that amendment, the Commission has granted several applications for

exemption under the authority conferred upon it. The Commission expects that other applicants will seek similar orders which present issues previously settled and which do not raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held. The Commission therefore believes it is appropriate to delegate authority to the Director of the Division of Investment Management ("Director") to take the following actions with respect to such applications:

(1) To issue notices with respect to applications for orders where, upon examination, the matter does not appear to the Director to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held.

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that the Director believes has not previously been settled by the Commission and it does not appear to the Director to be necessary in the public interest or the interest of investors that a hearing be held.

To accomplish this delegation of authority, the Commission hereby amends 17 CFR 200.30-5 by adding a new paragraph (b-1) to read as follows:

§ 200.30-5 Delegation of authority to Director of Division of Investment Management.

(b-1) *With respect to the Securities Act of 1933:* (1) To issue notices with respect to applications for orders under section 3(a) (2) exempting from section 5 interests or participations issued in connection with stock bonus, pension, profit-sharing, or annuity plans covering employees some or all of whom are employees within the meaning of section 401(c) (1) of the Internal Revenue Act of 1954 where, upon examination, the matter does not appear to him to present issues not previously settled by the Commission or to raise questions of fact or policy indicating that the public interest or the interest of investors requires that a hearing be held.

(2) To authorize the issuance of orders where a notice has been issued and no request for a hearing has been received from any interested person within the period specified in the notice and the matter involved presents no issue that he believes has not been settled previously by the Commission and it does not appear to him to be necessary in the public interest or the interest of investors that a hearing be held.

The Commission finds that the foregoing action relates solely to agency management and personnel and, accord-

ingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 553 et seq.) are unnecessary.

(Pub. L. 91-567, 84 Stat. 1497 (15 U.S.C. 77c (a) (2)); Pub. L. 87-592, 76 Stat. 394, as amended by Pub. L. 94-29, 89 Stat. 163 (15 U.S.C. 78d-1,78d-2).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 23, 1977.

[FR Doc.78-4 Filed 1-3-78;8:45 am]

[6560-01]

Title 40—Protection of Environment

[FRL 838-7]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS: ARIZONA

Sulfur Oxide Control Strategy and Regulations for Existing Nonferrous Smelters

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today promulgates State Implementation Plan regulations governing the emission of sulfur dioxide from the seven Arizona copper smelters. The regulations set emission limitations for these smelters, designed to ensure the attainment and maintenance of the sulfur dioxide national ambient air quality standards through the use of continuous emission reduction technology. Under the 1977 Amendments to the Clean Air Act, the seven affected Arizona smelters will not be required to comply immediately with these emission limits if they are able to demonstrate their eligibility for primary nonferrous smelter orders. These orders will permit an alternative and less stringent interim control plan for the smelters.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont St., San Francisco, Calif. 94105, 415-556-0217.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to promulgate regulations for the control of sulfur oxide emissions as seven existing copper smelters in the Phoenix-Tucson Intra-state Air Quality Control Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Air Quality Control Region. The operator and location of each affected copper smelter are as follows:

a. *Phoenix-Tucson Intrastate Air Quality Control Region.* ASARCO Incorporated, Hayden, Gila County; Magma Copper Company, San Manuel Division, Pinal County; Kennecott Copper Corporation, Ray Mines Division, Gila County; Inspiration Consolidated Copper Company, Gila County; Phelps Dodge Corporation, New Cornelia Branch, Pima County.

b. *Arizona-New Mexico Southern Border Interstate Air Quality Control Region.* Phelps Dodge Corporation, Douglas Reduction Works, Cochise County; Phelps Dodge Corporation, Morenci Branch, Greenlee County.

The discussion which follows contains the background for this action, a summary of the relevant public comments received on the proposed rulemaking, the Administrator's responses to those comments, and a description of the regulations.

BACKGROUND

On May 31, 1972 (37 FR 10849) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator disapproved the State of Arizona implementation plan for attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for sulfur oxides in the Phoenix-Tucson Intrastate Air Quality Control Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Air Quality Control Region. The Administrator's disapproval was based on the fact that the plan did not provide for the attainment and maintenance of NAAQS for sulfur oxides in these Regions. On May 30, 1972 the Governor of Arizona submitted a revision to the state implementation plan incorporating regulations for the control of sulfur oxides from existing copper smelters, and on July 27, 1972 (37 FR 15081) the Administrator published his decision to disapprove these regulations. This decision was based on several factors. One major factor was that the regulations were not specific in a number of areas, which made it impossible to judge whether or not the regulations would have assured attainment and maintenance of the NAAQS. In addition, the regulations did not require constant control of emissions from copper smelters to achieve the NAAQS for sulfur oxides. Instead of constant emission controls, the Arizona regulations required the use of supplementary control systems (SCS) on a permanent basis to achieve the NAAQS.

On July 27, 1972 (37 FR 15096) the Administrator proposed regulations for the control of sulfur oxides emitted by all existing smelters in Arizona. The amount of control required for the attainment and maintenance of the NAAQS was based on the available air quality data from the State of Arizona and diffusion model estimates. Because public comments and analysis indicated that the air quality data were questionable, the regulations proposed on July 27, 1972 were not finalized. Instead, EPA established a monitoring network and collected air quality data at 23 sites in

the vicinity of the seven copper smelters located in Arizona. Data were collected from these sites during the period between July 1973 and November 1974.

Using these air quality data, new regulations were proposed by the Administrator on October 22, 1975 (40 FR 49362). The proposed regulations required the constant control of emissions from each smelter such that both the primary and secondary standards would be met. Paragraph 52.125(d) of the proposed regulations pertained to the control of fugitive emissions. Paragraph 52.125(e) established an ultimate emission limitation that was sufficient to attain and maintain NAAQS for each smelter. Paragraph 52.125(f) provided an interim alternative for certain smelters to the emission limit established in paragraph (e) if it were determined that those smelters would not be able to meet their ultimate emission limits through required acid plant technology alone. Specific provisions for use of SCS were included in this paragraph. Paragraph 52.125(g) established reporting requirements when any of the applicable emission limitations in paragraphs (e) and (f) were not met.

In December 1975, a public hearing was held on the proposed regulations in Douglas, San Manuel, Winkelman, Miami, Morenci, and Ajo, Arizona. Each location of the hearing was attended by EPA officials, smelter operators, state officials, and the public. Testimony was received during the hearing, and written comments were submitted to EPA by various individuals and organizations following the hearing. All comments and testimony presented to EPA on the proposed rulemaking were considered in the process of promulgating these regulations.

During 1976, the State of Arizona solicited comments from EPA on tentative state implementation plan (SIP) revisions for sulfur dioxide control at existing smelter locations. EPA responded to the State with detailed and general comments on the tentative SIP revisions. In January 1977, EPA received from the State of Arizona proposed sulfur oxide regulations for existing nonferrous smelters. The Agency is currently reviewing that submission, and if those regulations prove equivalent to those promulgated today, the Administrator will approve such regulations and rescind the Federal regulations promulgated herein.

In August 1977, the Clean Air Act Amendments became law. New section 302(k) of the Clean Air Act defines the "emission limitations" required by section 110 of the Act as specifically requiring the use of constant controls. Under new section 123 of the Act, no source may initiate the use of any dispersion technique to decrease the amount of constant control otherwise required of it in the SIP; under section 110, that amount of control is the amount needed to attain and maintain the NAAQS. These provisions, therefore, explicitly demand

that SIPs require all sources to attain and maintain the standards through constant controls alone, without reliance upon dispersion techniques.

The 1977 Amendments also adopt the substance of EPA's proposed interim control policy for Arizona copper smelters, but provide that the interim smelter policy is now to be implemented through a new enforcement mechanism rather than in SIPs. This mechanism, embodied in new section 119 of the Clean Air Act, provides that while smelters remain subject to the full constant control requirements of SIPs, compliance with those requirements may be temporarily deferred through the issuance of a primary nonferrous smelter order (NSO). An NSO operates in essence as an interim stay of enforcement of the SIP emission limitation. The NSO is only available to an existing smelter if it can establish that it cannot meet its SIP emission limit through the use of reasonably available control technology (RACT).

PUBLIC COMMENTS

The EPA hearing elicited substantial comment regarding the proposed regulations. The following section is a summary of the testimony and exhibits taken during the public hearing and the written submittals received during the comment period which pertain to this promulgation. It should be noted that other comments were received which addressed portions of the proposed regulations not being finalized in this rulemaking because of the intervening effect of the 1977 Clean Air Act Amendments.

General Public Comments. The vast majority of comments addressed the issue of economics with respect to the copper smelters and surrounding communities. Many commentators felt the proposed regulations were not economically feasible and would cause some Arizona copper smelters to close operations. They expressed concern for their jobs and felt the loss in revenues resulting from closure of the local smelter would severely affect the local community and schools.

Other general comments expressed concern that health effects data did not support a need for sulfur dioxide (SO₂) control; evidence was given by referring to the long lives of certain people in the local area. Some commentators felt local citizens should determine the emission regulations while others felt State regulations and standards were adequate. Nevertheless, some public testimony and a significant portion of the written comments supported the EPA proposed rulemaking. These people expressed their desire for clean air and supported SO₂ control based upon its visual and health effects. Some commentators felt the state should not be trusted to protect public health and welfare while others urged EPA to adopt stricter regulations than those proposed.

Comments from the State. The State of Arizona supported a general concept of positive emission control. They recommended treatment of converter gases

by sulfuric acid plants. They also recommended specific emission limitations for each smelter and enforcement of these emission limits by total sulfur accountability.

SIP Emission Limits. A number of commentators criticized various aspects of the proposed SIP emission limits. Some felt that the moving six-hour averaging period for determining compliance with the emission limit was too short. Suggestions for longer periods included recommendations for daily and monthly averaging periods. It was also suggested that the ambient air quality readings used to derive the SIP emission limits be the second highest recorded values rather than the highest recorded values. Certain persons also felt that EPA should have employed dispersion or diffusion modeling in calculating these limits. A number of smelter operators contended that EPA should have used air quality data obtained after its monitoring network was discontinued in order to take account of possible differences in pollutant levels resulting from alterations in configuration at various smelters. The Magma Copper Company believed that EPA should not use ambient data from the Slag Pond monitor site, because the public did not have access to that site. Various smelter operators thought that EPA should have taken account of the possible effects of low level (fugitive) emissions on measured ambient concentrations in setting the limits, although none suggested a methodology for doing so. Finally, Phelps Dodge Corporation testified that its Ajo smelter could not meet the SIP emission limit with the constant controls presently operating at that facility.

Monitoring Requirements. Technical comments recommended the use of total sulfur accountability rather than in-stack monitoring for determining compliance with emission limits. It was felt that continuous stack monitoring was impractical, unreliable, and costly. In addition, if monitoring requirements do not conform to existing conditions, one commentator contended that an unnecessary and expensive relocation of sampling ports will be required.

Legal Considerations. Commentators argued that the opportunity for cross-examination should have been granted at the public hearing.

RESPONSE TO COMMENTS

The following is the Administrator's general response to the major oral and written comments made by the public. A more detailed response to many of the comments, as well as responses to certain less significant comments, is provided by the explanations and justifications found in the Technical Support Document accompanying this promulgation. That document is available from the address listed above and is incorporated into this notice by reference.

SIP Emission Limits. This limitation is designed to assure that NAAQS will be attained and maintained by constant emission controls without the use of dis-

person techniques. This limit is based on the direct relationship between SO₂ emissions from each smelter and the attainment of NAAQS for SO₂ in the area affected by those emissions.

Since the secondary air quality standard for SO₂ is based on a three-hour average, a short time averaging period for the SIP emission limit is required to protect this short term air quality standard. Thus a long averaging period (such as those suggested by some commentators) for the SIP emission limit would provide no assurance that short term NAAQS would be protected. For example, if a daily averaging period were used, stack emissions could be large during part of the day, violating the secondary (three-hour) NAAQS, while production could be decreased for the remainder of the day such that the emission limit would be met on an average basis. For this reason, the moving six-hour averaging period cannot be relaxed without defeating the basic purpose of the secondary NAAQS. In the Administrator's judgment, a moving six-hour averaging period is sufficiently stringent to protect the SO₂ air quality standards and is the shortest period which can be reasonably used for copper smelters to determine compliance with the SIP emission limit.

The SIP emission limits in the proposed rulemaking were based on a proportional relationship between air quality levels and emission rates. It was suggested at the public hearing, however, that dispersion modeling should be used in this calculation. EPA subsequently tried many different modeling approaches, but found that the model results were inadequate for the prediction of absolute short-term concentrations because of the complex terrain surrounding most of the Arizona smelters and the lack of precise meteorological and emission data. Thus, the Administrator has used measured air quality data to develop the SIP emission limits for these regulations.

In areas where sufficient air quality data exist to insure that the monitors have measured the highest ambient concentration, the second highest ambient concentration is usually appropriate to establish the SIP emission limitations. However, the monitoring data for the Arizona smelters were not sufficient to insure that the highest ambient concentration was measured by the monitors. This was illustrated through the use of dispersion modeling on a comparative basis to compare measured air quality data with predicted data. This comparison demonstrated that the existing air quality monitors were likely not located at points of maximum concentration and therefore did not measure the highest concentration of SO₂ in the vicinity of each smelter. Therefore, the highest measured concentrations in each smelter area were selected for developing these SIP emission limits.

Magma Copper Company indicated in its comments on the proposed regulations that the use of the Slag Dump monitoring data was inappropriate

since the monitor was in an area inaccessible to the general public. EPA has confirmed that this monitor is located on property within Magma's general process area and is inaccessible to the general public. Therefore, EPA has used data from another monitor to determine the SIP emission limit for the Magma smelter. This limit is therefore less stringent than the one originally proposed.

Some commentators also questioned EPA's decision not to use ambient data from periods subsequent to that gathered by EPA's monitoring network. The later data are less reliable, EPA believes, because of the many changes being made by many smelters during the later periods. Ambient data collected during the construction and testing phases of smelter modifications occurring during the later periods were unsuitable due to the lack of concurrent continuous emission data and the possibility that abnormal operating conditions existed at some of the smelters during this time. In addition, since 1974 many of the ambient monitoring stations have been repaired, replaced, or removed; the quality of the source-receptor relationships was therefore considered less adequate than during the 1973-74 period. Moreover, the use of the 1973-74 data is not likely to produce significantly different limitations than would later data, because the correspondingly smaller percentage reductions needed to meet the SIP limit would be applied to the decreased stack emissions which resulted from improved controls.

It was also argued by some commentators that EPA should have accounted in its calculation of the SIP emission limits for the possible effects of low level fugitive emissions on measured ambient concentrations. EPA recognizes that such emissions can have some effect on measured air quality values, although the effect will not generally be comparable to that of stack emissions (i.e., on monitors, such as these, sited to measure maximum impact of stack emissions). There is at the present time, however, inadequate technical understanding of the precise relationship of such emissions to measured readings to allow any meaningful quantitative evaluation of their impact. These emissions have variable emission points, both at each smelter and from one smelter to another. Moreover, there is presently no way to measure precisely the emissions themselves, since their release points are not well-defined. In sum, there is currently no accurate way to either model or measure the impact of these emissions on measured air quality values; no method for doing so was suggested by any commentator.

Legal Considerations. The question of whether EPA should have held an adjudicatory hearing during the public hearing for proposed rulemaking was raised by several commentators. This question has been litigated and resolved by several court cases. Most relevant to this rulemaking, the case of

Anaconda v. Ruckelshaus, 482 F.2d 1301, 1306 (10th Cir., 1973), held that neither the Clean Air Act nor the Administrative Procedure Act compelled EPA to permit cross-examination before promulgating a SIP for Montana, even though the plan contained SO₂ emission standards applicable only to the Anaconda smelter. Furthermore, the legislative history of the 1977 Clean Air Act Amendments confirms the intention of Congress that adjudicatory hearings are not required in rulemaking actions of this kind. In this context, it is the Administrator's judgment that an adjudicatory hearing for this action is unnecessary. (See also, *Buckeye Power, Inc., et al. v. EPA*, 481 F.2d 162, 172 (6th Cir., 1973); *United States v. Florida East Coast R. Co.*, 410 U.S. 224, 240 (1973).)

Monitoring Requirements. Technical comments on the proposed rulemaking indicated that continuous stack monitors were unavailable and inaccurate for measuring SO₂. Subsequently, EPA requested information from various manufacturers of continuous monitors on the availability, accuracy, and reliability of this equipment. Many responses have been received indicating that these monitors are currently available. Recognizing certain problems of moisture and grain loading with this type of sampling, the manufacturers stated they would build and install such monitors under a turnkey contract and that they would guarantee the operation, reliability, and accuracy of this equipment including specifications such as equipment calibration and range sensitivity. Therefore, in order to enforce and determine compliance with these regulations, the Administrator is requiring the installation and use of continuous stack monitors for SO₂ measurement. In addition, the smelter will be subject to the source test procedure specified in Method 8 (40 CFR Part 60) for determining compliance with the emission limitations when required by the Administrator.

Phelps Dodge asserted that the proposed requirement that continuous monitors be located at least eight stack diameters downstream from any flow disturbance would require the expenditure of \$550,000 for the relocation of sampling ports. The Administrator has reviewed this requirement and has determined that it is not essential for reliable monitoring. Therefore, the regulation now permits location of sampling ports at other points, if the new location is approved by the Administrator. Approval would be expected for the Morenci and Ajo smelters once EPA can confirm the adequacy of the existing sampling ports at those smelters.

REGULATIONS

Description of Regulations. The final regulations are provided in § 52.125(d) with reference to two appendices of 40 CFR Part 52 (Appendices D and E). Paragraph 52.125(d) sets a specific emission limitation for each smelter to be achieved by constant control technology sufficient to meet all NAAQS for SO₂.

In addition, continuous monitoring of the stack effluents and acid plant bypass ducts is required. Appendix D of Part 52 specifies procedures for the determination of SO₂ concentrations, and Appendix E of Part 52 contains procedures for the determination of volumetric flow rates. These appendices were promulgated in the February 6, 1975 FEDERAL REGISTER (40 FR 5517).

This final rulemaking represents the culmination of the process of establishing an initial Arizona state implementation plan for sulfur dioxide for the two air quality control regions (AQCR) involved, a process begun and carried out under the authority and requirements of sections 110 (a) and (c) of the Clean Air Act. Consistent with those requirements, these regulations establish an attainment date for sulfur dioxide for the two affected AQCRs (three years from date of publication). The Administrator has determined that this attainment date requires attainment of the primary standards as expeditiously as practicable and attainment of the secondary standards in a reasonable time.

The regulations promulgated today also include a requirement for each smelter to submit to the Administrator for approval a proposed schedule for compliance with its SIP emission limitation. General increments of progress and dates for achievement are also specified. A provision is included in the regulations for a smelter to submit for approval a compliance schedule with alternative dates for achievement of each increment of progress.

All technical numbers in the regulations are given in standard IS (International System) units with English equivalents given in parentheses. These numbers in parentheses are specified for reference only and will not be used for compliance purposes.

Calculations of the SIP emission limits are detailed in: "Technical Support Document: Regulations for Control of Sulfur Dioxide Emissions from Arizona Copper Smelters." This document is available for review at:

U.S. Environmental Protection Agency,
Region IX, 215 Fremont St., San Francisco, Calif. 94105.
Arizona Department of Health Services, 1740
West Adams St., Phoenix, Ariz. 85007.

Compliance with Emission Limitations. As previously discussed, new section 119 of the Clean Air Act now provides that while smelters are subject to the constant control requirements of SIPs, compliance with SIP emission limitations may be temporarily deferred in certain cases through the issuance of a nonferrous smelter order (NSO). A NSO is only available to an existing smelter if it can establish to the satisfaction of the Administrator that it cannot meet its SIP emission limit through the use of reasonably available control technology (RACT). While EPA does not now have the information which would allow a determination of the extent to

which the equipment now in use at any affected smelter represents RACT for that smelter, the information now available to the Agency indicates that none of the seven smelters can meet its SIP emission limitation, at its maximum production capacity, through the use of the equipment now on-line.

One option available to any source for meeting its SIP emission limit is permanent production curtailment, although that is not required by EPA in any instance.

The smelter owned by Inspiration Consolidated Copper Company is the most likely of all the Arizona smelters to meet its SIP emission limit through permanent production curtailment. However, based on the maximum production capacity of the smelter as reported to EPA by Inspiration, this smelter, like the other Arizona smelters, cannot now meet its SIP emission limit at that capacity. Nevertheless, EPA recognizes that Inspiration could choose to slightly reduce the maximum level at which the smelter is operated and thereby meet its SIP emission limit. Therefore Inspiration, as well as the other Arizona copper smelters, has the option of meeting the SIP emission limit promulgated in these regulations or of seeking an NSO.

Fugitive Emission Control and Excess Emission Reporting Requirements. The regulations proposed in October 1975 contained provisions requiring the application of specific control measures to alleviate the problem of fugitive (low level) emissions at the Arizona smelters. The 1975 proposal also would have required the reporting of excess emissions from each smelter along with certain related information. Both sets of requirements were premised on what EPA believed would be the compliance configuration of each smelter. The requirements thus would have corresponded to the configurations and control technology to be used in complying with the proposed regulations.

Fugitive emission controls are necessary at the Arizona smelters because the low level release points of these emissions can result in sulfur dioxide concentrations in the immediate vicinity of the smelters in violation of the NAAQS for SO₂. Furthermore, excess emission reporting provisions are designed to encourage good operating and maintenance practices at the smelters without penalizing any smelter for excess emissions resulting solely from unavoidable equipment malfunctions and without undermining the enforceability of the emission limitations. Because both sets of requirements presume a knowledge of the smelter configurations to which they will apply and because EPA does not now have that knowledge for final SIP compliance purposes, neither is being finalized in this rulemaking. They will, however, be promulgated for any smelter if necessary when the compliance configuration of that smelter can be determined. That would be expected to occur if any smelter

elects to comply with the SIP emission limitation rather than seeking a NSO, or upon the denial, expiration, or termination of a NSO. In the interim, appropriate corresponding requirements will be embodied in the NSOs themselves where necessary.

NSO Application. EPA expects that each Arizona smelter will apply to the Agency for an NSO under section 119 of the Clean Air Act. Application may be made after the effective date of this regulation. Guidance covering the application for an NSO will be available from the EPA Region IX office whose address appears above.

The regulations promulgated herein are effective February 3, 1978.

This Notice of Final Rulemaking is issued under the authority of sections 110, 114, and 301 of the Clean Air Act as amended (42 U.S.C. 7410, 7414, and 7601).

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation or Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 or under section 317 of the Clean Air Act.

Dated: December 28, 1977.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart D—Arizona

1. In § 52.125, paragraph (d) is added to read as follows:

§ 52.125 Control strategy and regulations: sulfur oxides.

(d) *Regulation for control of sulfur dioxide emissions (Phoenix-Tucson Intrastate and Arizona-New Mexico Southern Border Interstate Regions).* (1) (i) The owner or operator of any copper smelter located in the Phoenix-Tucson Intrastate Region and identified in this subparagraph shall comply with all the requirements of this paragraph.

(ii) After (three years from date of publication), the owner or operator of any smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of the following:

(a) In Pinal County: Magma Copper Company, San Manuel Division—9,000 kilograms per hour (19,850 lb/hr) maximum 6-hour average.

(b) In Gila County: ASARCO Incorporated, Hayden—2,140 kilograms per hour (4,710 lb/hr) maximum 6-hour average.

(c) In Gila County: Kennecott Copper Corporation, Ray Mines Division—1,750 kilograms per hour (3,850 lb/hr) maximum 6-hour average.

(d) In Gila County: Inspiration Consolidated Copper Company—1,450 kilograms per hour (3,180 lb/hr) maximum 6-hour average.

(e) In Pima County: Phelps Dodge Corporation, New Cornelia Branch—2,870 kilograms per hour (6,310 lb/hr) maximum 6-hour average.

(2) (i) The owner or operator of any copper smelter located in the Arizona-New Mexico Southern Border Interstate Region and identified in this subparagraph shall comply with all the requirements of this paragraph.

(ii) After (three years from date of publication), the owner or operator of any smelter subject to this subparagraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of the following:

(a) In Cochise County: Phelps Dodge Corporation, Douglas Reduction Works—5,870 kilograms per hour (12,940 lb/hr) maximum 6-hour average.

(b) In Greenlee County: Phelps Dodge Corporation, Morenci Branch—6,640 kilograms per hour (14,630 lb/hr) maximum 6-hour average.

(3) The limitations specified in paragraphs (d) (1) (ii) and (d) (2) (ii) of this section shall be determined by the methods of measurement and calculation specified in paragraphs (d) (5) and (d) (6) of this section respectively. The specified limitations shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxide control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(4) (i) The owner or operator of any smelter to which this paragraph is applicable shall no later than thirty (30) days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with paragraph (d) (1) or (d) (2) of this section as expeditiously as practicable, but not later than the date specified in paragraph (d) (1) (ii) or (d) (2) (ii) of this section.

(ii) The compliance schedule submitted to the Administrator pursuant to paragraph (d) (4) (i) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress and dates for achievement shall include, but not be limited to, the following:

(a) No later than two (2) months following the effective date of this paragraph—Submit a final control plan to the Administrator for meeting the requirements of paragraph (d) (1) or (d) (2) of this section;

(b) No later than four (4) months following the effective date of this paragraph—Let necessary contracts or issue purchase orders for process and/or control equipment to be used to accomplish the required emission control;

(c) No later than six (6) months following the effective date of this paragraph—Initiate on-site construction or installation of emission control equipment and/or process modification;

(d) No later than thirty-three (33) months following the effective date of this paragraph—Complete on-site construction or installation of emission control equipment and/or process modification;

(e) No later than (three years from date of publication)—Achieve full compliance with the requirements of paragraph (d) (1) or (d) (2) of this section.

(iii) The owner or operator of any smelter subject to the requirements of this paragraph shall certify to the Administrator within five (5) days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iv) Notice must be given to the Administrator at least thirty (30) days prior to conducting a performance test to afford him the opportunity to have an observer present.

(v) If any smelter subject to this paragraph is currently in compliance with the requirements of paragraph (d) (1) or (d) (2) of this section, the owner or operator of such smelter shall certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(vi) Within thirty (30) days of the effective date of this paragraph, the owner or operator of any smelter subject to this paragraph may submit to the Administrator for approval a proposed alternative compliance schedule. Each such proposed compliance schedule shall demonstrate compliance with paragraph (d) (1) or (d) (2) of this section as expeditiously as practicable. No such compliance schedule may provide for final compliance after January 4, 1981. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in paragraph (d) (4) (ii) of this section.

(vii) Any compliance schedule submitted to the Administrator pursuant to paragraph (d) (4) (vi) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the increments specified in paragraph (d) (4) (ii) of this section.

(5) (i) The owner or operator of any smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which could emit 5 percent or more of the total potential (without emission controls) hourly sulfur oxide emissions from the source and in the outlet of each sulfur dioxide control facility. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each

affected stack in each 15-minute period.

(ii) Within nine (9) months after the effective date of this paragraph, and at such other times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) Within nine (9) months after the effective date of this paragraph, and at such other times in the future as the Administrator may specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least thirty (30) days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v) (a) The sampling point shall be located at least eight stack diameters (diameter measured at sampling point) downstream and two diameters upstream from any flow disturbance such as a bend, expansion, constriction, or flame, unless another location is approved by the Administrator.

(b) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.645 m² (50 ft²) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.645 m² (50 ft²) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this paragraph shall be subject to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) The owner or operator of any smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as kilograms of sulfur dioxide emitted per 6-hour period. A 6-hour average value calculated pursuant to paragraph (d) (6) (i) of this section shall be reported as of each hour for the preceding 6-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(viii) The continuous monitoring and recordkeeping requirements of this paragraph shall become applicable nine (9) months after the effective date of this paragraph.

(6) (i) Compliance with the requirements of paragraphs (d) (1) and (d) (2) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained, and operated in accordance with the requirements of paragraph (d) (5) of this section. For all stacks equipped with the measurement system(s) required by paragraph (d) (5) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into twenty-four 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average from all 24 emission rate measurements in each 6-hour period for each stack. Measurements will be reported in kg SO₂/hr.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of paragraph (d) (6) (i) of this section, compliance with the requirements of paragraphs (d) (1) and (d) (2) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by paragraph (d) (5) of this section, a 6-hour average sulfur dioxide emission rate (kg SO₂/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the overall test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 1.133 m³ (40 ft³) corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each 2-hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (m³/hr at standard conditions, dry basis) by the sulfur dioxide concentration (kg/m³ at standard conditions, dry basis). The emission rate in kg/hr maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests conducted within a 6-hour period.

(h) The average emission rate from the three independent sets of measurements in kg/hr maximum 6-hour average for each stack is determined by calculating the arithmetic average of the 6-hour values calculated pursuant to paragraphs (d) (6) (ii) (g) of this section.

(i) The sum total of sulfur dioxide emissions from the smelter premises in kg/hr is determined by adding together the emission rates (kg/hr) from all stacks equipped with the measurement system(s) required by paragraph (d) (5) of this section.

2. In § 52.125, a citation of authority is added after paragraph (d) to read as follows:

§ 52.125 Control strategy and regulations: sulfur oxides.

(This section is also issued under the authority of section 114 of the Clean Air Act, as amended, 42 U.S.C. § 7414.)

3. In § 52.131, the table and footnotes are amended as follows:

§ 52.131 [Amended]

(A) In the attainment date columns for sulfur oxides in the Arizona-New Mexico Southern Border Interstate Region, the footnote entries in the "Primary" and "Secondary" columns, respectively, are amended to read as follows:

<i>Sulfur oxides</i>	
<i>Primary</i>	<i>Secondary</i>
b	b

(B) In the attainment date columns for sulfur oxides in the Phoenix-Tucson Infrastate Region, the footnote entries in the "Primary" and "Secondary" columns, respectively, are amended to read as follows:

<i>Sulfur oxides</i>	
<i>Primary</i>	<i>Secondary</i>
b	b

(C) Footnote "b" is amended to read as follows:

b. January 4, 1981.

(D) Footnote "f" is amended to read as follows:

f. [Reserved]

[FR Doc.78-77 Filed 1-3-78;8:45 am]

[4310-10]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.5—GSA Procurement Programs

CONTROLLING THE PURCHASE OF MOTOR VEHICLES

AGENCY: Office of the Secretary, Interior.

ACTION: Final regulations.

SUMMARY: This document revises and reissues the procedures for controlling the purchase of motor vehicles to ensure that maximum fuel efficiency is achieved.

DATE: This revision is effective immediately.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone 202-343-3185.

SUPPLEMENTARY INFORMATION: Because this amendment relates only to internal Departmental procedures, the proposed rulemaking procedures are inapplicable. The primary author of this document is Charles H. Young, Property Management Officer, Office of Administrative and Management Policy, telephone number 202-343-3185.

NOTE.—The Department of the Interior has determined that this document does not con-

tain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

RICHARD R. HIRE,
Deputy Assistant
Secretary of the Interior.

DECEMBER 27, 1977.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and 40 U.S.C. 486(c), 41 CFR Part 114-26 is amended by revising Subpart 114-26.5 as set forth below.

Subpart 114-26.5—GSA Procurement Programs Sec.

- 114-26.501 Purchase of new motor vehicles.
- 114-26.501-1 General.
- 114-26.501-2 Consolidated purchase program.
- 114-26.501-6 Forms used in connection with delivery of vehicles.
- 114-26.501-50 Definitions.
- 114-26.501-51 Limitation on the acquisition of passenger-carrying motor vehicles.
- 114-26.501-52 Limitations on the acquisition of passenger automobiles.
- 114-26.501-53 Limitations on the acquisition of other motor vehicles.

Subpart 114-26.5—GSA Procurement Programs

§ 114-26.501 Purchase of new motor vehicles.

Any motor vehicle acquired shall be the minimum capacity/performance and most fuel efficient vehicle which will satisfy the requirements in consideration of overall safety, economy, and efficiency. To ensure compliance with this energy conservation policy, the acquisition of all motor vehicles shall be coordinated by the Director, Office of Administrative and Management Policy.

§ 114-26.501-1 General.

Requisitions for purchase of all new motor vehicles shall be submitted through the appropriate Assistant Secretary to the Director, Office of Administrative and Management Policy, in accordance with the instructions issued by that office.

§ 114-26.501-2 Consolidated purchase program.

All motor vehicle requirements shall be consolidated to the maximum extent possible consistent with FPMR 101-26.5.

§ 114-26.501-6 Forms used in connection with delivery of vehicles.

(a) Using the prescribed form, bureaus and offices shall report to GSA all motor vehicle deficiencies and repetitive failures.

(b) Separate action is required to obtain corrective action on any vehicle warranty. Deficiencies noted during the warranty period must be reported to the nearest authorized representative of the manufacturer. If not satisfactorily corrected, the deficiency must then be reported to the zone manager of the manufacturer. Any deficiency covered by a warranty should never be corrected at

Government expense unless there is a dire need for the vehicle.

§ 114-26.501-50 Definitions.

As used in this regulation:

(a) "Acquired" means either purchased or leased for a period of 60 or more consecutive days, but does not include motor vehicles obtained from the GSA Interagency Motor Pool System.

(b) "Passenger-carrying vehicles" means sedans, station wagons, ambulances and buses.

(c) "Passenger automobile" means a sedan or station wagon.

(d) "Law enforcement passenger automobile" means a passenger automobile designed to be used in law enforcement work, i.e., equipped with the law enforcement component package and at least the next higher cubic inch displacement engine than is standard for the automobile concerned.

(e) "Gross Vehicle Weight" means the manufacturer's gross weight rating for the individual vehicle.

(f) "Heavy-duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

(g) "Light-duty truck" means any motor vehicle rated at 6,000 pounds GVW or less, which is designed primarily for purposes of transportation of property or is a derivative of such vehicle, or is available with special features enabling off-street or off-highway operation and use.

(h) "Pickup" means a truck which has a passenger compartment and an open cargo bed.

(i) "Standard pickup" means a pickup having a GVWR of 4,500 to 6,000 pounds.

(j) "Small pickup" or "compact pickup" means a pickup having a GVWR under 4,500 pounds.

(k) "Fuel economy standard" means the fuel economy standard established by the National Highway Traffic Safety Administration for a specific class of vehicle in a particular model year.

(l) "Fleet average fuel economy" means the average miles per gallon for the total number of a particular class of motor vehicle acquired during the fiscal year.

§ 114-26.501-51 Limitation on the acquisition of passenger-carrying motor vehicles.

(a) Passenger-carrying motor vehicles may be purchased or hired only if specifically authorized by the appropriation concerned or other law (31 U.S.C. 631a(a)), and then the quantity is limited to the number specified in the appropriation act. This limitation applies to both additions and replacements, and all of the following acquisition actions are chargeable to the number of passenger-carrying vehicles that have been authorized:

(1) Purchase.

(2) Hire or lease for a period of 60 or more consecutive days.

(3) Acquisition from excess sources with reimbursement.

(4) Acquisition from excess sources without reimbursement, unless an equal number of passenger-carrying vehicles is reported to GSA as excess within 30 days after receipt of the newly acquired excess vehicles.

(5) Acquisition from excess sources on a loan basis for more than 60 days.

(b) Each bureau/office shall establish and maintain controls at the headquarters office level as necessary to ensure that Congressional authorizations are not exceeded.

§ 114-26.501-52 Limitations on the acquisition of passenger automobiles.

(a) The acquisition of limousines is prohibited.

(b) No passenger automobile (sedan or station wagon) larger than a compact (class II) may be acquired unless it is certified that the larger vehicle is essential to the mission and the justification for the proposed acquisition is approved by the Director, Office of Administrative and Management Policy.

(c) No passenger automobile (sedan or station wagon) may be acquired unless it meets or exceeds the average fuel economy standard established for that model year unless:

(1) It is certified that the less fuel efficient vehicle is essential to the mission;

(2) The justification for the proposed acquisition is approved by the Director, Office of Administrative and Management Policy, with such approval contingent upon the concurrence of the Administrator of General Services and the Secretary of Energy; and

(3) Any such automobile is included in the calculation of the bureau/office fleet average fuel economy which must meet or exceed the fleet average fuel economy objective established for that fiscal year.

§ 114-26.501-53 Limitations on the acquisition of other motor vehicles.

The acquisition of all motor vehicles is subject to any limitation that may be established by the Director, Office of Administrative and Management Policy.

[FR Doc.78-43 Filed 1-3-78;8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 5 to Service Order No. 1231]

PART 1033—CAR SERVICE

Consolidated Rail Corporation Authorized to Operate Over Tracks of Louisville and Nashville Railroad Company

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of December, 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 5 to Service Order No. 1231).

SUMMARY: Amendment No. 5 to Service Order No. 1231 extends Service Order No. 1231 until June 30, 1978. Service Order No. 1231 authorizes the Consolidated Rail Corporation to operate over tracks abandoned by the Louisville and Nashville Railroad at Brazil, Indiana, for the purpose of providing rail service to shippers served by those tracks. The involved tracks are to be sold to Consolidated Rail Corporation.

DATES: Effective 11:59 p.m., December 31, 1977. Expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION AND COPIES OF THIS ORDER, CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7940, Telex 89-2742.

Upon further consideration of Service Order No. 1231, (41 FR 8480, 15414, 27729 and 42 FR 3310, 34520), and good cause appearing therefor:

It is ordered, That Service Order No. 1231 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1231 Service Order 1231. Consolidated Rail Corporation authorized to operate over tracks of Louisville and Nashville Railroad Company.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., December 31, 1977.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Robert S. Turkington not participating.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.78-76 Filed 1-3-78;8:45 am]

[7035-01]

[Ex Parte No. MC-10 (Sub-No. 31)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods (Insurance for Third-Proviso Shipments)

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: This rule modifies the Commission's household goods transportation regulations by removing a prohibition in order to permit motor common carriers of household goods to sell insurance to shippers of certain goods which because of their unusual nature or value require specialized handling ("third proviso"). The prohibition formerly served to protect shippers from abusive practices engaged in by carriers selling insurance. The availability of insurance through a motor carrier will benefit the shipper by permitting that shipper to make complete transportation arrangements through a single entity (the carrier), rather than requiring that shipper to procure trip-transit or cargo insurance through an insurance company on a one-time basis.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission has, in this proceeding, adopted new rules to govern the sale of insurance covering loss or damage to shipments of certain household goods shippers. Under the modified rules (49 CFR 1056.15), motor common carriers of household goods may now sell insurance to shippers of the so-called "third-proviso" household goods. Third-proviso household goods are defined in 49 CFR 1056.1(a)(3) as "articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods."

The Commission had previously prohibited the sale of insurance by motor common carriers to shippers of household goods. The reasons for that prohibition were that individual c.o.d. shippers could not understand the terms of the policies being offered to them and could not protect themselves against certain abusive practices in which carriers engaged in the process of selling insurance.

However, the Commission recognizes that the considerations which led it to prohibit the sale of insurance to c.o.d.

shippers do not necessarily apply to the shippers of third-proviso household goods. These shippers are generally corporate shippers who maintain well-staffed traffic departments and are well able to comprehend the terms of any insurance policies offered and to protect themselves against any unscrupulous practices.

A question was raised whether permitting the sale of insurance to household goods shippers would defeat the purposes of the outstanding released rates orders. However, the Commission found that the types of insurance policies generally offered by or through motor common carriers of household goods may provide coverage for risks which carriers may properly exclude from their liability. In addition, the Commission noted that third-proviso shippers are generally aware of the provisions of the outstanding released rates orders and are, therefore, capable of selecting and should be given the option to choose coverage under the applicable released rates orders (which provide extensive protection in terms of monetary compensation but do not cover all risks) or an insurance policy offered through the carrier. The availability of insurance through a motor carrier will benefit the shipper by permitting that shipper to make complete transportation arrangements through a single entity (the carrier), rather than requiring that shipper to procure trip-transit or cargo insurance through an insurance company on a one-time basis.

Additional regulations were adopted to ensure that carriers do not receive compensation for acting as agent for an insurance company in insuring shipments of third-proviso household goods. The Commission believes that this provision will prevent carriers from using the sale of insurance as a means to provide illegal rebates to shippers. In addition, provisions were added to the regulations to require carriers to deliver policies or certificates of insurance to shippers, to describe in each policy or certificate the amount of insurance and the risks insured against or risks excluded from coverage under that policy, and to prohibit carriers from advertising the sale of "all risks" insurance when the insurance actually sold does not cover all risks.

These rules are issued under the authority of 49 U.S.C. 304, 308, 316, 317, and 319, and 5 U.S.C. 553 and 559.

Issued in Washington, D.C., November 30, 1977.

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

This action modifies the provision of 49 CFR 1056.15 by deleting present § 1056.15 and adding a new § 1056.15 which reads as follows:

§ 1056.15 Selling of insurance to shippers.

(a) No such common carrier or any employee, agent, or representative there-

of, shall sell, or offer to sell or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods as defined in 49 CFR 1056.1(a) (1) or (2) to be transported in interstate or foreign commerce by such carrier. Nothing in this section shall preclude any carrier from procuring in its own name insurance covering its liability for such loss or damage.

(b) No such common carrier or any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods as defined in 49 CFR 1056.1(a) (3) to be transported by such carrier in interstate or foreign commerce if such carrier, or its employee, agent, or representative receives compensation from that insurance company.

(c) Each common carrier which sells, offers, or procures insurance to or for a shipper of household goods as defined in 49 CFR 1056.1(a) (3) shall deliver to the shipper a policy or certificate of insurance which shall show clearly the name and address of the insurance company, the amount of insurance, the premium for that insurance, and the risks insured against, or the risks excluded, whichever is more appropriate.

(d) No common carrier or any employee, agent, or representative of that common carrier shall advertise or represent to the public that insurance is provided against all risks, unless that insurance in fact affords protection to the shipper from every peril to which the shipment may be exposed. When all except certain risks are insured against, this fact shall be indicated in any advertisement of and in any representations to shippers regarding the insurance, and such advertising and representations shall not be such as to deceive or mislead the public or any shipper regarding the scope of the exceptions. Policies providing coverage against specific perils only shall be advertised, represented, and designated as "limited-risk policies," or by some other appropriate designation which will indicate to the shipper that not all risks are covered by that insurance policy.

[FR Doc. 78-45 Filed 1-3-78; 8:45 am]

[1410-03]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

[Docket Rm 77-11]

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT DEPOSIT REQUIREMENTS

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting new regulations implementing the

deposit requirements of sections 407 and 408 of the Act for General Revision of the Copyright Law. These requirements involve the mandatory deposit of copies or phonorecords of published works for the collections of the Library of Congress, and the deposit of material to accompany applications for copyright registration of both unpublished and published works. The effect of the proposed regulations is: (a) To exempt certain categories of published works from mandatory deposit for the Library of Congress under section 407; (b) to establish requirements governing the nature of the mandatory deposit to be made to all other cases under section 407; and (c) to establish the nature of the deposit to be made as part of copyright registration.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Under section 407 of the first section of Pub. L. 94-553 (90 Stat. 2541), 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 two copies (or, in the case of sound recordings, two phonorecords) of the work in the Copyright Office for the use or disposition of the Library of Congress. The deposit is to be made within three months after such publication. Failure to make the required deposit does not affect copyright in the work, but may subject the copyright owner to fines and other monetary liability if the failure is continued after a demand for deposit is made by the Register of Copyrights. Qualifying these general provisions, section 407 also provides that the Register of Copyrights "may by regulation exempt any categories of material from the deposit requirements of this section, or require deposit of only one copy or phonorecord with respect to any categories."

Under section 408 of the Act deposit of material is also required in connection with applications for copyright registration of both unpublished and published works. After establishing general rules governing the nature of the required deposit, this section also 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 (or) the deposit of only one copy or phonorecord where two would normally be required * * *"

The deposit requirements of sections 407 and 408 are theoretically independent of each other. For example, mandatory deposit of a non-exempt work under section 407 may be required for the collections of the Library of Con-

gress even if the copyright owner does not seek registration for the work under section 408. Under certain conditions, however, copies or phonorecords used to satisfy the mandatory deposit provisions of section 407 may simultaneously be used to serve as the deposit accompanying an application for registration under section 408.

On November 16, 1977, we published in the FEDERAL REGISTER (42 FR 59302) a notice of proposed rulemaking inviting public comment on our proposal to implement sections 407 and 408. In that notice we proposed the addition of three new sections to the regulations of the Copyright Office: (i) proposed § 202.19 exempted certain works which the Library neither needs nor wants from the mandatory deposit requirements of section 407, and also established requirements governing the nature of the deposit to be made in cases where the exemption does not apply; (ii) proposed § 202.20 established requirements governing the nature of the deposit to be made in all cases for the purpose of copyright registration under section 408; and (iii) proposed § 202.21 set forth special requirements governing the nature of photographs or other identifying material required or permitted to be deposited in lieu of actual copies in certain cases.

Thirty-five comments were received in response to the notice of proposed rulemaking. After careful consideration, we have decided to make several changes in the proposed regulations to broaden exemptions under the regulations and to provide for an even wider scope of identifying material permitted as deposit. A discussion of the major comments appears below. Because we do not want to impede the prompt making of registrations and deposits under the new Act, these regulations are effective on January 1, 1978, the effective date of Pub. L. 94-553.

1. *Musical Compositions Published Only by Rental, Lease, or Lending.* A number of comments pointed out that, in the case of musical compositions published by rental of scores for performances, only a limited number of copies are available for distribution; often only manuscript copies exist. This makes the mandatory deposit of two copies with full score and parts both burdensome and expensive. We have added § 202.19 (d) (2) (v) and modified § 202.20 (c) (2) (i) to reduce the number of required deposit copies from two to one in the case of musical compositions published by the rental, lease, or lending, rather than sale, of copies. Moreover, a complete set of parts need not be deposited in these cases; the definitions of "complete" in § 202.19 (b) (2) and § 202.20 (b) (2) have been modified to allow deposit of a full score or, in appropriate cases, a conductor's score only. The Library of Congress Best Edition Statement (paragraph VI.A) has also been modified on this point.

2. *Unpublished Television Transmission Programs.* Several comments urged that the regulations permit deposit of identifying material, rather than actual copies, in connection with copyright registration of unpublished television transmission programs of various types (e.g., "local", "sports", "network"). We agree that, at the present time, it should be sufficient for purposes of registration to deposit identifying material not only for unpublished television programs, but also for all unpublished motion pictures. We have modified §§ 202.20 (c) (2) (ii) and 202.21 (g) accordingly. However, requests for exemption of certain broadcast programs that may be considered "published" in certain circumstances (other than by reason of off-air taping licenses; see item 3 below) have not been accepted. These provisions for deposit of identifying material of unpublished motion pictures, and the general treatment of transmission programs for deposit purposes, are essentially provisional and will be reviewed in connection with the formulation of regulations implementing section 407 (e) of the Act in the near future.

One of the comments expressed concern as to whether registration of unpublished television transmission programs would be considered a prerequisite to claiming compulsory license fees for cable retransmission under § 111 of the statute. In issuing these regulations we are merely dealing with the form of deposit, and are in no sense suggesting the legal necessity for making copyright registration under section 408 in any case.

3. *Television Transmission Programs Published Only By Grant of Off-Air Taping Licenses to Educators.* Two of the comments expressed concern that licenses granted to nonprofit institutions for off-air taping might constitute "publication" of otherwise unpublished television transmission programs. It was asserted that these licenses are granted for a modest fee, that the licensing of television programming for classroom and similar purposes is growing, and that mandatory requirements for the deposit of actual copies might inhibit this development. We agree with these assertions. In the event that such licensing may be considered a "publication" (an issue which these regulations do not determine), we have added § 202.19 (c) (13) to exempt such works from the mandatory deposit requirements. For purposes of registration, § 202.20 (b) (6) treats these works as unpublished motion pictures.

4. *Multimedia Kits.* One comment pointed to the high cost of copies of multimedia kits, and urged us to require deposit of only one copy rather than two under both § 202.19 and 202.20. After considering the Library of Congress' acquisition policies, we have accepted this suggestion. Sections 202.19 (c) (2) (vi) and 202.20 (c) (2) (i) (G) have been added to permit deposit, for both the Library of Congress and copyright registration, of

only one copy of multimedia kits prepared for use in systematic instructional activities. The term "systematic instructional activities" is intended to have the same meaning as in sections 101 and 110 (2) of the Act. See H.R. Rep. No. 94-1476, 94th Cong., 2d Sess., Sept. 3, 1976 at 83, 121; S. Rep. No. 94-473, 94th Cong., 1st Sess., Nov. 20, 1975 at 75, 105.

5. *Preprint Materials.* The meaning of the language "preprint material, by special arrangement" in the Library of Congress Best Edition Statement concerning motion pictures raised some question in the comment letters. "Preprint material" is a whole range of film production material (including, but not necessarily limited to, outtakes) that is in addition to the material included in final version of a published film. As a matter of a complete archival record for motion pictures that it considers of major importance, the Library of Congress values this material and is occasionally able to secure it for the collections by special arrangement with its owners. This wording is present in the Best Edition Statement to indicate its value to the Library of Congress in special cases where these arrangements have been made, and is not intended to suggest that the deposit of preprint material is to be required as a matter of course.

A second comment regarding the Best Edition Statement for motion pictures requested confirmation that, if a work is most widely distributed in the form of 16mm film copies, copies of that gauge are considered the best edition of the work even if 35mm or larger copies have also been distributed. We confirm this interpretation. The "film gauge in which most widely distributed" (item 2 of the Best Edition Statement for motion pictures) is intended to take precedence over the listing of specific gauges and formats (items 3-6) which follow that general statement.

6. *Advertising Matters Published In Connection With Motion Pictures.* One comment asked that § 202.19 (c) (7) be revised to include a specific exemption for advertising material published in connection with motion pictures. After considering this comment and the proposed language, we have modified that section to make clear its application to advertising matter published in connection with the "rental, lease, lending, licensing, or sale" of all "works of authorship" as well as of articles and services. The special deposit provision of § 202.20 (c) (2) (v) has been similarly changed.

7. *Motion Picture Agreement.* Several arguments were advanced in favor of retaining the current motion picture agreement, which allows return of deposit copies subject to later recall by the Library of Congress. This is, of course, not basically a matter of copyright deposit but a matter of a negotiated contract between copyright owners and the Library of Congress. At the same time, however, the existence of the agreement affects the operation of the deposit

system, and for this reason the Copyright Office agrees that the question of retaining the agreement should remain the subject of active consideration. Because of the urgent need to publish these deposit regulations, we are issuing them without providing for the possibility of a motion picture agreement. However, we emphasize that this is not intended to foreclose the possibility of negotiation of new agreements in the immediate future.

8. *Literary Works Published Only in Machine-Readable Form.* Proposed § 202.19(c) (5) provided an exemption from deposit for literary works, including computer programs and automated data bases, published only in the form of machine-readable copies. One comment noted that a work published in the United States only in machine-readable form, but published simultaneously abroad in hard copy, would not qualify under that exemption. To meet this point, we have revised the section to make the exemption applicable to such works if published in the United States only in the form of machine-readable copies. Proposed § 202.20(c) (2) (vii) has been similarly amended. As several comments also questioned the meaning of the term "file" in proposed § 202.20(c) (2) (vii), we have added a definition of that term.

A number of comments raised other issues relating to the deposit requirements for registration of machine-readable works. We recognize that the application of our requirements to the rapidly developing technology of storing and retrieving information may require further refinement. At the present time, however, we consider it appropriate to develop further experience with the regulations before considering additional amendments.

9. *Deposit of Identifying Material For Published Pictorial or Graphic Works.* One of the conditions for the deposit of identifying material in lieu of copies of published pictorial or graphic works in proposed §§ 202.19(d) (2) (iv) and 202.20(c) (2) (iv) was that a "limited" edition consist of no more than one hundred numbered copies. Several comments suggested that this number was not consistent with the practices of graphic artists. These sections have been amended to raise the limit to three hundred numbered copies (the highest figure suggested in the comments).

10. *Soundtracks.* New §§ 202.20(c) (x) and 202.21(f) have been added for cases where separate registration is desired for a work fixed or published only as embodied in a motion picture soundtrack. Under these sections, the applicant for registration of such works may submit specified representations of the work (essentially, a transcription or phonorecord of the work, with certain additional material) in lieu of an actual copy of the entire motion picture. A new § 202.19(c) (11) has also been added to specify that

works published only as embodied in motion picture soundtracks are not subject to mandatory deposit under section 407 of the Act; this section makes it clear, however, that the exemption does not apply to the motion picture as a whole.

11. *Secure Tests.* One comment noted that secure tests are re-used in a variety of ways, but that the same version of a particular test is not necessarily "regularly" readministered in exactly the same form. The concern was expressed that the word "regularly" in the definition of secure test" (proposed § 202.20(b) (4)) might be interpreted to require that a particular test be administered in the same exact form on a consistently recurring basis. This was not our intention. The definition of secure test has been amended by deleting the word "regularly."

12. *Deposit For Registration of a Work First Published Abroad.* One comment noted that problems might arise from the separate deposit requirements of sections 407 and 408 with respect to works first published outside the United States. Under section 408, the deposit required for registration of such works, before or after subsequent United States publication, is "one" copy or phonorecord of the work as "first published". Under section 407, however, after domestic publication "two" copies or phonorecords of the "best edition" are required for the Library of Congress. The general philosophy underlying the deposit requirements is to provide a procedure whereby the deposit for registration and the deposit requirements for the Library of Congress can be satisfied by the same action. We do not believe it is appropriate to require a copyright owner who has secured registration of a work first published abroad to make a separate deposit under section 407. Accordingly, a new exemption from mandatory deposit has been added (§ 202.19(c) (10)).

13. *Group Registration.* Several comments requested special provisions for group registration, under section 408(c) (1) of the Act, of revisions and updates of automated data bases, works of arts, and other works. We are fully aware of economic hardship and practical difficulties in making separate registrations for certain types of related works, and we intend to formulate regulations implementing the statutory provision for group registration in the near future. We invite further comments and suggestions as to the type of related works that could be covered by group registration and the deposit and registration requirements applicable in these cases.

14. *Library of Congress Best Edition Statement.* For the guidance of the public in complying with the deposit requirements, the Library of Congress Best Edition Statement, as revised, is set forth as an appendix to this notice preceding the text of the final regulation.

15. *Other Issues.* One comment requested an exemption for a special type of machine-readable sound recording

(a kind of electronic "plano roll"). However, the acquisitions policies of the Library of Congress provide for acquiring all forms of sound recordings, even when they can be played only on very specialized equipment. Consequently, the requested exemption has not been made.

One comment suggested that unpublished works of a private nature, such as personal letters, diaries, and preliminary versions of creative works, would be a proper subject for deposit of identifying material rather than actual copies. We are sympathetic to the argument that, in certain cases, authors should not be forced to make their unpublished writings available for public inspection in order to obtain the benefits of copyright registration. However, we believe that, at least for the present, the provision for special relief under § 202.20(d) is the proper way to deal with these cases. If experience shows that an express regulation is needed to deal with the problem, we will consider suggestions for further amendments.

Because the new regulations do not require the deposit of photographic reproductions to accompany deposits of published videotape copies, one comment requested that we specifically repeal current regulation § 202.15(d). Although we planned to revoke § 202.15 in its entirety in a separate proceeding, for the purpose of clarity we have decided to do so under this Notice.

A request was made that computer programs marketed under "lease/licensing agreements" be given the same special treatment as secure tests. We feel, however, that at this time requests for such special treatment should most properly be handled as applications for special relief under § 202.20(d). As in the case of unpublished personal manuscripts, if experience shows this is insufficient further amendments will be considered at a later time.

In the preamble to our notice of proposed rulemaking, we noted that under the new Act "the public distribution of phonorecords, in the United States or abroad, is a publication of the recorded work (and of the sound recording)." We also stated that this was true "even if the work is created by a national of a foreign country belonging to the Universal Copyright Convention ("UCC") or if the distribution occurs in such a country"; and we noted that this was not inconsistent with a contrary definition of "publication" under the UCC since it did not conflict with any use of the term "publication" in the Convention, or any Convention obligation to treat published or unpublished works in a specified manner. Although one comment questioned these observations, we believe it appropriate to state our understanding of this matter as a basis for determining and explaining the operation of our regulations, and we adhere to the position expressed.

The proposed regulations are adopted, with changes, as set forth following the Appendix below.

Dated: December 29, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

APPENDIX.—"BEST EDITION" OF PUBLISHED COPYRIGHTED WORKS FOR THE COLLECTIONS OF THE LIBRARY OF CONGRESS

The Copyright Law (Title 17, United States Code) requires that copies or phonorecords deposited in the Copyright Office be of the "best edition" of the work. The law states that "The 'best edition' of work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes."

When two or more editions of the same version of a work have been published, the one of the highest quality is generally considered to be the best edition. In judging quality, the Library of Congress will adhere to the criteria set forth below in all but exceptional circumstances.

Where differences between editions represent variations in copyrightable content, each edition is a separate version and "best edition" standards based on such differences do not apply. Each such version is a separate work for the purposes of the Copyright Law.

Appearing below are lists of criteria to be applied in determining the best edition of each of several types of material. The criteria are listed in descending order of importance. In deciding between two editions, a criterion-by-criterion comparison should be made. The edition which first fails to satisfy a criterion is to be considered of inferior quality and will not be an acceptable deposit. For example, if a comparison is made between two hardbound editions of a book, one a trade edition printed on acid-free paper and the other a specially bound edition printed on average paper, the former will be the best edition because the type of paper is a more important criterion than the binding.

Under regulations of the Copyright Office, potential depositors may request authorization to deposit copies or phonorecords of other than the best edition of a specific work (e.g., a microform rather than a printed edition of a serial).

I. PRINTED TEXTUAL MATTER

A. Paper, Binding, and Packaging:

1. Archival-quality rather than less-permanent paper.
2. Hard cover rather than soft cover.
3. Library binding rather than commercial binding.
4. Trade edition rather than book club edition.
5. Sewn rather than glue-only binding.
6. Sewn or glued rather than stapled or spiral-bound.
7. Stapled rather than spiral-bound or plastic-bound.
8. Bound rather than looseleaf, except when future looseleaf insertions are to be issued.
9. Slipcased rather than nonslipcased.
10. With protective folders rather than without (for broadsides).
11. Rolled rather than folded (for broadsides).
12. With protective coatings rather than without (except broadsides, which should not be coated).

B. Rarity:

1. Special limited edition having the greatest number of special features.
2. Other limited edition rather than trade edition.
3. Special binding rather than trade binding.

C. Illustrations:

1. Illustrated rather than unillustrated.
2. Illustrations in color rather than black and white.

D. Special Features:

1. With thumb notches or index tabs rather than without.
2. With aids to use such as overlays and magnifiers rather than without.

E. Size:

1. Larger rather than smaller sizes. (Except that large-type editions for the partially-sighted are not required in place of editions employing type of more conventional size.)

II. PHOTOGRAPHS

A. Size and finish, in descending order of preference:

1. The most widely distributed edition.
2. 8 x 10-inch glossy print.
3. Other size or finish.

B. Unmounted rather than mounted.

- C. Archival-quality rather than less permanent paper stock or printing process.

III. MOTION PICTURES

A. Film rather than another medium. Film editions are listed below in descending order of preference.

1. Preprint material, by special arrangement.
2. Film gauge in which most widely distributed.
3. 35 mm rather than 16 mm.
4. 16 mm rather than 8 mm.
5. Special formats (e.g., 65 mm) only in exceptional cases.
6. Open reel rather than cartridge or cassette.

B. Videotape rather than videodisc. Videotape editions are listed below in descending order of preference.

1. Tape gauge in which most widely distributed.
2. Two-inch tape.
3. One-inch tape.
4. Three-quarter-inch tape cassette.
5. One-half-inch tape cassette.

IV. OTHER GRAPHIC MATTER

A. Paper and Printing:

1. Archival quality rather than less-permanent paper.
2. Color rather than black and white.

B. Size and Content:

1. Larger rather than smaller size.
2. In the case of cartographic works, editions with the greatest amount of information rather than those with less detail.

C. Rarity:

1. The most widely distributed edition rather than one of limited distribution.
2. In the case of a work published only in a limited, numbered edition, one copy outside the numbered series but otherwise identical.
3. A photographic reproduction of the original, by special arrangement only.

D. Text and Other Materials: 1. Works with annotations, accompanying tabular or textual matter, or other interpretative aids rather than those without them.

E. Binding and Packaging:

1. Bound rather than unbound.
2. If editions have different binding, apply the criteria in I.A.2-I.A.7, above.
4. Rolled rather than folded.
5. With protective coatings rather than without.

V. PHONORECORDS

- A. Disc rather than tape.
- B. With special enclosures rather than without.
- C. Open-reel rather than cartridge.
- D. Cartridge rather than cassette.
- E. Quadraphonic rather than stereophonic.
- F. True stereophonic rather than monaural.
- G. Monaural rather than electronically rechanneled stereo.

VI. MUSICAL COMPOSITIONS

A. Fullness of Score: 1. Vocal music: a. With orchestral accompaniment—

1. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)

ii. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)

b. Unaccompanied: Open score (each part on separate staff) rather than closed score (all parts condensed to two staves).

2. Instrumental music:

a. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)

b. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)

B. Printing and Paper: 1. Archival-quality rather than less-permanent paper.

C. Binding and Packaging:

1. Special limited editions rather than trade editions.
2. Bound rather than unbound.
3. If editions have different binding, apply the criteria in I.A.2-I.A.12, above.
4. With protective folders rather than without.

VII. MICROFORMS

A. Related Materials: 1. With indexes, study guides, or other printed matter rather than without.

B. Permanence and Appearance:

1. Silver halide rather than any other emulsion.

2. Positive rather than negative.

3. Color rather than black and white.

C. Format (newspapers and newspaper-formatted serials): 1. Reel microfilm rather than any other microform.

D. Format (all other materials):

1. Microfiche rather than reel microfilm.

2. Reel microfilm rather than microform cassettes.

3. Microfilm cassettes rather than microopaque prints.

E. Size: 1. 35 mm rather than 16 mm.

VIII. WORKS EXISTING IN MORE THAN ONE MEDIUM

Editions are listed below in descending order of preference.

A. Newspapers, dissertations and theses, newspaper-formatted serials:

1. Microform.

2. Printed matter.

B. All other materials:

1. Printed matter.

2. Microform.

3. Phonorecord.

(Effective: January 1, 1978.)

FINAL REGULATIONS

Part 202 of 37 CFR, Chapter II is amended as follows:

§ 202.15 [Revoked]

§ 202.16 [Revoked]

1. By revoking §§ 202.15 and 202.16; and

2. By adding new §§ 202.19, 202.20, and 202.21, to read as follows:

§ 202.19 Deposit of published copies of phonorecords for the Library of Congress.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published works for the Library of Congress under section 407 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for purposes of copyright registration under section 408 of title 17, except as expressly adopted in § 202.20 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) (i) The "best edition" of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

(ii) Criteria for selection of the "best edition" from among two or more published editions of the same version of the same work are set forth in the statement entitled "Best Edition of Published Copyrighted Works for the Collections of the Library of Congress" (hereafter referred to as the "Best Edition Statement") in effect at the time of deposit. Copies of the Best Edition Statement are available upon request made to the Acquisitions and Processing Division of the Copyright Office.

(iii) Where no specific criteria for the selection of the "best edition" are established in the Best Edition Statement, that edition which, in the judgment of the Library of Congress, represents the highest quality for its purposes shall be considered the "best edition". In such cases: (A) When the Copyright Office is aware that two or more editions of a work have been published it will consult with other appropriate officials of the Library of Congress to obtain instructions as to the "best edition" and (except in cases for which special relief is granted) will require deposit of that edition; and (B) when a potential depositor is uncertain which of two or more published editions comprises the "best edition", inquiry should be made to the Acquisitions and Processing Division of the Copyright Office.

(iv) Where differences between two or more "editions" of a work represent variations in copyrightable content, each edition is considered a separate version, and hence a different work, for the purpose of this section, and criteria of "best edition" based on such differences do not apply.

(2) A "complete" copy includes all elements comprising the unit of publication of the best edition of the work, including elements that, if considered

separately, would not be copyrightable subject matter or would otherwise be exempt from mandatory deposit requirements under paragraph (c) of this section. In the case of sound recordings, a "complete" phonorecord includes the phonorecord, together with any printed or other visually perceptible material published with such phonorecord (such as textual or pictorial matter appearing on record sleeves or album covers, or embodied in leaflets or booklets included in a sleeve, album, or other container). 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.

(3) The terms "copies", "collective work", "device", "fixed", "literary work", "machine", "motion picture", "phonorecord", "publication", "sound recording", and "useful article", and their variant forms, have the meanings given to them in section 101 of title 17.

(4) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(c) *Exemptions from deposit requirements.* The following categories of material are exempt from the deposit requirements of section 407(a) of title 17:

(1) Diagrams and models illustrating scientific or technical works or formulating scientific or technical information in linear or three-dimensional form, such as an architectural or engineering blueprint, plan, or design, a mechanical drawing, or an anatomical model.

(2) Greeting cards, picture postcards, and stationery.

(3) Lectures, sermons, speeches, and addresses when published individually and not as a collection of the works of one or more authors.

(4) Literary, dramatic, and musical works published only as embodied in phonorecords. This category does not exempt the owner of copyright, or of the exclusive right of publication, in a sound recording resulting from the fixation of such works in a phonorecord from the applicable deposit requirements for the sound recording.

(5) Literary works, including computer programs and automated data bases, published in the United States only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be visually perceived except with the aid of a machine or device. Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films and works published in any variety of microform), and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category and are subject to the applicable deposit requirements.

(6) Three-dimensional sculptural works, and any works published only as reproduced in or on jewelry, dolls, toys, games, plaques, floor coverings, wallpaper and similar commercial wall coverings, textile and other fabrics, packaging material, or any useful article. Globes, relief models, and similar cartographic representations of area are not within this category and are subject to the applicable deposit requirements.

(7) Prints, labels, and other advertising matter published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services.

(8) Tests, and answer material for tests, when published separately from other literary works.

(9) Works first published as individual contributions to collective works. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the collective work as a whole from the applicable deposit requirements for the collective work.

(10) Works first published outside the United States and later published in the United States without change in copyrightable content, if: (i) registration for the work was made under § 17 U.S.C. 408 before the work was published in the United States; or (ii) registration for the work was made under 17 U.S.C. 408 after the work was published in the United States but before a demand for deposit is made under 17 U.S.C. 407(d).

(11) Works published only as embodied in a soundtrack that is an integral part of a motion picture. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the motion picture from the applicable deposit requirements for the motion picture.

(12) Motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(d) *Nature of required deposit.* (1) Subject to the provisions of paragraph (d) (2) of this section, the deposit required to satisfy the provisions of section 407(a) of title 17 shall consist of (i) in the case of published works other than sound recordings, two complete copies of the best edition; and (ii) in the case of published sound recordings, two complete phonorecords of the best edition.

(2) In the case of certain published works not exempt from deposit requirements under paragraph (c) of this section, the following special provisions shall apply:

(i) In the case of published three-dimensional cartographic representations of area, such as globes and relief models, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d) (1) of this section.

(ii) In the case of published motion pictures, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit for a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. Unless selected by the Library of Congress for addition to its collections within thirty days from the date the deposit is received in the Copyright Office, all copies of motion pictures deposited under this section will be returned to the depositor by the Copyright Office, without right of recall.

(iii) In the case of any published work deposited in the form of a hologram, the deposit shall be accompanied by: (A) Two sets of precise instructions for displaying the image fixed in the hologram; and (B) two sets of identifying material in compliance with § 202.21 of these regulations and clearly showing the displayed image.

(iv) In any case where an individual author is the owner of copyright in a published pictorial or graphic work and (A) less than five copies of the work have been published, or (B) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of one complete copy of the best edition of the work or, alternatively, the deposit of photographs or other identifying material in compliance with § 202.21 of these regulations, will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(v) In the case of a musical composition published only by the rental, lease, or lending of copies, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(vi) In the case of published multimedia kits that are prepared for use in systematic instructional activities and that include literary works, audiovisual works, sound recordings, or any combination of such works, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(e) *Special relief.* (1) In the case of any published work not exempt from deposit under paragraph (c) of this section, 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) Grant an exemption from the deposit requirements of section 407(a) of title 17 on an individual basis for single works or series or groups of works; or (ii) permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the two copies or phonorecords required by paragraph (d)(1) of this section; or (iii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force.

(3) Requests for special relief under this paragraph shall be made in writing to the Chief, Acquisitions and Processing Division of the Copyright Office, shall be signed by or on behalf of the owner of copyright or of the exclusive right of publication in the work, and shall set forth specific reason: why the request should be granted.

(f) *Submission and receipt of copies and phonorecords.* (1) All copies and phonorecords deposited in the Copyright Office will be considered to be deposited only in compliance with section 407 of title 17 unless they are accompanied by: (i) An application for registration of claim to copyright, or (ii) a clear written request that they be held for connection with a separately forwarded application. Copies or phonorecords deposited without such an accompanying application or written request will not be connected with or held for receipt of separate applications, and will not satisfy the deposit provisions of section 408 of title 17 or § 202.20 of these regulations. Any written request that copies or phonorecords be held for connection with a separately forwarded application must appear in a letter or similar document accompanying the deposit; a request or instruction appearing on the packaging, wrapping, or container for the deposit will not be effective for this purpose.

(2) All copies and phonorecords deposited in the Copyright Office under section 407 of title 17, unless accompanied by written instructions to the contrary, will be considered to be deposited by the person or persons named in the copyright notice on the work.

(3) Upon request by the depositor made at the time of the deposit, the Copyright Office will issue a Certificate of Receipt for the deposit of copies or phonorecords of a work under this section. Certificates of Receipt will be issued in response to requests made after the date of deposit only if the requesting party is identified in the records of the Copyright Office as having made the deposit. In either case, requests for a Certificate of Receipt must be in writing and accompanied by a fee of \$2. A Certificate of Receipt will include identification of the depositor; the work deposited, and the nature and format of the copy or phonorecord deposited, together with the date of receipt.

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published and unpublished works for the purpose of copy-

right registration under section 408 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for the Library of Congress under section 407 of title 17, except as expressly adopted in § 202.19 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) The "best edition" of a work has the meaning set forth in § 202.19(b)(1) of these regulations.

(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. 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.

(3) The terms "copy", "collective work", "device", "fixed", "literary work", "machine", "motion picture", "phonorecord", "publication", "sound recording", "transmission program", and "useful article", and their variant forms, have the meanings given to them in section 101 of title 17.

(4) A "secure test" is a non-marketed test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. For these purposes a test is not marketed if copies are not sold but it is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher.

(5) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(6) For the purposes of determining the applicable deposit requirements under this § 202.20 only, the following shall be considered as unpublished motion pictures: motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(c) *Nature of required deposit.* (1) Subject to the provisions of paragraph

(c) (2) of this section, the deposit required to accompany an application for registration of claim to copyright under section 408 of title 17 shall consist of:

(i) In the case of unpublished works, one complete copy or phonorecord.

(ii) In the case of works first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.

(iii) In the case of works first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.

(iv) In the case of works first published outside of the United States, whenever published, one complete copy or phonorecord of the work as first published. For the purposes of this section, any works simultaneously first published within and outside of the United States shall be considered to be first published in the United States.

(2) In the case of certain works, the special provisions set forth in this clause shall apply. In any case where this clause specifies that one copy or phonorecord may be submitted, that copy or phonorecord shall represent the best edition, or the work as first published, as set forth in paragraph (c) (1) of this section.

(i) *General.* In the following cases the deposit of one complete copy or phonorecord will suffice in lieu of two copies or phonorecords: (A) Published three-dimensional cartographic representations of area, such as globes and relief models; (B) published diagrams illustrating scientific or technical works or formulating scientific or technical information in linear or other two-dimensional form, such as an architectural or engineering blueprint, or a mechanical drawing; (C) published greeting cards, picture postcards and stationery; (D) lectures, sermons, speeches, and addresses published individually and not as a collection of the works of one or more authors; (E) published contributions to a collective work; (F) musical compositions published only by the rental, lease, or lending of copies; and (G) published multimedia kits that are prepared for use in systematic instructional activities and that include literary works, audiovisual works, sound recordings, or any combination of such works.

(ii) *Motion pictures.* In the case of published motion pictures, the deposit of one complete copy will suffice in lieu of two copies. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. Unless selected by the Library of Congress for addition to its collections within thirty days from the effective date of registration, all copies of motion pictures deposited under this section will be returned to the applicant by the Copyright Office, without right of recall. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public, but have not been published), the deposit of identifying

material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of an actual copy.

(iii) *Holograms.* In the case of any work deposited in the form of a hologram, the copy or copies shall be accompanied by: (A) Precise instructions for displaying the image fixed in the hologram; and (B) photographs or other identifying material complying with § 202.21 of these regulations and clearly showing the displayed image. The number of sets of instructions and identifying material shall be the same as the number of copies required.

(iv) *Certain pictorial and graphic works.* In any case where an individual author is the owner of copyright in a pictorial or graphic work and (A) the work is unpublished, or (B) less than five copies of the work have been published, or (C) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of identifying material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of actual copies. As an alternative to the deposit of such identifying material, in any such case the deposit of one complete copy will suffice in lieu of two copies.

(v) *Commercial prints and labels.* In the case of prints, labels, and other advertising matter published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services, the deposit of one complete copy will suffice in lieu of two copies. Where the print or label is published in a larger work, such as a newspaper or other periodical, one copy of the entire page or pages upon which it appears may be submitted in lieu of the entire larger work. In the case of prints or labels physically inseparable from a three-dimensional object, identifying material complying with § 202.21 of these regulations must be submitted rather than an actual copy or copies.

(vi) *Tests.* In the case of tests, and answer material for tests, published separately from other literary works, the deposit of one complete copy will suffice in lieu of two copies. In the case of any secure test the Copyright Office will return the deposit to the applicant promptly after examination: *Provided*, That sufficient portions, description, or the like are retained so as to constitute a sufficient archival record of the deposit.

(vii) *Machine-readable works.* In cases where an unpublished literary work is fixed, or a published literary work is published in the United States, only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be perceived except with the aid of a machine or device,¹ the deposit shall consist of:

¹ Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films, and works published in any variety of microform), and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category.

(A) For published or unpublished computer programs, one copy of identifying portions of the program, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes, "identifying portions" shall mean either the first and last twenty-five pages or equivalent units of the program if reproduced on paper, or at least the first and last twenty-five pages or equivalent units of the program if reproduced in microform, together with the page or equivalent unit containing the copyright notice, if any.

(B) For published and unpublished automated data bases, compilations, statistical compendia, and other literary works so fixed or published, one copy of identifying portions of the work, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes: (1) "identifying portions" shall mean either the first and last twenty-five pages or equivalent units of the work if reproduced on paper, or at least the first and last twenty-five pages or equivalent units of work if reproduced on microform, or, in the case of automated data bases comprising separate and distinct data files, representative portions of each separate data file consisting of either 50 complete data records from each file or the entire file, whichever is less; and (2) "data file" and "file" mean a group of data records pertaining to a common subject matter, regardless of the physical size of the records or the number of data items included in them. (In the case of revised versions of such data bases, the portions deposited must contain representative data records which have been added or modified.) In any case where the deposit comprises representative portions of each separate file of an automated data base as indicated above, it shall be accompanied by a typed or printed descriptive statement containing: The title of the data base; the name and address of the copyright claimant; the name and content of each separate file within the data base, including the subject matter involved, the origin(s) of the data, and the approximate number of individual records within the file; and a description of the exact contents of any machine-readable copyright notice employed in or with the work and the manner and frequency with which it is displayed (e.g., at user's terminal only at sign-on, or continuously on terminal display, or on printouts, etc.). If a visually-perceptible copyright notice is placed on any copies of the work (such as magnetic tape reels) or their container, a sample of such notice must also accompany the statement.

(viii) *Works reproduced in or on sheet-like materials.* In the case of any unpublished work that is fixed, or any published work that is published, only in the form of a two-dimensional reproduction on sheet-like materials such as textile and other fabrics, wallpaper and similar commercial wall coverings, car-

peting, floor tile, and similar commercial floor coverings, and wrapping paper and similar packaging material, the deposit shall consist of one copy in the form of an actual swatch or piece of such material sufficient to show all elements of the work in which copyright is claimed and the copyright notice appearing on the work, if any. If the work consists of a repeated pictorial or graphic design, the complete design and at least one repetition must be shown. If the sheet-like material in or on which a published work has been reproduced has been embodied in or attached to a three-dimensional object, such as wearing apparel, furniture, or any other three-dimensional manufactured article, and the work has been published only in that form, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy.

(ix) *Works reproduced in or on three-dimensional objects.* In the following cases where the deposit of an actual copy of the work would not lend itself to shelving or flat storage, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy or copies: (A) Any three-dimensional sculptural work, including any illustration or formulation of artistic expression or information in three-dimensional form, including statues, carvings, ceramics, moldings, constructions, models, and maquettes (but not including works reproduced by intaglio or relief printing methods on two-dimensional materials such as paper or fabrics); and (B) 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. However, where the work has 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, the requirement of this paragraph for the deposit of identifying material shall not apply.

(x) *Soundtracks.* For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, the deposit of identifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy or copies of the motion picture.

(xi) *Oversize deposits.* In any case where the deposit otherwise required by this section exceeds ninety-six inches in any dimension, identifying material complying with § 202.21 of these regulations must be submitted instead of an actual copy or copies.

(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; or (ii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force and the archival and examining requirements of the Copyright Office.

(3) Requests for special relief under this paragraph may be combined with requests for special relief under § 202.19 (e) of these regulations. Whether so combined or made solely under this paragraph, such requests shall be made in writing to the Chief, Examining Division of the Copyright Office, shall be signed by or on behalf of the person signing the application for registration, and shall set forth specific reasons why the request should be granted.

(e) *Use of copies and phonorecords deposited for the Library of Congress.* Copies and phonorecords deposited for the Library of Congress under section 407 of title 17 and § 202.19 of these regulations may be used to satisfy the deposit provisions of this section if they are accompanied by an application for registration of claim to copyright in the work represented by the deposit, or connected with such an application under the conditions set forth in § 202.19(f)(1) of these regulations.

§ 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, 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.

(b) *Completeness; number of sets.* As many pieces of identifying material as are necessary to show clearly the entire copyrightable content of the work for which deposit is being made, or for which registration is being sought, shall be submitted. Except in cases falling under the provisions of § 202.19 (d) (2) (iii) or § 202.20 (c) (2) (iii) with respect

to holograms, only one set of such complete identifying material is required.

(c) *Size.* All pieces of identifying material must be of uniform size. 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 5 x 7 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 at least four inches in its greatest dimension.

(d) *Title and dimensions.* At least one piece of identifying material must, on its front, back, or mount, indicate the title of the work and an exact measurement of one or more dimensions 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 showing the exact appearance and content of the notice, its dimensions, and its specific position on the work shall be submitted.

(f) For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, identifying material deposited in lieu of an actual copy or copies of the motion picture shall consist of: (1) a transcription of the entire work, or a reproduction of the entire work on a phonorecord; and (2) photographs or other reproductions from the motion picture showing the title of the motion picture, the soundtrack credits, and the copyright notice for the soundtrack, if any. The provisions of paragraphs (b), (c), (d), and (e) of this § 202.21 do not apply to identifying material deposited under this paragraph (f).

(g) In the case of unpublished motion pictures (including transmission programs that have been fixed and transmitted to the public, but have not been published), identifying material deposited in lieu of an actual copy shall consist of either: (1) an audio cassette or other phonorecord reproducing the entire soundtrack or other sound portion of the motion picture, and a description of the motion picture; or (2) a set consisting of one frame enlargement or similar visual reproduction from each ten minute segment of the motion picture, and a description of the motion picture. In either case the "description" may be a continuity, a pressbook, or a synopsis, but in all cases it must include: (i) the title or continuing title of the work, and the episode title, if any; (ii) the nature and general content of the program; (iii) the date when the work was first first and whether or not fixation was simultaneous with first transmission; (iv) the date of first transmission, if any; (v) the running time; and (vi) the

credits appearing on the work, if any. The provisions of paragraphs (b), (c), (d), and (e) of this § 202.21 do not apply to identifying material submitted under this paragraph (g).

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553: §§ 407, 408, 702.)

[FR Doc.77-37417 Filed 12-30-77; 12:24 pm]

[1410-03]

[Docket RM 77-15]

PART 201—GENERAL PROVISIONS

Corrections and Amplifications of Copyright Registrations; Import Statements; and Recordation of Transfers and Other Documents

AGENCY: Library of Congress, Copyright Office.

ACTION: Interim Regulations.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting an interim regulations to implement sections 205, 408(d), and 610(b) (2) of the Act for General Revision of the Copyright Law. Section 205 pertains to the recordation of transfers of copyright and other documents pertaining to a copyright; section 408(d) pertains to the filing of applications for supplementary registration to correct or amplify the information in an earlier registration; and section 601(b) (2) pertains to statements to be issued for the importation of copyrighted works in certain cases. The effect of the interim regulations is to establish requirements governing the recordation of documents, application for supplementary registration, and issuance of import statements under these sections.

These regulations are issued on an interim basis in order to allow persons to take action under the indicated sections of the statute, while permitting full public comment before the issuance of final regulations.

DATES: The interim regulations are effective on January 1, 1978. Comments should be received on or before March 31, 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 Jegeron Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

(1) *Corrections and amplifications of copyright registrations; applications for supplementary registration.* Section 408 (d) of the first section of Pub. L. 94-553 (90 Stat. 2541) provides that the Register of Copyrights "may . . . establish, by regulation, formal procedures for the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration." We are implementing this section, on an interim basis, by revising § 201.5 of the regulations of the Copyright Office. Although the interim regulation is essentially self explanatory, the following points should be noted:

(i) A supplementary registration is not a substitute for a renewal registration. For works originally copyrighted between January 1, 1950 and December 31, 1977, registration of a renewal claim within strict time limits is necessary to extend the first copyright term. This cannot be done by a supplementary registration. (A supplementary registration may be made to correct or amplify the information in a separate renewal registration under the conditions set forth in interim § 201.5(b) (2) (iv).)

(ii) A supplementary registration is not a substitute for recording a document reflecting a transfer of copyright, or another document pertaining to a copyright. Recording the actual document under section 205 of the Act, and interim regulation § 201.4 (discussed below), has important legal consequences which are not achieved by supplementary registration.

(iii) A supplementary registration may be made to correct or amplify the information in any completed original or renewal registration, whether that registration was made before or after January 1, 1978.

(iv) In a Notice of Inquiry published on September 26, 1977 (42 FR 48944) we raised the possibility of making supplementary registration (in addition to recording a transfer) to reflect the ownership of rights, other than those owned by the claimant of the basic registration. Several comments received in response to that notice were strongly opposed to this suggestion. We agree that supplementary registration was not designed to reflect the allocation or division of rights under a copyright, and that to use it for that purpose would produce a confusing and inadequate public record. Accordingly, paragraphs (b) (ii) and (b) (iii) of interim § 201.5 make clear that supplementary registration is not appropriate for such purposes. (Similarly, the concept of "claimant" under a basic registration will, in a separate proceeding, adopt the basis of the comments made to the Notice of Inquiry).

(v) The interim regulation follows the statute in distinguishing between "corrections" (for example, where a work was given a wrong date of publication, or where an author's name was incorrectly given) and "amplifications" (for example, where a co-author was omitted, or the title of the work has been changed, or a clarification of a statement of additional matter in a new version is desired). We recognize that, in some cases, the line between these categories will not be entirely clear. As a practical matter, however, the Copyright Office will accept an application for supplementary registration clearly stating the necessary information, even if the Office differs with the applicant as to whether the change amounts to a "correction" or an "amplification".

(2) *Import Statements.* Section 601 of the new Act provides that, as a general rule, the copies of a work "consisting preponderantly of nondramatic literary material that is in the English language" must be manufactured in the United States or Canada in order to be lawfully imported and publicly distributed in the United States. There are a number of exceptions to this provision. One exception permits the importation of up to 2,000 copies of a foreign edition under an "import statement" issued by the Copyright Office to the copyright owner, or a person designated by the owner. We are implementing this section, on an interim basis, by revising § 201.8 of the regulations of the Copyright Office. The interim regulation is self-explanatory.

Under the law in effect before January 1, 1978, the Copyright Office issued import statements, at the time of "ad interim" copyright registration, to permit the importation of 1500 copies of certain works. We have considered whether the number of copies permitted to be imported in such cases should be increased by an additional 500 copies. Under the language of the new Act, however, statements permitting the importation of 2000 copies may only be issued "at the time of registration for the work under section 408 (of the new Act) or at any time thereafter." Since works for which import statements were issued before January 1, 1978 were not registered "under section 408 of the new Act", we are not persuaded that such an increase is authorized. (At the same time, interim § 201.8(a) (3) makes clear that import statements issued before January 1, 1978 remain valid.)

(3) *Recordation of transfers and other documents.* Section 205(a) of the Act permits the recordation, in the Copyright Office, of "any transfer of copyright ownership or other document pertaining to a copyright" if certain conditions of authenticity are met. Recordation will place the document in the public records of the Office, and has important legal consequences in certain cases. We are implementing this section, on an interim basis, by revising § 201.4 of the Copyright Office regulations. The interim regulation is self-explanatory.

(4) *Interim Basis.* The regulations issued under this notice are made effective on January 1, 1978 in order to allow persons to correct or amplify registrations, request and receive import statements, record documents, and secure the benefits of these actions immediately upon and after the effective date of the new Act. At the same time we wish to give the public an opportunity to comment on the regulations. Accordingly, they are issued on an interim basis and comments will be received until the date set forth above. After the close of the comment period, and after considering the comments and the experience of the Office under the interim regulations, final regulations will be issued.

INTERIM REGULATIONS

Part 201 of 37 CFR Chapter II is amended, on an interim basis: 1. By revising § 201.4 to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

(a) *General.* (1) This section prescribes conditions for the recordation of transfers of copyright ownership and other documents pertaining to a copyright under section 205 of title 17 of the United States Code, as amended by Pub. L. 94-553. The filing or recordation of the following documents is not within the provisions of this section:

(i) Certain contracts entered into by cable systems located outside of the forty-eight contiguous states (17 U.S.C. 111(e); see 37 CFR 201.12);

(ii) Notices of identity and signal carriage complement, and statements of account, of cable systems (17 U.S.C. 111(d); see 37 CFR 201.11; 201.17);

(iii) Original, signed notices of intention to obtain compulsory license to make and distribute phonorecords of nondramatic musical works (17 U.S.C. 115(b); see 37 CFR 201.18);

(iv) License agreements, and terms and rates of royalty payments, voluntarily negotiated between one or more public broadcasting entities and certain owners of copyright (17 U.S.C. 118; see 37 CFR 201.9);

(v) Notices of termination (17 U.S.C. 203, 304(c); see 37 CFR 201.10); and

(vi) Statements regarding the identity of authors of anonymous and pseudonymous works, and statements relating to the death of authors (17 U.S.C. 302).

(2) A "transfer of copyright ownership" has the meaning set forth in section 101 of title 17 of the United States Code, as amended by Pub. L. 94-553. A document shall be considered to "pertain to a copyright" if it has a direct or indirect relationship to the existence, scope, duration, or identification of a copyright, or to the ownership, division, allocation, licensing, transfer, or exercise of rights under a copyright. That relationship may be past, present, future, or potential.

(b) *Recordable documents.* Any transfer of copyright ownership, or any other document pertaining to a copyright,

may be recorded in the Copyright Office if it is accompanied by the fee set forth in paragraph (c) of this section, and if:

(i) It is an original document bearing the actual signature or signatures of the persons who executed it; or it is a legible photocopy or other full size facsimile reproduction of an original, accompanied by a sworn certification,¹ signed by at least one of the persons who executed it or by an authorized representative of that person, or by an official certification,² that the reproduction is a true copy of the original, signed document; and

(ii) It is complete on its face, and includes any schedules, appendixes, or other attachments referred to in the document as being a part of it.

(c) *Fee.* For a document consisting of six pages or less covering no more than one title, the basic recording fee is \$10. An additional charge of 50 cents is made for each page over six and each title over one. For these purposes:

(i) A fee is required for each separate transfer or other document, even if two or more documents appear on the same page;

(ii) The term "title" generally denotes "appellation" or "denomination" rather than "registration", "work", or "copyright"; and

(iii) In determining the number of pages in a document, each side of a leaf bearing textual matter is regarded as a "page".

(d) *Recordation.* The date of recordation is the date when a proper document under paragraph (b) of this section and a proper fee under paragraph (c) of this section are all received in the Copyright Office. After recordation the document is returned to the sender with a certificate of record.

2. By revising § 201.8 to read as follows:

§ 201.8 Import statements.

(a) *General.* (1) Upon receipt of a proper request under paragraph (b) of this section, and a fee of \$3, the Copyright Office will issue import statements for works consisting preponderantly of nondramatic literary material that is in the English language, copies of which are to be imported into the United States under section 601(b)(2) of title 17 of the United States Code, as amended by Pub. L. 94-553.

¹ A sworn certification shall consist of an affidavit under the official seal of any officer authorized to administer oaths within the United States, or if the original is located outside of the United States, under the official seal of any diplomatic or consular officer of the United States or of a person authorized to administer oaths whose authority is proved by the certificate of such an officer, or a statement in accordance with section 1746 of title 28 of the United States Code.

² An official certification is a certification, by the appropriate government official, that the original of the document is on file in a public office and that the reproduction is a true copy or the original.

(2) After the issuance of an initial import statement for a work in accordance with a request made under paragraph (b) of this section, and upon receipt of a statement from an appropriate official of the United States Customs Service showing importation of less than two thousand copies of a work, the Copyright Office will issue an additional import statement permitting importation of the number of copies representing the difference between the number of copies already imported and two thousand copies. Additional import statements under this paragraph (a)(2) will be issued without request and shall not require payment of a fee.

(3) Any import statement issued by the Copyright Office before January 1, 1978 shall remain valid to permit the importation of the number of copies stated therein.

(b) *Requests for Import Statements and Issuance.* (1) Import statements will not be issued until after the effective date of registration for the work. However, a request for an import statement may be submitted simultaneously with an application for registration.

(2) Requests for import statements shall be made by the copyright owner of the work as shown in the records of the Copyright Office, or by the duly authorized agent of such owner. For the purpose of this section, the "copyright owner" is a person or organization that owns the exclusive right to import copies of the work into the United States at the time the request is made. The "copyright owner" may be either: (i) The author of the work (including, in the case of a work made for hire, the employer or other person for whom the work was prepared); or

(ii) A claimant, other than the author, identified in the registration for the work; or

(iii) A person or organization that has obtained ownership of one or more exclusive rights, initially owned by the author, including the exclusive right to import copies into the United States.

(3) Requests for import statements shall be made on a form prescribed by the Copyright Office, and shall contain the following information: (i) The title of the work;

(ii) The name or names of the author or authors of the work;

(iii) The name or names of the copyright claimants in the work;

(iv) If registration has already been made for the work, the registration number and effective date of registration;

(v) The full name, mailing address, and telephone number of an individual person who may be contacted if further information is needed;

(vi) The full name and mailing address of the person or entity to whom or which the statement is to be issued; and

(vii) A certification of the request. The certification shall consist of: (A) the handwritten signature of the copyright owner of the work as shown in the records of the Copyright Office, or the duly authorized agent of such copyright

owner (whose identity shall also be given); (B) the typewritten or printed name and address of such copyright owner or agent; (C) the date of signature; and (D) a statement that the person signing the request is the copyright owner or a duly authorized agent of the copyright owner, and that the Copyright Office is authorized to issue an import statement to the name and address given under paragraph (vi) of this § 201.8(b) (3).

(4) The form prescribed by the Copyright Office for the foregoing purposes is designated "Request for Issuance of an Import Statement under § 601 of the U.S. Copyright Law (Form IS)". Copies of the form are available free upon request to the Public Information Office, United States Copyright Office, Washington, D.C. 20559.

(5) After the effective date of registration for the work named in the request, the Copyright Office will issue an import statement permitting the importation of two thousand copies of the work to the name and address given under paragraph (vi) of this § 201.8(b) (3).

3. By revising § 201.5 to read as follows:

§ 201.5 Corrections and amplifications of copyright registrations; applications for supplementary registration.

(a) *General.* (1) This section prescribes conditions relating to the filing of an application for supplementary registration, to correct an error in a copyright registration or to amplify the information given in a registration, under section 408(d) of title 17 of the United States Code, as amended by Pub. L. 94-553. For the purposes of this section:

(i) A "basic registration" means any of the following: (A) a copyright registration made under sections 408, 409, and 410 of title 17 of the United States Code, as amended by Pub. L. 94-553; (B) a renewal registration made under section 304 of title 17 of the United States Code, as so amended; (C) a registration of claim to copyright made under title 17 of the United States Code as it existed before January 1, 1978; or (D) a renewal registration made under title 17 of the United States Code as it existed before January 1, 1978; and

(ii) A "supplementary registration" means a registration made upon application under section 408(d) of title 17 of the United States Code, as amended by Pub. L. 94-553, and the provisions of this section.

(2) No correction or amplification of the information in a basic registration will be made except pursuant to the provisions of this § 201.5. As an exception, where it is discovered that the record of a basic registration contains an error that the Copyright Office itself should have recognized at the time registration was made, the Office will take appropriate measures to rectify its error.

(b) *Persons entitled to file an application for supplementary registration;*

grounds of application. (1) Supplementary registration can be made only if a basic copyright registration for the same work has already been completed. After a basic registration has been completed, any author or other copyright claimant of the work, or the owner of any exclusive right in the work, or the duly authorized agent of any such author, other claimant, or owner, who wishes to correct or amplify the information given in the basic registration for the work may file an application for supplementary registration.³

(2) Supplementary registration may be made either to correct or to amplify the information in a basic registration. For the purposes of this section: (i) A "correction" is appropriate if information in the basic registration was incorrect at the time that basic registration was made, and the error is not one that the Copyright Office itself should have recognized;

(ii) An "amplification" is appropriate: (A) to reflect additional information that could have been given, but was omitted, at the time basic registration was made; or (B) to reflect changes in facts, other than those relating to transfer, license, or ownership of rights in the work, that have occurred since the basic registration was made; or (C) to clarify information given in the basic registration;

(iii) Supplementary registration is not appropriate: (A) as an amplification, to reflect the ownership, division, allocation, licensing, or transfer of rights in a work, whether at the time basic registration was made or thereafter; or (B) to correct errors in statements or notices on the copies of phonorecords of a work, or to reflect changes in the content of a work; and

(iv) Supplementary registration to correct a renewal claimant or basis of claim in a basic renewal registration may be made only if the application for supplementary registration and fee are received in the Copyright Office within the statutory time limits for renewal. If the error or omission in a basic renewal registration is extremely minor, and does not involve the identity of the renewal claimant or the legal basis of the claim, supplementary registration may be made at any time. Supplementary registration is not appropriate to add a renewal claimant.

(c) *Form and content of application for supplementary registration.* (1) An application for supplementary registration shall be made on a form prescribed by the Copyright Office, shall be accompanied by a fee of \$10,⁴ and shall contain the following information:

³If the person who, or on whose behalf, an application for supplementary registration is submitted is the same as the person identified as the copyright claimant in the basic registration, the Copyright Office will place a note referring to the supplementary registration on its records of the basic registration.

⁴The \$10 fee applies to all applications for supplementary registration, including those made to correct or amplify the information in a renewal registration.

(i) The title of the work as it appears in the basic registration, including previous or alternative titles if they appear;

(ii) The registration number of the basic registration;

(iii) The year when the basic registration was completed.

(iv) The name or names of the author or authors of the work, and the copyright claimant or claimants in the work, as they appear in the basic registration;

(v) In the case of a correction: (A) The line number and heading or description of the part of the basic registration where the error occurred; (B) a transcription of the erroneous information as it appears in the basic registration; (C) a statement of the correct information as it should have appeared; and (D) if desired, an explanation of the error or its correction;

(vi) In the case of an amplification: (A) The line number and heading or description of the part of the basic registration where the information to be amplified appears; (B) a clear and succinct statement of the information to be added; and (C) if desired, an explanation of the amplification;

(vii) The name and address: (A) To which correspondence concerning the application should be sent; and (B) to which the certificate of supplementary registration should be mailed; and

(viii) A certification. The certification shall consist of: (A) the handwritten signature of the author, other copyright claimant, or owner of exclusive right(s) in the work, or of the duly authorized agent of such author, other claimant or owner (who shall also be identified); (B) the typed or printed name of the person whose signature appears, and the date of signature; and (C) a statement that the person signing the application is the author, other copyright claimant or owner of exclusive right(s) in the work, or the authorized agent of such author, other claimant, or owner, and that the statements made in the application are correct to the best of that person's knowledge.

(2) The form prescribed by the Copyright Office for the foregoing purposes is designated "Application for Supplementary Copyright Registration (Form CA)". Copies of the form are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(3) Copies, phonorecords, or supporting documents cannot be made part of the record of a supplementary registration and should not be submitted with the application.

(d) *Effect of supplementary registration.* (1) When a supplementary registration is completed, the Copyright Office will assign it a new registration number in the appropriate class, and issue a certificate of supplementary registration under that number.

(2) As provided in section 408(d) of title 17, the information contained in a supplementary registration augments but does not supersede that contained in

the basic registration. The basic registration will not be expunged or cancelled.

(17 U.S.C. 207, and under the following sections of Title 17 of the United States Code as amended by Pub. L. 94-553; §§ 205; 408 (d); 601 (b); 702; 708.)

Dated: December 29, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc. 77-37418 Filed 12-30-77; 3:26 pm]

[1410-03]

[Docket No. RM 77-12]

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is to inform the public that the Copyright Office of the Library of Congress is adopting new regulations implementing portions of Pub. L. 94-553 (90 Stat. 2541), the Act for General Revision of the Copyright Law, and the Administrative Procedure Act pertaining to public information and privacy. The effect of the new regulations is to establish the rules and procedures by which members of the public may obtain information as authorized under the Freedom of Information Act and the Privacy Act provisions of the Administrative Procedure Act.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Victor Marton, Senior Information Specialist, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8743.

SUPPLEMENTARY INFORMATION: Section 701(d) of Pub. L. 94-553, 90 Stat. 2541, provides that, except as set forth in section 106(b)² and the regulations issued in accordance with that section, all actions taken by the Register of Copyrights under title 17, U.S.C., are subject to the provisions of the Administrative Procedure Act of June 11, 1946, as amended (c. 324, 60 Stat. 237, title 5, United States Code, Chapter 5, Subchapter II and Chapter 7). In order to conform with the requirements of the Administrative Procedure Act, the Copyright Office is required to publish certain information in the FEDERAL REGIS-

TER, and is required to adopt rules, regulations, and procedures for the guidance of members of the public in exercising their rights under that statute. Although the Copyright Office is a department of the Library of Congress, the application of 5 U.S.C. 552 and 552a to the Library of Congress as a legislative agency is not to be inferred (36 CFR 703).

On December 5, 1977, we published in the FEDERAL REGISTER (42 FR 61476) a proposal that the requirements of 5 U.S.C. 552 and 552a be met by the addition of new §§ 203 and 204 to the regulations of the Copyright Office. Interested parties were given until December 27, 1977 to submit comments.

One comment,² which raises two objections to the proposed regulations, has been received.

The first objection is that the proposed regulations make no provision for public inspection and copying of records related to pending copyright applications. However, this is not the case. A Freedom of Information Act request for pending copyright applications and related files would be a request made for "records" under section 552(a) (3) of the Act. The procedures governing such Freedom of Information Act requests are set forth in § 203.4 (d), (e) and (f). The Office will make records of pending applications promptly available under the Freedom of Information Act upon receipt of a proper request as specified in the proposed regulation.

The second objection is that the procedures for inspection and copying of Office records are unnecessarily complicated. The procedures in the proposed regulations, however, are required to comply with the Freedom of Information and Privacy Acts, including provisions that obligate us to isolate and report requests made under those statutes. The procedures must be followed only when a request for Office records invokes the Freedom of Information or Privacy Acts.

It should not be inferred that all requests for Office records must follow the procedures set forth in these regulations. The Copyright Office is an office of public record, and section 705 of title 17 requires that records of all deposits, registrations, recordings, and other actions taken under title 17 be open to public inspection. Section 706 provides that copies may be made of any public records or indexes of the Office. Regulations concerning access to, and public inspection and copying of, Office records when the Freedom of Information or Privacy Acts are not invoked by the requester will be the subject of a separate rulemaking procedure.

The proposed regulations are adopted without change and are set forth below.

² A second comment has been received related to the application of these regulations to information proposed to be required to be filed by cable systems in a separate proceeding (Docket RM 77-2). That comment will be addressed in the final rulemaking in that proceeding.

Since the purpose of these regulations is to aid the public in exercising their rights under the Freedom of Information and Privacy Acts, the Office believes that it would not be in the public interest to delay the effective date of the regulations, and therefore the regulations are made effective on January 4, 1977.

(17 U.S.C. 701; and under the following sections of Title 17 of the U.S. Code as amended by Pub. L. 95-553: 705; 706; 707; 708.)

Dated: December 29, 1977.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

37 CFR chapter II is amended by adding new Parts 203 and 204 to read as follows:

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

ORGANIZATION

Sec.	
203.1	General.
203.2	Authority and functions.
203.3	Organization.

PROCEDURES

203.4 Methods of operations.

AVAILABILITY OF INFORMATION

203.5 Inspection and copying.

CHARGES FOR SEARCH FOR REPRODUCTION

203.6 Schedule of fees and method of payment for services rendered.

AUTHORITY: Copyright Act, Pub. L. 94-553; 90 Stat. 2541-2602 (17 U.S.C. 101-710).

ORGANIZATION

§ 203.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

§ 203.2 Authority and functions.

(a) The administration of the copyright law was entrusted to the Library of Congress by an act of Congress in 1870, and the Copyright Office has been a separate department of the Library since 1897. The statutory functions of the Copyright Office are contained in and carried out in accordance with the Copyright Act, Pub. L. 94-553, (90 Stat. 2541-2602), 17 U.S.C. 101-710.

§ 203.3 Organization.

The organization of the Copyright Office consists of— (a) The Office of the Register of Copyrights, which includes the Register of Copyrights and the Assistant Registers. The Register of Copyrights provides overall direction of the work of the Copyright Office. The Register is assisted by Assistant Registers of Copyright, who have delegated responsibilities for particular aspects of the activities of the Copyright Office, by the General Counsel and the legal staff, and by the administrative staff.

(b) The Assistant Register of Copyrights for Registration serves as a dep-

¹ Section 706(b) provides that copies or reproductions of deposited articles retained under the control of the Copyright Office shall be authorized or furnished only under the conditions specified by Copyright Office regulations. These regulations will be the subject of a separate rulemaking procedure.

uty to the Register of Copyrights and has oversight of the operating divisions primarily involved in the registration of materials for copyright. These operating divisions are:

(1) the Acquisitions and Processing Division which receives incoming materials, dispatches outgoing materials, establishes controls over fiscal accounts and controls over the collections of the Library of Congress through implementation of the deposit requirements of the copyright statute.

(2) the Examining Division which examines all applications and material presented to the Copyright Office for registration of original and renewal copyright claims and which determines whether the materials deposited constitutes copyrightable subject matter and whether the other legal and formal requirements of Title 17 have been met.

(c) The Assistant Register of Copyrights for Automation and Records oversees offices and divisions concerned with planning and preparation for application of automation equipment and techniques to appropriate activities in the Copyright Office; preparation, preservation, and service of official copyright records; storage and preservation of copyright deposits; and implementation of licensing provisions in the copyright statute. These offices and divisions are:

(1) The Planning and Technical Office which has immediate responsibility for studies and recommendations concerned with automation of copyright procedures and related organizational studies and for implementation of approved automation applications in the Copyright Office.

(2) The Cataloging Division which prepares the bibliographic description of all copyrighted works registered or received in the Copyright Office, produces catalog cards for such works, and prepares the Catalog of Copyright Entries.

(3) The Information and Reference Division which provides a national copyright information service through the public information office, educates staff and the public on the copyright law, issues and distributes information materials, responds to reference requests regarding copyright matters, prepares search reports based upon copyright records, certifies copies of legal documents concerned with copyright, and maintains liaison with the United States Customs Service, the Department of the Treasury, and the United States Postal Service.

(4) The Licensing Division which implements the sections of Pub. L. 94-553 dealing with secondary transmissions of radio and television programs, compulsory licenses for making and distributing phonorecords of nondramatic musical works, public performances through coin-operated phonorecord players, and use of published nondramatic musical, pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

(5) The Records Management Division which develops, services, stores, and

preserves the official records and catalogs of the Copyright Office, including applications for registration, biographic and other historical records, and materials deposited for copyright registration that are not selected by the Library of Congress for addition to its collections.

(d) The Office has no field organization.

(e) The Office is presently located in Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Crystal City, Va. 22202. The Public Information Office is located in Room 101. Its hours are 8 a.m. to 4 p.m., Monday through Friday. The phone number of the Public Information Office is: 557-3700. Informational material regarding the copyright law, the registration process, fees, and related information about the Copyright Office and its functions may be obtained free of charge from the Public Information Office upon request.

(f) All Copyright Office forms may be obtained free of charge from the Public Information Office.

PROCEDURES

§ 203.4 Methods of operation.

(a) In accordance with section 552(a) (2) of the Freedom of Information Act, the Copyright Office makes available for public inspection and copying records of copyright registrations and of final refusals to register claims to copyright; statements of policy and interpretations which have been adopted but are not published in the FEDERAL REGISTER; and administrative staff manuals and instructions to the staff that affect a member of the public.

(b) The Copyright Office also maintains and makes available for public inspection and copying current indexes providing identifying information as to matters issued, adopted, or promulgated after July 4, 1967, that are within the scope of 5 U.S.C. 552(a) (2). The Copyright Office has determined that publication of these indexes is unnecessary and impractical. Copies of the indexes will be provided to any member of the public upon request at the cost of reproduction.

(c) The material and indexes referred to in paragraphs (a) and (b) of this section are available for public inspection and copying at the Public Information Office of the Copyright Office, room 101, Building No. 2, Crystal Mall Annex, 1921 Jefferson Davis Highway, Crystal City, Va. 22202, between the hours of 8 a.m. and 4 p.m., Monday thru Friday.

(d) The Supervisory Copyright Information Specialist is responsible for responding to all initial requests submitted under the Freedom of Information Act. Individuals desiring to obtain access to Copyright Office information under the Act should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C., 20559, or in person between the hours of 9 a.m. and 4

p.m. on any working day at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va. If a request is made by mail, both the request and the envelope carrying it should be plainly marked Freedom of Information Act Request. Failure to so mark a mailed request may delay the Office response.

(e) Records must be reasonably described. A request reasonably describes records if it enables the Office to identify the records requested by any process that is not unreasonably burdensome or disruptive of Office operations. The Supervisory Copyright Information Specialist will, upon request, aid members of the public to formulate their requests in such a manner as to enable the Office to respond effectively and reduce search costs for the requester.

(f) The Office will respond to all properly marked mailed requests and all personally delivered requests within 10 working days of receipt by the Supervisory Copyright Information Specialist. The Office response will notify the requester whether or not the request will be granted. If the request is denied, the written notification will include the basis for the denial and also include the names of all individuals who participated in the determination and a description of procedures available to appeal the determination.

(g) In the event a request is denied and that denial is appealed, the Supervisory Copyright Information Specialist will refer the appeal to the General Counsel. Appeals shall be set forth in writing and addressed to the Supervisory Copyright Information Specialist at the address listed in paragraph (d) of this section. The appeal shall include a statement explaining the basis for the appeal. Determinations of appeals will be set forth in writing and signed by the General Counsel or his or her delegate within 20 working days. If, on appeal, the denial is in whole or in part upheld, the written determination will include the basis for the appeal denial and will also contain a notification of the provisions for judicial review and the names of the persons who participated in the determination.

(h) In unusual circumstances, the General Counsel may extend the time limits prescribed in paragraphs (f) and (g) of this section for not more than 10 working days. The extension period may be split between the initial request and the appeal but the total period of extension shall not exceed 10 working days. Extensions will be by written notice to the person making the request. The Copyright Office will advise the requester of the reasons for the extension and the date the determination is expected. As used in this paragraph "unusual circumstances" means:

(1) The need to search for and collect the requested records from establishments that are physically separate from the office processing the request;

(2) The need to search for, collect, and examine a voluminous amount of sep-

arate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practical speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Copyright Office which have a substantial subject matter interest therein.

AVAILABILITY OF INFORMATION

§ 203.5 Inspection and copying.

(a) When a request for information has been approved, the person making the request may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the Supervisory Copyright Information Specialist at the address or telephone number listed in § 203.4(d). Such material may be copied manually without charge, and reasonable facilities are available in the Public Information Office for that purpose. Also, copies of individual pages of such materials will be made available at the price per page specified in paragraphs (a) and (b) of § 203.6.

CHARGES FOR SEARCH FOR REPRODUCTION

§ 203.6 Schedule of fees and method of payment for services rendered.

(a) Fees shall be charged according to the schedule in paragraph (b) of this section for services rendered in responding to requests for Copyright Office records under this section. The Copyright Office will furnish the documents without charge or at a reduced charge where the Office determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public or where the requester claims indigency. When the request is for a copy of a record for which a specific fee is required under section 708 of Pub. L. 94-553, that fee shall be charged. Copies of Copyright Office publications are offered for sale to the public at prices based on the cost of reproduction and distribution, as required under section 707 of Pub. L. 94-553.

(b) The following charges will be assessed for the services listed:

(1) For copies of certificates of copyright registration, \$4,

(2) For copies of all other Copyright Office records not otherwise provided for in this section, \$.45 per page for 24 pages or less, and \$.35 per page for 25 pages or more, with a minimum fee of \$4.00,

(3) For each hour or fraction of an hour spent in searching for a requested record, \$10,

(4) For certification of each document, \$4,

(5) Other costs incurred by the Copyright Office in fulfilling a request will be chargeable at the actual cost to the Office.

(c) No charge will be made for time spent in resolving legal or policy issues

affecting access to Office records. No charge will be made for the time involved in examining records to determine whether some or all of such records may or will be withheld. Normally, no charge will be made if the records requested are not found. However, if the time expended in processing the request is substantial, and if the requester has been notified in advance that the Copyright Office cannot determine if the requested record exists or can be located fees may be charged.

(d) Where it is anticipated that the fees chargeable under this section will amount to more than \$50.00, and the requester has not indicated in advance willingness to pay fees as high as are anticipated, the Copyright Office shall furnish the requester an estimate of the anticipated fee. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated fee and agrees to bear it. Such a notification will be transmitted as soon as possible, but in any event, within five working days after the receipt of the initial request. The Supervisory Copyright Information Specialist will, when appropriate, consult with the requester in an effort to formulate the request so as to reduce the total fees chargeable.

(e) Payment should be made by check or money order payable to the Register of Copyrights.

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

Sec.	
204.1	Purposes and scope.
204.2	Definitions.
204.3	General policy.
204.4	Procedures for notification of the existence of records pertaining to individuals.
204.5	Procedures for requesting access to records.
204.6	Fees.
204.7	Requests for correction or amendment of a record.
204.8	Appeal of refusal to correct or amend an individual's record.
204.9	Judicial review.

AUTHORITY: Copyright Act, Pub. L. 94-553; 90 Stat. 2541-2692 (17 U.S.C. 101-710).

§ 204.1 Purposes and scope.

The purposes of these regulations are:

(a) the establishment of procedures by which an individual can determine if the Copyright Office maintains a system of records in which there is a record pertaining to the individual; and

(b) the establishment of procedures by which an individual may gain access to a record or information maintained on that individual and have such record or information disclosed for the purpose of review, copying, correction, or amendment.

§ 204.2 Definitions.

For purposes of this Part:

(a) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) the term "maintain" includes maintain, collect, use, or disseminate;

(c) the term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(d) the term "system of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual; and

(e) the term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 204.3 General policy.

The Copyright Office serves primarily as an office of public record. Section 705 of title 17, United States Code, requires the Copyright Office to open for public inspection all records of copyright deposits, registrations, recordations, and other actions taken under title 17. Therefore, a routine use of all Copyright Office systems of records created under Title 17 will be disclosure to the public. All Copyright Office systems of records will also be available for public copying as required by section 706(a), with the exception of copyright deposits, whose reproduction will be governed as authorized by Section 706(b) and the regulations issued under that section.

§ 204.4 Procedure for notification of the existence of records pertaining to individuals.

(a) The Copyright Office will publish annually in the FEDERAL REGISTER notices of all Copyright Office systems of records subject to the Privacy Act. Individuals desiring to know if a Copyright Office system of records contains a record pertaining to them should submit a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559, or in person between the hours of 9 a.m. and 4 p.m. on any working day at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va.

(b) The written request should identify clearly the system of records which is the subject of inquiry, by reference, whenever possible, to the system number and title as given in the notices of systems of records in the FEDERAL REGISTER. Both the written request and the envelope carrying it should be plainly marked "Privacy Act Request." Failure to so mark the request may delay the Office response.

(c) The Office will acknowledge all properly marked requests within ten working days of receipt and will notify the requester within 30 working days of receipt of the existence or non-existence of records pertaining to the requester.

(d) Since all Copyright Office records are open to public inspection, no identity verification is necessary for individuals who wish to know whether a specific system of records pertains to them.

§ 204.5 Procedures for requesting access to records.

(a) Individuals desiring to obtain access to Copyright Office information pertaining to them should make a written request to that effect either by mail to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C., 20559, or in person between the hours of 9 a.m. and 4 p.m. on any working day at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va.

(b) The written request should identify clearly the system of records which is the subject of inquiry, by reference, whenever possible, to the system number and title as given in the notices of systems of records in the FEDERAL REGISTER. Both the written request and the envelope carrying it should be plainly marked "Privacy Act Request." Failure to so mark the request may delay the Office response.

(c) The Office will acknowledge all properly marked requests within ten working days of receipt; and will notify the requester within 30 working days of receipt when and where access to the record will be granted. If the individual requested a copy of the record, the copy will accompany such notification.

§ 204.6 Fees.

(a) The Copyright Office will provide, free of charge, one copy to an individual of any record pertaining to that individual contained in a Copyright Office system of records, except where the request is for a copy of a record for which a specific fee is required under section 708 of Pub. L. 94-553, in which case that fee shall be charged. For additional copies of records not covered by section 708 the fee will be computed at the rate of \$.45 per page for 24 pages or less, and \$.35 per page for 25 pages or more, with a minimum fee of \$4.00. The Office will require prepayment of fees estimated to exceed \$25.00 and will remit any excess paid or bill an additional amount according to the differences between the final fee charged and the amount prepaid. When prepayment is required, a request will not be deemed "received" until prepayment has been made.

(b) The Copyright Office may waive the fee requirements whenever it determines that such waiver would be in the public interest.

§ 204.7 Request for correction or amendment of records.

(a) Any individual may request the correction or amendment of a record pertaining to her or him. With respect to an error in a copyright registration,

the procedure for correction and fee chargeable is governed by section 408(d) of Pub. L. 94-553, and the regulations issued as authorized by that section. With respect to an error in any other record, the request shall be in writing and delivered either by mail addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C., 20559, or in person at room 101, Copyright Office, Building No. 2, Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va. The request shall explain why the individual believes the record to be incomplete, inaccurate, irrelevant, or untimely.

(b) With respect to an error in a copyright registration, the time limit for Office response to requests for correction is governed by section 408(d) of Pub. L. 94-553, and the regulations issued as authorized by that section. With respect to other requests for correction or amendment of records, the Office will respond within 10 working days indicating to the requester that the requested correction or amendment has been made or that it has been refused. If the requested correction or amendment is refused, the Office response will indicate the reason for the refusal and the procedure available to the individual to appeal the refusal.

§ 204.8 Appeal of refusal to correct or amend an individual's record.

(a) An individual has 90 calendar days from receipt of the Copyright Office's response to appeal the refusal to correct or amend a record pertaining to the individual. The individual should submit a written appeal to the Register of Copyright, Copyright Office, Library of Congress, Washington, D.C. 20559 for the final administrative determination. Appeals, and the envelopes carrying them, should be plainly marked "Privacy Act Appeal". Failure to so mark the appeal may delay the Register's response. An appeal should contain a copy of the request for amendment or correction and a copy of the record alleged to be untimely, inaccurate, incomplete or irrelevant.

(b) The Register will issue a written decision granting or denying the appeal within 30 working days after receipt of the appeal unless, after showing good cause, the Register extends the 30 day period. If the appeal is granted, the requested amendment or correction will be made promptly. If the appeal is denied, in whole or part, the Register's decision will set forth reasons for the denial. Additionally, the decision will advise the requester that he or she has the right to file with the Copyright Office a concise statement of his or her reasons for disagreeing with the refusal to amend the record and that such statement will be attached to the requester's record and included in any future disclosure of such record.

§ 204.9 Judicial Review.

Within two years of the receipt of a final adverse administrative determination, an individual may seek judicial review of that determination as provided in 5 U.S.C. 552a(g) (1).

[FR Doc.77-37419 Filed 12-30-77;3:26 pm]

[3510-22]

Title 50—Wildlife and Fisheries
CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE
PART 651—ATLANTIC GROUND FISH
Haddock, Cod, and Yellowtail Flounder; Correction

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Correction to emergency regulations.

SUMMARY: Emergency regulations implementing an amendment to the fishery management plan for Atlantic groundfish (Plan) were published in the FEDERAL REGISTER on December 30, 1977. Those regulations became effective on January 1, 1978. Due to inadvertent oversight on the part of the submitting agency, two errors occurred in that publication. This document is being published to correct those errors.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone: 617-281-3600.

SUPPLEMENTARY INFORMATION: The two corrections are these: 1. The original draft text contained two paragraphs which would have simplified the fishing vessel marking requirements. Those two paragraphs did not appear in the text which was submitted to the FEDERAL REGISTER, even though the news media had been informed of this change. This correction restores those two paragraphs to the original text.

2. The draft text of the emergency regulation contained a provision which required the Assistant Administrator for Fisheries to take certain actions when the catch of cod, or the catch of yellowtail flounder east of 69°00' W. long., reached 70 percent of the quarterly allocation. Subsequently, it was decided that this percentage was too high, and that the Assistant Administrator for Fisheries needed more flexibility than the draft text provided. Unfortunately, the text which appeared in the FEDERAL REGISTER did not reflect these changes.

Signed at Washington, D.C., this 30th day of December 1977.

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

RULES AND REGULATIONS

§ 651.11 [Amended]

The corrections are as follows: Section 651.11 Vessel Identification. Delete paragraphs (a) and (b) as they appeared in the June 10, 1977 FEDERAL REGISTER (42 FR 29876), and substitute the following:

"(a) Each fishing vessel subject to this Part over 25 feet (7.65 m) in length shall display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

"(b) The identifying markings shall be permanently affixed to the vessel in contrasting block Arabic numerals at least 18 inches (45.72 cm) for vessels over 65 feet (19.812 m) and at least 10 inches (25.4 cm) in height for all other vessels over 25 feet (7.62 m) in length."

§ 651.8 [Amended]

Section 651.8(a) (2). Change "70 percent" to "50 percent"; and change " * * * the Assistant Administrator for Fisheries shall publish * * * " to " * * * the Assistant Administrator for Fisheries may publish * * * ".

[FR Doc.78-103 Filed 1-3-78;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.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

[Docket No. AO-14-A56]

MILK IN THE NEW ENGLAND MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This notice extends the date for filing exceptions to the recommended decision which previously set January 3, 1978, as such date. Interested parties requested the additional time to study the findings, conclusions and amendatory provisions of the decision.

DATE: Exceptions now are due on or before January 17, 1978.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued October 15, 1976; published October 21, 1976 (41 FR 46454). Recommended decision—Issued December 6, 1977; published December 12, 1977 (42 FR 62444).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New England marketing area which was issued December 6, 1977 (42 FR 62444) is hereby extended to January 17, 1978.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure govern-

ing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on December 29, 1977.

ROBERT B. BROWN,
Acting Deputy Administrator
for Program Operations.

[FR Doc.78-81 Filed 1-3-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

Availability of Public Information

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the uniform fee schedule used to assess members of the public for reproduction and search costs incurred in processing Freedom of Information Act requests. The new fee schedule is necessary to enable the Commission to meet the increased costs of new services, especially automated information retrieval, and the increased costs of personnel and reproduction materials.

DATES: All interested persons may file written comments concerning the proposed amendment on or before February 3, 1978.

ADDRESSES: All comments should be mailed to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580.

The comments received on the proposed amendment will be available for examination at the Public Reference Room, Room 130, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the final amendment of the rule.

FOR FURTHER INFORMATION CONTACT:

John E. Bokel, Director of Information Division, Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580, 202-523-3564.

Accordingly, the Commission proposes that § 4.8(c) (2) and (3) be amended to read as follows:

§ 4.8 Availability of public information.

* * * * *

(c) * * *

(2) The following uniform schedule of fees applies to all constituent units of the Commission:

REPRODUCTION

Paper copy----- 12¢/page.

MICROFILM SERVICES—PRODUCTION OF MICROFILM

16 MM.----- 6¢/frame.
Microfiche 4" x 6"----- Do.

DUPLICATION OF MICROFILM

16 MM.----- \$4.30/100-ft. roll.
16 MM developing----- \$1.70/100-ft. roll.
Microfiche 4" by 6"----- 15¢ each.
Load cartridge----- \$1.28 each.
Load cartridge----- 50¢ each.

COMPUTER SERVICES—INFORMATION RETRIEVAL

Programmer----- \$8.75/h.
Hard copy (paper) of each request 30¢.

SEARCH FEES

Clerical, 1st hour----- Free.
2d and subsequent hours----- \$5.50/h.
Para-professional, 1st hour----- Free.
2d and subsequent hours----- \$6.15/h.
Professional, 1st hour----- Free.
2d and subsequent hours----- \$13.25/h.
Certification----- \$3 each.

(3) Payment should be made by check or money order payable to the Treasury of the United States.

(5 U.S.C. 552; 15 U.S.C. 46(g).)

By direction of the Commission dated December 14, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc.78-20 Filed 1-3-78; 8:45 am]

[4310-70]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

HAWAII VOLCANOES NATIONAL PARK, HAWAII

Backcountry Camping Registration
Required

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The purpose of this revision is to require all persons planning

to camp anywhere in the backcountry of the park to register with the Superintendent. This is necessary to allow such persons to be readily notified of emergency conditions which frequently occur in the park.

DATES: Written comments, suggestions, or objections regarding this proposal will be accepted until February 4, 1978.

ADDRESSES: Comments should be directed to: Superintendent, Hawaii Volcanoes National Park, Hawaii 96718.

FOR FURTHER INFORMATION CONTACT:

Robert D. Barbee, Superintendent, Hawaii Volcanoes National Park, telephone: 808-967-7311.

SUPPLEMENTARY INFORMATION: This proposed regulation is based on public safety considerations. Most of the park's backcountry is subject to frequent earthquakes, volcanic eruptions, and lava flows, and the entire thirty mile coastline of the park is subject to occasional tsunamis, or "tidal waves." Public use of this backcountry has greatly increased in recent years and now totals approximately 3,000 overnight visits per year.

The ability to quickly determine who is located where in the backcountry can be very important in emergency situations, and a mandatory registration system is the only practical way to assure this capability. Under this proposal, registration will be free and may be accomplished in person at either of the park's visitor centers which are open from 7:30 a.m.-5:00 p.m. every day of the year.

(Sec. 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); Sec. 4 of the Act of August 1, 1916, 39 Stat. 434 (16 U.S.C. 394); 245 DM-1 (42 FR 12931); National Park Service Order No. 77 (38 FR 7478); and Regional Director, Western Region, Order No. 7 (37 FR 6326).)

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

DANIEL J. TOBIN,
Associate Director,
National Park Service.

In consideration of the foregoing, it is proposed to amend 36 CFR 7.25 by revising paragraph (b) (1) to read as follows:

§ 7.25 Hawaii Volcanoes National Park.

(b) *Backcountry registration.* (1) No person shall camp overnight in the backcountry without first registering with the Superintendent. "Backcountry" is defined as all areas of the park which are more than 250 yards from a paved road.

[FR Doc.78-42 Filed 1-3-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration
[42 CFR Parts 405, 449, and 450]
MEDICAID AND MEDICARE

Disclosure of Information and Access to
Provider Records: Requirements and
Conditions for Participation

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

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The regulations will: 1. Require Medicare and Medicaid providers and fiscal agents to disclose to the Secretary certain information about owners, employees, subcontractors and suppliers; 2. Authorize the Secretary to refuse to enter into or renew an agreement with a provider if any of its owners or managing employees has been convicted of a criminal offense involving any of the programs under Titles XVIII, XIX, or XX of the Social Security Act; 3. Authorize the Secretary to terminate an agreement with a provider that failed to disclose fully and accurately the identity of any of its owners or managing employees who had been convicted of a criminal offense at the time the agreement was entered into; and, 4. Authorize access by the Secretary to Medicaid provider records.

The regulations will implement, in part, sections 3, 8, 9, and 15 of the Medicare-Medicaid Anti-Fraud and Abuse amendments (Public Law 95-142).

FOR FURTHER INFORMATION, CONTACT:

Mr. Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, telephone: 301-594-5415.

Dated: December 12, 1977.

WILLIAM D. FULLERTON,
Acting Administrator,
Health Care Financing Administration.

[FR Doc.78-48 Filed 1-3-78; 8:45 am]

[4110-35]

[42 CFR Parts 405 and 450]
MEDICAID AND MEDICARE PROGRAMS
Suspension of Physicians and Other
Individual Practitioners

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

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The regulations will establish procedures for (1) suspending physicians and individual practitioners who have been convicted of criminal

offenses involving the Medicare or Medicaid programs; (2) lifting these suspensions. They will also revoke the regulations that provide for Program Review Teams and provide instead that the Secretary will consult with professional groups in determining program abuse. These regulations are necessary to implement Section 7 and 13 of the Medicare-Medicare-Medicaid Anti-Fraud and Abuse amendments (Public Law 95-142).

The purpose is to assure that no payments are made to convicted practitioners and thus to discourage fraudulent practices under the Medicaid and Medicare programs.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-5415.

Dated: December 12, 1977.

WILLIAM D. FULLERTON,
Acting Administrator, Health
Care Financing Administration.

[FR Doc.78-46 Filed 1-3-78; 8:45 am]

[4110-35]

[42 CFR Part 450]
MEDICAL ASSISTANCE PROGRAMS
State Medicaid Fraud Control Units
AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The regulations will establish the requirements for 90 percent Federal financial participation in the cost of State Medicaid Fraud Control Units, and the mechanisms for reimbursement. Section 17 of Pub. L. 95-142 provides for these units and their reimbursement, and requires that the Department publish effective implementing regulations by January 23, 1978. The functions of these new units will be the investigation and prosecution of Medicaid fraud and the recovery of payments improperly made to providers who have criminally defrauded the program.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-5415.

A draft regulation has been developed and is being sent to all State Governors. Any interested person may obtain a copy through Mr. Irwin Cohen.

Dated: December 12, 1977.

WILLIAM D. FULLERTON,
Acting Administrator, Health
Care Financing Administration.

[FR Doc.78-47 Filed 1-3-78; 8:45 am]

[4310-31]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Extension of Comment Period

AGENCY: Geological Survey, Interior.

ACTION: Extension of comment period for proposed rulemaking.

SUMMARY: This notice extends the period for submitting comments on the proposed rulemaking published in the FEDERAL REGISTER November 29, 1977, (42 FR 60890) which would modify coal mining operating regulations on Federal lands to conform to the requirements of

the Surface Mining Control and Reclamation Act of 1977. The Department has determined that an extension of the comment closing date to January 13, 1978, is required because the initial regulations of the Office of Surface Mining, which are proposed to be incorporated into the 30 CFR Part 211 regulations, were not published as final rulemaking until December 13, 1977, (42 FR 62639). The Department has determined that the public should have a full 30 days to comment on the proposed regulations amending 30 CFR Part 211 which incorporate the final Office of Surface Mining regulations.

DATE: Written comments deadline extended until January 13, 1978.

ADDRESS: Comments should be addressed to Director, U.S. Geological Survey, U.S. Department of the Interior, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Mr. Tom Leshendok, Conservation Division, Branch of Mining Operations, U.S. Geological Survey, Reston, Va. 22092, 703-860-7506; or Mr. Carl Close, Regulatory Program Work Group, Office of Surface Mining, U.S. Department of Interior, Washington, D.C. 20240, 202-343-4237.

Dated: December 30, 1977.

HOPE BAERCOCK,
Acting Assistant Secretary,
Energy and Minerals.

[FR Dc.78-132 Filed 1-3-78;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.

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31871; Dated: December 22, 1977]

YOUTH STANDBY FARES

Solicitation of Comments

AGENCY: Civil Aeronautics Board.

ACTION: Notice soliciting comments.

DATES: Comments by February 17, 1978.

ADDRESSES: Comments should be sent to Docket 31871, Dockets Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5056.

FOR FURTHER INFORMATION, CONTACT:

Norman D. Schwartz, Chief, Legal Division, Bureau of Fares and Rates.

SUPPLEMENTARY INFORMATION: In the matter of a report to Congress on the feasibility and economic impact of youth standby fares as required by section 8(b), Pub. L. 95-163.

Except for youth fares justified as necessary to meet foreign competition between the United States and various points in Europe, it has been the policy of the Board that youth and other status-related fares are unjustly discriminatory. The basis for this policy has been that the discrimination inherent in such fares could not be justified, except on the basis of social benefits and other considerations of which Congress had not permitted the Board to take cognizance.¹

In a recent amendment to the Federal Aviation Act, however, Congress has asked the Board to report on the feasibility and economic impact of youth standby fares.² The legislation provides no details about the breadth of the study and the use to which Congress intends to put the report, but since the instruction is included with amendments which authorize reduced fares for senior citizens and handicapped persons, the evident will of Congress is to have a critical look at the Board's previous policies on youth

fares. The purpose of this notice is to institute procedures that will enable the Board to discharge this responsibility and to request the submission by air carriers and other interested parties of data and views to facilitate the development of an adequate report.

Those who wish to comment are asked to consider the following basic issues:

Are standby fares an effective tool in filling otherwise empty seats?

Should standby fares be limited to a specific sector of the travel market?

Are there unique features of the youth travel market that would support offering standby fares to this limited class of passengers?

Could the term "space available basis" also include other types of low priority, capacity controlled reservations? What are the relative merits of standby and alternative space available systems as a means of providing low fare transportation for youths?

Commentators are asked also to focus on the following specific questions (and any others that seem relevant):

To what extent will youth standby fares generate new traffic at given levels of discount from full fares (e.g., 15 percent, 33½ percent, 50 percent)?

To what extent will youth standby fares result in diversion from other existing fares available to the general public and from charter service offered by both scheduled service and supplemental carriers?

Will youth standby fares, either by themselves or in conjunction with other discount or promotional fares, cause capacity to be added or create a service burden on normal fare traffic?

Should the Board retain the authority to regulate the reasonableness of youth standby fares? If so, what should be the standard of reasonableness? Should such fares be required to meet the profit impact test enunciated in phase 5 of the DPFI? If not, what type of cost justification should be required as related to both capacity and noncapacity costs:

Fully allocated costs?

²Public Law 95-163, §8(b): Within six months after the date of enactment of this section, the Board shall study and report to Congress on the feasibility and economic impact of air carriers and foreign air carriers providing reduced-rate transportation on a space-available basis to persons twenty-one years of age or younger.

Short-run or long-run marginal costs? How should these be measured?

Some other cost basis?

When computing rate of return for ratemaking or fare increase purposes, how should youth fare traffic and revenue be handled:

Should youth fares be considered as normal dilution in the same manner as military and children?

Should they instead be treated as a discount fare, and subjected to a discount fare adjustment?

What rules should govern youth fares:

Should an expiration date be required?

Should they bear restrictions on times of applicability, such as hour of the day, day of the week, holiday periods, or peak travel periods?

Should they bear any restrictions as to boarding priority relative to other standby traffic?

Are there any feasible conditions or restrictions which would eliminate the possibility that youth fares would create a service burden on normal-fare traffic?

How serious is the problem likely to be of youths making multiple advance reservations in order to ensure the availability of space for standbys on a particular flight? How might this circumvention of the rules be minimized or prevented?

REQUEST FOR COMMENTS

Persons wishing to participate in this proceeding may do so by submitting 20 copies of written data, views, or arguments on the questions outlined above. The requirement to file 20 copies shall not apply to individual members of the general public, who shall be permitted to participate in this proceeding by submitting one copy of comments in letter form to the dockets section.

A thorough consideration of the issues involved in youth standby fares is essential to the preparation of a complete and unbiased report. Accordingly, we request comprehensive treatment of the questions outlined above.

This notice shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-63 Filed 1-3-78; 8:45 am]

¹*Transcontinental Bus. Co. v. Civil Aeronautics Board*, 383 F. 2d 466 (5th Cir. 1967), cert. denied, 390 U.S. 920 (1968).

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10:00 a.m., on January 19, 1978 in Room 1-102, Federal Office Building, 26 Federal Plaza, New York, N.Y. 10007.

The Committee, which is comprised of members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Other Business.

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: December 29, 1977.

ROBERT E. SHEPHERD,
*Deputy Assistant Secretary for
Domestic Business Development.*

[FR Doc. 78-19 Filed 1-3-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
Administration

MARINE FISHERIES ADVISORY COMMITTEE

Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., appendix I, notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC), and subcommittees. The committee

meeting (MAFAC XIX), will be held on Wednesday and Thursday, February 1 and 2, 1978, in Room 4830 of the Department of Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C., with meetings starting at 8:30 a.m. Adjournment is planned for noon Thursday.

Two subcommittees will meet Tuesday afternoon, January 31, 1978, in the Conference Room, 4th Floor, Page Building 2, 3300 Whitehaven Street, NW. (NMFS headquarters): the Subcommittee on Consumer Affairs at 1 p.m., and the Subcommittee on Recreational Fisheries at 3 p.m.

Agenda items include: Foreign Fishing Allocations; Joint Ventures; Marine Mammal and Endangered Species Conflicts; Bowhead Whale Management Regime; Habitat Protection; Implementation of Eastland Survey; Reorganization of Fisheries within NOAA; Summary of First Calendar Year under Extended Fisheries Jurisdiction; NMFS Budget; Status of U.S./Canada Negotiations; Environmental Considerations in Fisheries Management Decisions; and reports by the Subcommittees, the Regional Fishery Management Councils, and the Marine Fisheries Commissions.

The committee meeting and the subcommittee meetings are open to the public and there will be seating for approximately 20 public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Mr. Phyllis Bentz, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235, telephone area code 202-634-7355.

At the discretion of the chairman, interested members of the public may be permitted to speak at times which allow an orderly conduct of committee business, and a reasonable time relationship between the committee's discussion of a given subject, and comments to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so at the address noted above. To receive due consideration and facilitate their inclusion in the record of the meeting, written statements should be received within 10 days after the close of the committee meeting.

Dated: December 29, 1977.

JACK W. GEHRINGER,
*Deputy Director, National
Marine Fisheries Service.*

[FR Doc. 78-64 Filed 1-3-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
AdministrationNEW ENGLAND FISHERY MANAGEMENT
COUNCIL

Fishery Management Plan for Haddock, Cod and Yellowtail Flounder; Availability of Draft Supplementary Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1976, the NMFS/National Oceanic and Atmospheric Administration, Department of Commerce, and the New England Fishery Management Council have prepared a draft supplemental environmental impact statement for the proposed adoption and implementation of amendments to the Fishery Management Plan for haddock, cod, and yellowtail flounder, pursuant to the Fishery Conservation and Management Act of 1976. The amendments being considered would basically continue the 1977 plan into 1978 until a plan based upon new biological information (available mid-January 1978) could be developed and implemented about April 1, 1978.

Besides extending the 1977 plan into 1978, the following changes are being considered:

1. Adoption of quarterly quotas for cod and haddock.
2. Establishment of new criteria for termination of directed fisheries.
3. New limitations on the incidental catch that can be landed after the closing of a directed fishery, and
4. Prohibition against retention of groundfish after a quota has been reached.

Written comments may be submitted on or before February 8, 1978, to Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, Telephone 617-535-5340.

A public hearing will be held on the draft supplemental environmental impact statement on January 19, 1978, at 9 a.m. at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass. For more information on the hearing contact Spencer Apollonio (address and telephone number above).

Copies of the draft supplemental environmental impact statement are available for inspection at the following locations:

Northeast Regional Office, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930.

New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960.

Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and North Streets, Dover, Del. 19901.

This Notice of Availability is being published at the request of and in co-

operation with the New England Fishery Management Council.

Dated: December 30, 1977.

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

[FR Doc. 78-166, Filed 1-3-78; 8:45 am]

[3510-22]

**NEW ENGLAND REGIONAL FISHERY
MANAGEMENT COUNCIL**

Public Hearing on Cod, Haddock, and
Yellowtail Flounder Fishery Management Plan

The New England Regional Fishery Management Council announces a series of Public Hearings on the 1978 groundfish (cod, haddock, yellowtail flounder) management plan. The hearings will be held to receive public comment on the proposed regulation of the fisheries for cod, haddock and yellowtail flounder, in the Fishery Conservation Zone established under the 200 mile Act.

The hearings will be held from 7:30 p.m. to 9:30 p.m. at the following locations and dates:

January 30, 1978: Holiday Inn, U.S. Route 1 and Route 3, Ellsworth, Maine.

January 31, 1978: Dutch Inn, Great Island Road, Galilee, Rhode Island.

February 1, 1978: Holiday Inn, Hathaway Road, New Bedford, Mass.

February 2, 1978: Holiday Inn, Route 132, Hyannis, Mass.

February 3, 1978: Holiday Inn, Cooks Corner, Brunswick, Maine.

February 6, 1978: Gloucester House Restaurant, Seven Seas Wharf, Gloucester, Mass.

The proposed plan will include the same regulations as in 1977 for licensing, mesh sizes, closed areas and minimum sizes for cod, haddock and yellowtail flounder, and quarterly quotas and landings restrictions for yellowtail flounder. It will amend the requirements for vessel identification, and it will set quarterly quotas for cod and haddock. Other modifications to the 1977 plan which may be considered by the Council at its regular meeting on January 18-19 will be presented for consideration of the public at the Public Hearings.

For further information, contact Mr. Spencer Apollonio, Executive Director, New England Regional Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 01960; 617-535-5450.

Dated: December 30, 1977.

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

[FR Doc. 78-165 Filed 1-3-78; 8:45 am]

[3510-22]

**NEW ENGLAND REGIONAL FISHERY
MANAGEMENT COUNCIL**

Public Hearing on Cod, Haddock, and
Yellowtail Flounder Fishery Management Plan

The Secretary of Commerce, pursuant to section 305(e)(2) of the Fishery Conservation and Management Act of 1976, as amended 16 U.S.C. 1801 et seq., promulgated emergency regulations to amend the 1977 New England groundfish plan by extending it for the first part of 1978, and to make other changes. These regulations appeared in the FEDERAL REGISTER on December 30, 1977, page 65186, effective January 1, 1978.

These regulations, which are effective for 45 days and which may be extended for an additional 45-day period, were issued after consultation with the New England Regional Fishery Management Council; they will function as an interim plan, while the New England Council prepares a final groundfish plan for 1978. In general the emergency regulations provide for the continuation of the June 10, 1977, regulations, published at 42 FR 29876, with the following additional provisions:

1. Quarterly quotas for cod and haddock.
2. Establishment of new criteria for termination of directed fisheries.
3. New limitations on the incidental catch that can be landed per trip after the closing of a directed fishery, and
4. Prohibition against retention of groundfish after a quota has been reached.

Pursuant to section 302(h)(3) of the Act, the New England Regional Fishery Management Council will hold a public hearing on these emergency regulations. The purpose of the hearing will be to receive public comment on the substance of these regulations, with a view toward making them a formal amendment to the groundfish plan.

The hearing will be held at 9 a.m., on January 19, 1978, at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Mass.

For more information contact Spencer Apollonio, Executive Director, New England Regional Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: December 30, 1977.

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

[FR Doc. 78-163 Filed 1-3-78; 8:45 am]

[3510-12]

**National Oceanic and Atmospheric
Administration**

WEATHER MODIFICATION ADVISORY BOARD

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. 1 (Supp. V, 1975), notice is hereby given of the eighth meeting of the Weather Modification Advisory Board.

The Weather Modification Advisory Board will meet from 9 a.m. to 6 p.m., on January 18, 1978, in the Conference Center, O'Hare Hilton, Airport, Chicago, Ill.

The Board was established in January 1977 (42 FR 4512, January 25, 1977), to advise the Secretary of Commerce on matters of a national policy, a national research and development program, and other aspects of weather modification as outlined in the national Weather Modification Policy Act of 1976 (Pub. L. 94-490), enacted on October 13, 1976. The Board consists of 17 members, with a balanced representation selected from scientific, academic, commercial, consumer, legal, and environmental groups, who are appointed by the Secretary of Commerce.

The purpose of this meeting is to discuss the final draft of the Board's summary report, to make necessary changes in the text, and to approve its submittal to the Secretary of Commerce. A brief period will be used to discuss progress in preparing the Board's final report and to plan future meetings.

Notice of this meeting could not be given earlier because the Chairman's decision on the date was not obtained until December 29, 1977.

The agenda for this meeting is:

JANUARY 18, 1978 (WEDNESDAY)

9 a.m. to 12:30 p.m.—Discussion of the contents of a draft summary report of the Board's views on issues, policies, and programs in weather modification.

12:30 p.m. to 1:30 p.m.—Lunch and continuation of discussions on draft summary report.

1:30 p.m. to 5 p.m.—Continuation of discussion on draft summary report and approval of its submittal to the Secretary of Commerce.

5 p.m. to 6 p.m.—Discussion of progress in preparing final report and of future meeting dates.

6 p.m.—Adjournment.

The meeting will be open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before January 16, 1978. Other public statements regarding Board affairs may be submitted at any time before or after the meeting. Seating

will be available for the public on a first-come-first-served basis in a conference room at the O'Hare Hilton, Airport, Chicago, Ill.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to Dr. Ronald L. Lavoie, Director, Science and Academic Affairs Office, National Oceanic and Atmospheric Administration, Rockville, Md. 20852, phone 301-443-8721.

Dated: December 29, 1977.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc. 78-88 Filed 1-3-78; 8:45 am]

[3510-17]

Office of the Secretary

(Department Organization Order 10-5;
Amdt. 4)

ASSISTANT SECRETARY FOR ADMINISTRATION

Organization and Functions

This order effective December 9, 1977, further amends the materials appearing at 38 FR 34133 of December 11, 1973, of 41 FR 19996 of May 14, 1976, of 41 FR 38658 of August 26, 1976, and of 42 FR 44829 of September 7, 1977.

Department Organization Order 10-5, dated November 23, 1973, is hereby further amended as shown below. The purpose of this amendment is to include a delegation of authority which was previously omitted from the order.

SECTION 3. Scope of authority. A new subparagraph .02e is added to read as follows:

e. Carrying out the Secretary's responsibilities under 15 U.S.C. 1525-1527 (Pub. L. 91-412).

ELSA A. PORTER,
Assistant Secretary for
Administration.

[FR Doc. 78-35 Filed 1-3-78; 8:45 am]

[3510-17]

(Department Organization Order 35-1B;
Amdt. 3)

BUREAU OF ECONOMIC ANALYSIS

Organization and Functions

This order effective December 7, 1977, further amends the materials appearing at 40 FR 58878 of December 19, 1975, of 42 FR 1064 of January 5, 1977, and of 42 FR 60946 of November 30, 1977.

Department Organization Order 35-1B, dated October 24, 1975, is hereby further amended as shown below.

1. SECTION 5. Associate director for national analysis and projections. A new paragraph .04 is added to read as follows:

.04 The Environmental and Nonmarket Economics Division shall maintain, improve, and interpret measures of expenditures for pollution abatement and control by consumers, business, and government within the framework of the national economic accounts, and measures of pollutant emissions per dollar of output for each of the major polluting industries, and relate these measures to the pollution abatement expenditures by these industries; prepare and interpret measures relevant for evaluating changes in the economic well-being of the Nation within the framework of the national economic accounts; and do research in the techniques required to interpret the environmental and economic well-being measures.

2. The organization chart, Exhibit 1, attached to this amendment supersedes the organization chart dated October 1, 1977. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

ELSA A. PORTER,
Assistant Secretary for
Administration.

[FR Doc. 78-37 Filed 1-3-78; 8:45 am]

[3510-17]

(Department Organization Order 20-14;
Amdt. 2)

OFFICE OF AUTOMATIC DATA PROCESSING
MANAGEMENT

Organization and Functions

This order effective December 9, 1977, further amends the material appearing at 41 FR 50320 of November 15, 1976 and of 42 FR 41467 of August 17, 1977.

Department organization order 20-14 of November 1, 1976, is hereby further amended as shown below. The purpose of this amendment is to prescribe a functional statement for OADPM which is more in conformance with the overall activities of that office.

SECTION 3. Functions. Section 3. Is revised to read as follows:

SECTION 3. Functions. Pursuant to the authority vested in the Assistant Secretary for Administration by department organization order 10-5, and subject to such policies and directives that the Assistant Secretary may prescribe, the Office shall provide a full range of ADP services, including development of departmentwide ADP policy, procurement of ADP equipment and services, and operation of a central computer facility for the Office of the Secretary and designated operating units. The office shall conduct or sponsor studies and applied research specific to the needs of the department's planning, procurement, and operational utilization of ADP equipment and systems. The office shall serve as a focal point for dealing with the Office of Management and Budget (OMB), the General Services Administration (GSA), the General Accounting Office (GOA), and other central man-

agement agencies on ADP Matters relating to the department.

ELSA A. PORTER,
Assistant Secretary for
Administration.

[FR Doc. 78-36 Filed 1-3-78; 8:45 am]

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

ENTRY REGULATIONS FOR KAHOO LAWE
ISLAND, HAWAII

Notice of New Instruction

Notice is hereby given of the contents of COMFOURTEENINST 5510.35A:

COMFOURTEEN INSTRUCTION 5510.35A

From: Commandant, Fourteenth Naval District.

To: All Concerned.

Subj: Entry regulations for Kahoolawe Island, Hawaii.

Ref: (a) Executive Order No. 10436 of 20 February 1953. (b) Title 18, United States Code, Section 1382. (c) Internal Security Act of 1950, Section 21 (50 U.S.C. 797). (d) DOD Directive 5200.8. (e) OPNAVINST 5511.9A of 1 October 1954. (f) SECNAVINST 5400.14 of 30 July 1974. (g) OPNAVINST 5450.150 of 22 February 1975. (h) OPNAVINST 5400.24A of 17 April 1975.

1. Purpose. To promulgate regulations governing entry upon Kahoolawe Island, Hawaii.

2. Cancellation. COMFOURTEENINST 5510.35 is hereby cancelled and superseded. This regulation does not cancel or abrogate any other regulation or order of this command.

3. Definition. For purposes of this instruction, Kahoolawe Island includes only that portion reserved for naval purposes by reference (a).

4. Background. (a) Kahoolawe Island has been used and will continue to be used as a target area for the foreseeable future for bombing and gunnery practice in order to maintain and improve combat readiness of U.S. Armed Force. It is vital to National defense that this use of Kahoolawe Island be continued without undue or unnecessary interruption. Because of the large amounts of unexploded ordnance present on the island and in adjacent waters, inherently dangerous conditions exist in these areas. (b) For prevention of interruption of the stated use of Kahoolawe Island by any unauthorized person on the island, and prevention of injury to any such person as a consequence of the dangerous conditions which exist, as well as for other reasons, it is essential to restrict entry upon the island to authorized persons only.

5. Entry Restrictions. Except for military personnel and civilian employees of the United States in the performance of their official duties, entry upon Kahoolawe Island or remaining upon Kahoolawe Island by any person for any purpose whatsoever without the advance consent of the Commandant, Fourteenth Naval District, or his authorized representative, is prohibited. References (b) through (h) apply.

6. Entry Procedures. (a) Any person or group of persons desiring the advance con-

sent of the Commandant, Fourteenth Naval District or his representative shall, in writing, submit a request to the Commandant, Fourteenth Naval District at the following address: Commandant, Fourteenth Naval District, Box 110, Pearl Harbor, Hawaii 96860. (b) Each request for entry will be considered on an individual basis weighing the OPI128 operational and training commitments of Kahoolawe Island, security, and safety with the purpose, size of party, duration of visit, destination, and military resources which would be required by the granting of the request.

7. *Violations.* (a) Any person entering or remaining on Kahoolawe Island without the advance consent of the Commandant, Fourteenth Naval District, or his authorized representative shall be subject to the penalties prescribed by reference (b), which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval . . . reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation . . . shall be fined not more than \$500 or imprisoned not more than six months, or both." (b) Moreover, any person who willfully violates this regulation is subject to a fine not to exceed \$500 or imprisonment for not more than one (1) year, or both as provided in reference (c).

*K. S. WENTWORTH, JR.

Effective date: This instruction shall become effective on January 3, 1978.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

DECEMBER 30, 1977.

[FR Doc. 78-93 Filed 1-3-78; 8:45 am]

[3910-01]

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

DECEMBER 14, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Wide Area Munitions will hold meetings at the Pentagon on January 19 and 20, 1978, from 8:30 a.m. to 5 p.m. each day.

The Committee will receive classified briefings and hold classified discussions on Air Force munitions research and procurement programs. The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,

Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-113 Filed 1-3-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

NOTICE OF CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

December 2 through December 9, 1977

Notice is hereby given that during the week of December 2 through December 9, 1977, 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 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.

DECEMBER 27, 1977.

MELVIN GOLDSTEIN,
Director,
Office of Administrative Review.

APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977

Date	Name and location of applicant	Case No.	Type of submission
12/2/77	Bunting Oil Co., Lancaster, Pa. (If granted: The DOE region III's Nov. 15, 1977 remedial order would be rescinded and the Bunting Oil Co. would not be required to refund overcharges made on sales of No. 2 heating oil.)	DRA-0067.....	Appeal of DOE region III's Remedial Order issued Nov. 15, 1977.
12/2/77	C.A.C.I.-Federal, Arlington, Va. (If granted: The DOE's Oct. 27, 1977 information request denial would be rescinded and C.A.C.I. would receive access to data requested in its Freedom of Information Act request dated June 23, 1977.)	DFA-0064.....	Appeal of DOE's information request denial dated Oct. 27, 1977.
12/2/77	Cities Service Co., Tulsa, Okla. (If granted: Crude oil produced and sold from Cities Service Co.'s Corff "A" lease located in Oklahoma County, Okla., would be sold at upper tier ceiling prices.)	DEE-0353.....	Price exception (sec. 212.73).
12/2/77	OSRO Cobb, et al., Little Rock, Ark. (If granted: The Smackover Nacatoch Sand 985 acre unit located in Smackover, Ark., would be classified as a stripper well property.)	DEE-0354.....	Price exception (sec. 212.73).
12/2/77	DEPCO, Inc., Denver, Colo. (If granted: The DOE region VIII's Nov. 14, 1977 remedial order would be rescinded and DEPCO, Inc. would not be required to refund overcharges made on sales of crude oil produced from the Bryans lease located in Renville County, N. Dak.)	DRA-0068.....	Appeal of DOE region VIII's remedial order issued Nov. 14, 1977.
12/2/77	Deshazo Oil Co., Inc., Martinsville, Va. (If granted: A remedial order issued to the firm by DOE Region III on Nov. 15, 1977 would be rescinded.)	DRA-0069.....	Appeal of DOE region III's remedial order dated Nov. 15, 1977.
12/2/77	Franconia Propane Gas Co., Inc., Harleysville, Pa. (If granted: The DOE region III's Nov. 15, 1977 remedial order would be rescinded and Franconia Propane Gas Co., Inc. would not be required to refund overcharges made on sales of propane.)	DRA-0066, DRS-0077.	Appeal of DOE region III's remedial order issued Nov. 15, 1977. Stay requested.
12/2/77	J. & W. Refining, Inc., Dallas, Tex. (If granted: The DOE would review the entitlements exception relief granted to J. & W. Refining, Inc. during the first half of its 1978 fiscal year in order to determine whether the level of exception relief approved was appropriate.)	DEX-0010.....	Review of entitlements exception relief (supplemental order).
12/2/77	Leonard E. Belcher, Inc., Alexandria, Va. (If granted: The FEA's Aug. 17, 1977 decision and order would be modified and Leonard E. Belcher, Inc. would not be required to post a letter of credit for the total amount of overcharges stated in the June 18, 1977 remedial order pending a final determination of the firm's appeal of that order.)	DRR-0008.....	Request for modification Leonard E. Belcher, Inc., 6 FEA par. 85,023 (Aug. 17, 1977).
12/2/77	Rameco Oil & Gas Corp., Hollywood, Fla. (If granted: Rameco Oil & Gas Corp's Gordon Hughes wells No. 2 and No. 3 located in Mason County, W. Va., would retroactively be classified as a stripper well property.)	DEE-0355.....	Price exception (sec. 212.73).
12/2/77	Southern Natural Resources, Inc., Birmingham, Ala. (If granted: Southern Natural Resources, Inc. would receive an extension of the exception relief granted in the FEA's July 25, 1977 and June 8, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Lapeyrouse, Patterson, and Sea Robin plants.)	DXE-0356, DXE-0357, DXE-0358.	Extension of exception relief granted in Southern Natural Resources, Inc., case Nos. FEE-4320 and FEE-4321 (decided July 25, 1977) (unreported decision); Southern Natural Resources, Inc., case No. FEE-4073 (decided June 8, 1977) (unreported decision).

APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
12/2/77	Superior Linen and Apparel Services, Inc., Cincinnati, Ohio. (If granted: Superior Linen and Apparel Services, Inc. would receive a stay of the provisions of Section 211.126) pending a final determination of its application for exception.)	DES-0203	Stay request.
12/2/77	Robert and Teresa Wampler d.b.a. Duden Store, Allerton, Iowa. (If granted: Robert and Teresa Wampler d.b.a. Duden Store, would be assigned a new, lower-priced supplier of propane to replace their base period supplier, Northern Propane Co.)	DEE-0348	Exception to change supplier (sec. 211.9).
12/5/77	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: The DOE's Oct. 19, 1977 assignment order would be rescinded and Chevron U.S.A., Inc. would not be required to sell to Flatcau, Inc. 307,953 barrels of crude oil during the allocation period beginning Oct. 1, 1977.)	DEE-0304	Exception to crude oil buy/sell program (sec. 211.65).
12/5/77	Chevron U.S.A., Inc., San Francisco, Calif. (If granted: The DOE's Sept. 22, 1977 notice of refiners' crude oil allocation program would be modified to reduce the amount of crude oil which Chevron U.S.A., Inc. is required to sell to Flatcau, Inc. at its Rosevelt refinery.)	DEE-0305	Exception to crude oil buy/sell program (sec. 211.65).
12/5/77	Commercial Bottle Gas, Oxford, N.C. (If granted: Commercial Bottle Gas would be granted an exception to sec. 212.03 which would permit recovery as a nonproduct cost increased labor costs of its owner, William C. Long.)	DEE-0361	Price exception (sec. 212.03).
12/5/77	Consumers Fuel Co., Martinsburg, W. Va. (If granted: The DOE's Nov. 7, 1977 decision and order would be modified and Consumers Fuel Co. would be allowed additional time to make the refunds of overcharges required by the remedial order issued to the firm on Apr. 28, 1977.)	DRR-0003	Request for modification, Consumers Fuel Co., DOE par. — (Nov. 7, 1977).
12/5/77	Marathon Oil Co., Findlay, Ohio. (If granted: The DOE's Oct. 19, 1977 decision and order 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 Elk Basin and Susan Peak plants.)	DEE-0376, DEE-0377	Price exception (sec. 212.165).
12/5/77	M. J. Mitchell, Dallas, Tex. (If granted: M. J. Mitchell would receive an extension of the exception relief granted in the DOE's Nov. 23, 1977 decision and order which would permit a certain percentage of the crude oil produced from the Mitchell State Mineralium Sand unit located in Campbell County, Wyo., to be sold at upper tier ceiling prices.)	DXE-0300	Extension of exception relief granted in M. J. Mitchell, DOE par. — (Nov. 23, 1977).
12/5/77	A. L. Sauder, Wichita Falls, Kans. (If granted: A. L. Sauder's "A" lease located in Stonehill County, Tex., would be classified as a stripper well property.)	DEE-0359	Price exception (sec. 212.73).
12/5/77	Sun Co., Inc., Philadelphia, Pa. (If granted: The DOE region III's Nov. 1, 1977 decision and order would be rescinded and Sun would be permitted to calculate its prices to Amtel, Inc. on the basis of its sales to all resellers in the Oklahoma and Texas marketing areas rather than the limited number of resellers in those areas as required by the region III order.)	DEA-0070	Appeal of DOE region III's decision and order issued Nov. 1, 1977, in re application of Amtel, Inc., for exception.

APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
12/5/77	Texaco, Inc., Houston, Tex. (If granted: Texaco, Inc. would receive an extension of the exception relief granted in the DOE's July 25, 1977, June 30, 1977, and June 9, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Coninga Nose, Headco Cycling, Headco Gas, Lamasa, Lockridge, Mermentau, N. Cowden, Pampa and Toca plants.)	DXE-0366—DXE-0375	Extension of exception relief granted in Texaco, Inc. case Nos. FEE-4051 through FEE-4055, FEE-4063 (decided June 8, 1977) (unreported decision); Texaco, Inc., case Nos. FEE-4308 through FEE-4317 (decided June 30, 1977) (unreported decision); Texaco, Inc., case No. FEE-4343 (decided July 25, 1977) (unreported decision).
12/5/77	Victory Oil Co., Long Beach, Calif. (If granted: The DOE region IX's Nov. 18, 1977 remedial order would be rescinded and the Victory Oil Co. would not be required to refund overcharges made on sales of crude oil produced from the Anderson-Goodwin property and sold to the Union Oil Co. of California.)	DRA-0005	Appeal of DOE region IX's remedial order dated Nov. 18, 1977.
12/6/77	Dancon Oil Co., Houston, Tex. (If granted: Crude oil produced from Dancon Oil Co.'s Venice Beach lease located in Los Angeles, Calif., would be sold at upper tier ceiling prices.)	DEE-0362	Price exception (sec. 212.73).
12/6/77	Rickelton Oil and Gas Co., Tulsa, Okla. (If granted: Crude oil produced from the Rickelton Oil and Gas Co's Chapman "A" No. 1 well located in Hughes County, Okla., would be sold at upper tier ceiling prices.)	DEE-0363	Price exception (sec. 212.73).
12/7/77	Northern Oil Co., Inc., Burlington, Vt. (If granted: The DOE region I's Nov. 18, 1977 remedial order would be rescinded and the Northern Oil Co. would not be required to refund overcharges made on sales of No. 3 heating oil and kerosene.)	DRA-0071	Appeal of DOE region I's remedial order issued Nov. 18, 1977.
12/7/77	Ferlman Corp., Houston, Tex. (If granted: The DOE region IV's Nov. 18, 1977 remedial order would be rescinded and the Ferlman Corp. 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 Pegasus Kingdom and Todd Ranch plants.)	DXE-0376, DXE-0379	Extension of exception relief granted in Ferlman Corp. case Nos. FEE-4106 and FEE-4107 (decided June 20, 1977) (unreported decision).
12/7/77	Romaco, Inc., Montgomery, Ala. (If granted: The DOE's Sept. 2, 1977 special report order issued to Romaco, Inc. would be rescinded.)	DSG-0000, DSG-0017	Request for special address. Stay requested.
12/7/77	Sun Co., Inc., Dallas, Tex. (If granted: Sun Co., Inc. 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 Burnell, Dragon Trail, Okarehe, and Van plants.)	DEE-0380—DEE-0393	Price exception (sec. 212.165).
12/8/77	Advanced Sales Corp., Washington, D.C. (If granted: The DOE region IV's May 20, 1977 order of termination of supplier/purchaser relationship would be rescinded and the Advanced Sales Corp. would be assigned a new, lower-priced supplier of motor gasoline to replace its base period supplier, Gulf Oil Corp.)	DSG-0007	Request for special address.

NOTICES

APPENDIX.—List of cases received by the Office of Administrative Review, Dec. 2 through Dec. 9, 1977—Continued

Date	Name and location of applicant	Case No.	Type of submission
12/8/77	Baltimore Gas and Electric Co., Baltimore, Md. (If granted: The DOE's Nov. 8, 1977 assignment order would be modified and the Baltimore Gas and Electric Co. would be granted a waiver of the use limitation contained in 10 CFR 212.29(b) which permits the firm to use as feedstock such volumes of naphtha as required for the operation of its synthetic natural gas manufacturing facility located at Sollers Point, Baltimore County, Md.)	DEA-0072.....	Appeal of DOE's assignment order issued Nov. 8, 1977.
12/8/77	Bredfeldt Oil Co., Dodge City, Kans. (If granted: The DOE region VII's remedial order would be rescinded.)	DRA-0074.....	Appeal of DOE region VII's remedial order.
12/8/77	General Crude Oil Co., Houston, Tex. (If granted: The General Crude Oil Co. 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 Silsbee plant.)	DEE-0387.....	Price exception (sec. 212.165).
12/8/77	Michigan Hydrocarbons, Inc., Grayling, Mich. (If granted: Michigan Hydrocarbons, Inc. would be permitted to increase its prices to reflect non-product cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Gaylord plant.)	DEE-0384.....	Price exception (sec. 212.165).
12/8/77	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Crude oil produced from Phillips Petroleum Co.'s Bridger Lake Unit located in Summit County, Utah, would be sold at upper tier ceiling prices.)	DEE-0386.....	Price exception (sec. 212.73).
12/8/77	Villarreal Butane Co., San Benito, Tex. (If granted: The Villarreal Butane Co. would receive a stay of the provisions of the DOE region VI's remedial order pending a final determination of its appeal of that order which the firm intends to file.)	DRS-0073.....	Stay request.
12/8/77	Whitco, Inc., Dallas, Tex. (If granted: Whitco, Inc. would receive an extension of the exception relief granted in the DOE's Nov. 7, 1977 decision and order which would require the Sun Co. to continue supplying Whitco directly without the use of an intermediate supplier.)	DXE-0385.....	Extension of exception relief granted in Whitco, Inc., 1 DOE par. — (Nov. 7, 1977).

NOTICE OF OBJECTION RECEIVED, WEEK OF DEC. 2 THROUGH DEC. 9, 1977

Date	Name and location of applicant	Case No.
Dec. 2, 1977.	Hanover Management Co., Dallas, Tex.	DXE-0099
Dec. 5, 1977.	Bayou State Oil Corp., Shreveport, La.	FEE-4264
	Continental Oil Co., Houston, Tex.	FEE-3998
Dec. 7, 1977.	L&H Gas and Electric Co., Sharon Springs, Kans.	DRC-0007
	Monsanto Co., Houston, Tex.	FEE-4152
Dec. 8, 1977.	Merwin Hoxsey, d.b.a. Hoxsey Shell Service, San Diego, Calif.	FEE-4292
Dec. 8, 1977.	William C. Kirkwood, Casper, Wyo.	FEE-4358
		FEE-4359
		FEE-4360
		FEE-4361
	Ward S. Merrick, Oklahoma City, Okla.	FEE-4555

[FR Doc. 78-11 Filed 1-3-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission
[Docket No. RP76-135]

CITIES SERVICE GAS CO.

Order Approving Proposed Stipulation and Agreement

DECEMBER 21, 1977.

On October 1, 1977, pursuant to the provisions of the Department of

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

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

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC

takes action in this proceeding in accordance with the above mentioned authorities.

On September 13, 1977, Cities Service Gas Co. (Cities) filed a proposed stipulation and agreement in the captioned docket together with a motion for approval of same. This stipulation and agreement resolves all cost of service issues and provides for refunds based on resolution of cost classification, allocation, and rate design. For the reasons stated below, the Commission approves the proposed stipulation and agreement in its entirety.

Cities filed its application in this docket on July 23, 1976, by order issued August 19, 1976, the Commission accepted this application for filing and suspended its effectiveness until January 23, 1977. Cities filed substitute tariff sheets on December 18, 1977, to reflect increased purchased gas costs in its filed rates. These sheets were accepted for filing by order issued January 19, 1977, and made effective January 23, 1977, in lieu of the originally filed sheets. Staff's top sheets were mailed to all parties on February 18, 1977. Subsequent settlement conferences led to the agreement presently before the Commission.

The settlement rates are based upon a total settlement cost of service of \$280,330,875. (Appendix A). This reflects a reduction of approximately \$9 million from the proposed cost of service in Cities' filing of \$289,144,424. The settlement cost of service reflects use of an overall rate of return of 10.15 percent with a rate on common equity of 10.68 percent. (Appendix B). This rate of return is the same as that agreed to in Docket No. RP76-13, Cities' prior rate filing. The settlement cost of service reflects also use of these depreciation rates: 5.10 percent for gathering and products extraction plant; 3.60 percent for transmission plant; and, 3.15 percent for storage plant. Cities will revise its book depreciation accruals from February 1, 1977, forward to show these depreciation rates. Under the agreement, these depreciation rates will remain in effect until January 22, 1980. Included in this cost of service are amounts associated with certain alleged research and development projects of Cities. The propriety of including these costs as research and development is the subject of hearing and decision in Docket No. RP74-4. The Commission's final decision in that docket will govern the rate treatment for these amounts under the terms of the agreement.

With regard to cost classification and allocation, the settlement provides

for the use of different methods to calculate refunds and rates during an interim period and then prospectively after the interim. The interim is defined as "the period beginning on January 23, 1977, the effective date of the increased rates in this proceeding, and ending on the earlier of (1) the last day of the billing month in which the Commission issues its order approving this Stipulation and making it fully effective in accord with Article XIII hereof, or (2) January 22, 1978." During the interim, Cities shall calculate refunds in accordance with the Seaboard method of cost classification and allocation. At the end of the interim period, Cities shall calculate refunds and rates in accordance with the United method of cost classification and allocation. The rates during the prospective period shall remain in force until the Commission's final decision in Docket No. RP74-4 on cost classification, allocation, and rate design. At that time, Cities shall revise its cost classification and allocation to conform to the requirements of the decision.

In the order of February 2, 1976, in Docket No. RP74-4, the Commission stated:

The Commission's determination of the issues of classification, allocation and rate design shall take effect prospectively from the date of the Commission's order with respect to reserved issues herein. However, if Cities files a general rate change after the date of this order, the Commission's determination shall take effect the date the new rates go into effect or the date of the order on the reserved issues, whichever is sooner.

This provision requires Cities to implement the cost classification and allocation found to be reasonable in Docket No. RP74-4 on the date the rates in the instant docket became effective. However, in view of the fact that a final decision has not been issued, uncertainty as to the outcome still exists. The terms of the agreement, by providing definite methods of calculation during the two periods involved, permit a certainty to Cities and its customers as to the charges which will be due during this time. Furthermore, the settlement provides that Cities will abide by the Commission's decision from its issuance. Thus the agreement does not attempt to abrogate the final decision. In these circumstances, the Commission believes that the certainty obtained in the rates for this period provides a benefit to Cities and its customers which outweighs the earlier requirement of implementing the final decision in Docket No. RP74-4 on the effective

date of the instant rates. Accordingly, the Commission shall approve the settlement provision relating to cost classification and allocation.

The rate designs employed in the interim period and the prospective period are designed to recover the settlement cost of service under the applicable classification and allocation methods. The settlement rate design expires on the issuance of the final decision in Docket No. RP74-4. For the same reasons discussed in connection with cost classification and allocation, the Commission believes the settlement of rate design for this period is in the public interest and, therefore, should be approved. The stipulation and agreement reserves the issue as to the propriety of a 100 percent load factor rate for certain of Cities' jurisdictional customers for possible separate hearing.

A provision of the agreement permits Cities to file concurrently with its PGA filings an advance payment adjustment to reflect increases and decreases in the advance payment amounts included in rate base. This tracking will commence at the time of Cities' next semi-annual PGA filing after approval of the settlement. The settlement cost of service reflects inclusion of \$47,217,900 of advance payments in rate base; this is the amount which will be actually spent by the producers within 30 days of the effective date of the rates. The agreement requires Cities to account for underground storage injections and withdrawals on a monthly last-in-first-out method in the computation of its deferred purchased gas cost account for its PGA filings. The agreement provides for the inclusion of a tariff provision which will allow Cities to include carrying charges on the balance in its deferred purchased gas cost account at the rate of 9% per annum. The carrying charge is subject to refund and may be retained, deleted or modified in accordance with this Commission's final and non-appealable order in the pending rulemaking in Docket No. R-406.

The settlement cost of service reflects a deduction from rate base of \$5,207,813 for deferred federal income taxes for liberalized tax depreciation. The Commission is requested to confirm that such amount is determined in accordance with section 1.167(1)-1(h)(6) of the Income Tax Regulations and is not in excess of the amount permitted by such regulations and section 167(1) of the Internal Revenue Code. The Commission so confirms.

APPENDIX A.—Cities Service Gas Co., Docket No. RP76-135, Settlement cost of service, 12 months ended Mar. 31, 1976, adjusted.—Continued

Description (1)	Total (2)	Gas supply (3)	Gathering (4)	Products extraction (5)	Storage (6)	Transmission (7)
Depreciation expense.....	14,322,873		4,054,242	49,907	817,110	9,401,314
Amortization expense.....	35,028		6,992	85	2,231	25,720
Taxes other than income taxes.....	6,895,704		1,526,709	20,687	625,440	4,722,868
State income taxes.....	2,788,760		594,569	4,640	281,398	1,527,281
Federal income tax.....	25,708,661		3,630,884	44,470	2,698,750	14,636,559
Return on rate base.....	24,564,216		4,792,614	46,161	2,852,554	12,241,689
Other gas revenues.....	(1,237,209)	(21,361)	(6,114)	(1,015,974)	(8,788)	(184,972)
Subtotal.....	280,330,875	179,231,818	27,644,412	(325,355)	10,603,625	63,176,375
Transfer between functions.....				325,355		
Total cost of service.....	280,330,875	179,231,818	27,644,412		10,603,625	63,176,375

APPENDIX B.—Cities Service Gas Co., Docket No. RP76-135, Capitalization and Rate of Return

Line No. and description (1)	Amount (2)	Capital ratios (percent) (3)	Cost (percent) (4)	Weighted return (percent) (5)
1. Long-term debt.....	\$53,000,000	22.25	8.31	1.85
2. Common equity.....	185,148,746	77.75	10.68	8.30
3. Total.....	238,148,746	100.00		10.15

Per books capitalization at December 31, 1976, adjusted to eliminate undistributed and unappropriated earnings of subsidiaries.

[FR Doc. 77-37227 Filed 12-30-77; 8:45 am]

[6740-02]

IDocket Nos. G-10012, et al.]

NOTICE OF APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES

DECEMBER 23, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described herein, all as more fully de-

This notice does not provide for consolidation for hearing of the several matters covered herein.

FEDERAL REGISTER, VOL. 43, NO. 2.—WEDNESDAY, JANUARY 4, 1978

Public notice of the proposed stipulation and agreement was issued on September 30, 1977, with comments due on or before October 14, 1977. Staff, the only party to file comments, requested approval of the agreement as written.

The Commission believes that approval of the proposed stipulation and agreement is in the public interest. The settlement cost of service will provide a just and reasonable level of revenues to Cities. The resolution of the cost classification, allocation and rate design issues provides certainty and an orderly transition pending the final decision in Docket No. RP74-4. The other provisions of the stipulation and agreement are consistent with the Commission's policy and practice on these issues.

The Commission finds: The proposed stipulation and agreement filed by Cities in this docket is in the public interest and should be approved and adopted.

The Commission orders: (A) The proposed stipulation and agreement filed by Cities on September 13, 1977, and incorporated herein by reference, is hereby approved.

(B) Within 15 days from the date of this order, Cities shall file revised tariff sheets in accordance with the terms of the settlement agreement and of this order.

(C) Within 45 days from the date of this order, Cities shall refund to its jurisdictional customers all amounts collected in excess of the settlement rates together with interest at the rate of 9 percent per annum. Within 15 days thereafter Cities shall file a report of refunds and interest with the Commission.

(D) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Cities or any other party.

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

By the Commission.
KENNETH F. PLUMB,
Secretary.

APPENDIX A.—Cities Service Gas Co., Docket No. RP76-135, Settlement cost of service, 12 months ended Mar. 31, 1976, adjusted

Description (1)	Total (2)	Gas supply (3)	Gathering (4)	Products extraction (5)	Storage (6)	Transmission (7)
Operation and maintenance:						
Gas purchased.....	\$177,132,003	\$177,132,003				
Net gas stored.....						
Underground.....	(1,004,988)	(1,004,988)				
Gas used by company.....	(6,116,317)	(6,116,317)				
Other gas supply expense.....	2,543,800	440,108	\$2,103,692			
Gathering expense.....	4,952,673		4,952,673			
Products extraction expense.....				\$461,138		
Underground storage expense.....	2,662,444				\$2,662,444	
Transmission expense.....	14,052,603					\$14,052,603
Customer accounts expense.....	684,051		684,051			
Sales expense.....	301,257		301,257			
Administrative and general expenses.....	10,583,473		3,097,128	63,531	674,466	6,753,328
Total operation and maintenance expense.....	206,257,142	170,450,806	11,138,801	524,659	3,336,930	20,205,936

in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the au-

thorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft ³	Pressure base
G-10012 D 12-1-77	Coastal States Gas Producing Co., Five Greenway Plaza East, Houston, Tex. 77046.	Trunkline Gas Co., Hidalgo field area, Hidalgo County, Tex.	Depleted, plugged and abandoned, and lease expired.	
G-14840 C 12-5-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Vinegarone field, Val Verde County, Tex.	(*)	14.73
CI78-147 F 11-10-77	CIG Exploration, Inc. (Partial Successor-in Interest to Colorado Oil Co., Inc.), Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., certain acreage of the Mathis, et al. lease located in Keyes field, Cimmaron County, Okla.	(*)	14.65
CI78-183 CI54-1530 B 11-25-77	Jack L. Phillips, et al., P.O. Box 392, Gladewater, Tex. 75647.	Lone Star Gas Co. and Natural Gas Pipe Line Co. of America, Southwest Carthage Field, Panola County, Tex.	Depleted, plugged and abandoned and leases expired.	
CI78-184 G-16990 B 11-17-77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	United Gas Pipe Line Co., Corpus Christi Bay area, San Patricio and Nueces Counties, Tex.	Depleted, plugged, and abandoned.	
CI78-185 G-16991 B 11-18-77	American Petrofina Co. of Texas.	United Gas Pipe Line Co., Carthage field, Panola County, Tex.	Do.	
CI78-199 F 12-2-77	Bethlehem Steel Corp. (Partial Successor in Interest to the Preston Oil Co. and Forest Oil Corp.), Bethlehem, Pa. 18016.	Columbia Gas Transmission Corp., certain acreage of Vermillion block 161, Federal domain, offshore, Louisiana.	(*)	15.025
CI78-200 A 11-30-77	The Louisiana Land and Exploration Co., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	Mid Louisiana Gas Co., certain acreage from Lake Washington field, Plaquemines Parish, La.	(*)	14.73
CI78-201 A 12-2-77	Louisiana Land Offshore Exploration Co., Inc., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	Tranco Gas Supply Co., certain acreage from Vermillion area block 331 field, Gulf of Mexico.	(*)	15.025
CI78-202 A 12-2-77	The Louisiana Land and Exploration Co.	Tranco Gas Supply Co., certain acreage from Vermillion area block 331 field, Gulf of Mexico.	(*)	15.025
CI78-203 CI75-336 B 12-2-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., South Tilden Field, McMullen County, Tex.	Lease expired. Well No. 1 plugged back to 5525 ft and turned over to landowner for water-well purposes.	
CI78-204 B 12-5-77	Elliott Davis Mineral Trust and Leon Davis Mineral Trust, P.O. Box 1255 Liberal, Kans. 67901.	Northern Natural Gas Co., Mocane-Laverne, Beaver, Okla.	Depleted and plugged.	
CI78-205 CI62-1077 B 12-5-77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Colorado Interstate Gas Co., all of sec. 23-33S-42W and the N/2 of sec. 28-33S-42W in Boehm field, Merton County, Kans.	Nonproduction.	
CI78-206 A 12-5-77	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Mountain Fuel Supply Co., Whiskey Buttes Area, Lincoln and Sweetwater Counties, Wyo.	(*)	15.025
CI78-207 B 12-5-77	Aztec Gas Systems, Inc. (Operator), et al., P.O. Box 1164, Midland, Tex. 79702.	The Nueces Co., Poquito and Ward County, Tex.	Depleted, plugged, and abandoned.	
CI78-208 A 12-5-77	Chevron U.S.A. Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Southern Natural Gas Co., block 64, E/2 block 65 and block 74, Eugene Island Area, offshore, Louisiana.	(*)	15.025

NOTICES

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft ³	Pressure base
CI78-209 A 12-5-77	Ashland Exploration, Inc., P.O. Box 1503, Houston, Tex. 77001.	Northern Natural Gas Co., Weaver No. 1-28 well, located in sec. 28, T20N, R20W, Woodward County, Okla.	(*)	14.85
CI78-210 A 12-5-77	CSG Exploration Co., P.O. Box 25128, Oklahoma City, Okla. 73125.	Cities Service Gas Co., Boyd east field, Beaver County, Okla.	(*)	14.65
CI78-211 A 12-5-77	Cities Service Co.	Panhandle Eastern Pipe line Co., certain acreage in Sweetwater County, Wyo.	(*)	15.025
CI78-212 B 11-30-77	Jack E. Trigg, 1942 Broadway, Suite 410 Boulder, Colo. 80302.	Panhandle Eastern Pipeline Co., Northeast Horace, Meade County, Kans.	Depleted and plugged.	
CI78-214 A 12-6-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Montana-Dakota Utilities Co., Northeast sec. 8, T23N, R58E, Richland County, Mont., limited to oilwell gas production from the Red River formation.	(*)	15.025
CI78-215 CI67-80 B 12-7-77	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Arkansas-Louisiana Gas Co., Wilburton field, Latimer County, Okla.	Last producing well abandoned and acreage surrendered.	
CI78-216 A 12-7-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Taylor No. 1 well, Pavillion field, Fremont County, Wyo.	(*)	15.025
CI78-217 CI64-1415 B 12-5-77	Eastern Pipe Line Co., Inc., 1618 C&I Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Co., East Bernard field, Wharton County, Tex.	Uneconomical, plugged, and abandoned.	
CI78-218 CI65-53 B 12-5-77	Woods Exploration & Producing Co., Inc., 1618 C&I Bldg., Houston, Tex. 77002.	Eastern Pipe Line Co., East Bernard field, Wharton County, Tex.	Do.	
CI78-219 A 12-7-77	Liquid Energy Corp., 3900 1 Shell Plaza Houston, Tex. 77002.	Panhandle Eastern Pipeline Co., Converse County plant, Converse County, Wyo.	(*)	14.65
CI78-220 CI60-550 B 12-8-77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	Valley Gas Transmission, Inc., McNeil field, Live Oak County, Tex.	Depleted, plugged, and abandoned.	
CI78-221 B 12-9-77	Lohmann-Johnson Drilling Co., Inc., 1302 Old National Bank Bldg., Evansville, Ind. 47708.	Texas Gas Transmission Corp., Hopkins County, Ky.	Depleted.	
CI78-222 B 12-9-77	Lohmann-Johnson Drilling Co., Inc.	.....do.....	Do.	
CI78-223 A 12-12-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Trunkline Gas Co., West Cameron block 630 field, offshore, Louisiana.	(*)	14.73
CI78-224 A 12-112-77	Exxon Corp.	Natural Gas Pipeline Co. of America, West Cameron block 630 field, offshore, Louisiana.	(*)	14.73
CI78-225 A 12-12-77	.....do.....	Columbia Gas Transmission Corp., West Cameron block 630 field, offshore, Louisiana.	(*)	14.73
CI78-226 A 12-12-77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., West Cameron block 630 field, offshore, Louisiana.	(*)	14.73
B 12-12-77	Connally Oil Co., Inc., P.O. Box 768, 744 Hickory, Abilene, Tex. 79604.	Phillips Petroleum Co., Gordon St. (Wolfcamp 9300), Martin County, Tex.	Uneconomical and depleted.	

* Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

Filing code:

A—Initial service. C—Amendment to add acreage. E—Succession.
B—Abandonment. D—Amendment to delete acreage. F—Partial succession.

[FR Doc. 77-37226 Filed 12-30-77; 8:45 am]

[6740-02]

[Docket Nos. CI78-136, et al.]

**NOTICE OF APPLICATIONS FOR CERTIFICATES,
ABANDONMENT OF SERVICE AND PETI-
TIONS TO AMEND CERTIFICATES¹**

DECEMBER 21, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before January 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Protestants wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene

is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft.* Pressure base
C178-146 A 11-10-77	Balco Petroleum Corp., El Paso Natural Gas Co., One Day Hammarskjold Plaza, New York, N.Y. 10017.	Edwards No. 1 well (Fusselman formation), Glasscock County, Tex.	() 14.73
C178-146 A 11-10-77	Gas Producing Enterprises, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Hugoton area, Kearny County, Kans.	() 14.65
C178-149 A 11-11-77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., W. C. English No. 1 (Wilcox A Sand), Bear field, Beauregard Parish, La.	() 15.025
C178-150 A 11-11-77	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., IMC-Heard Trust No. 1 well, Section 8, T. 18 N., R. 3 W., IMC-Wilder No. 1 well, Section 9, T. 18 N., R. 3 W., and IMC-Sturgis No. 1 well, Section 4, T. 18 N., R. 3 W., Lincoln Parish, La.	() 15.025
C178-151 B 11-14-77	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Mountain Fuel Supply Co., Depleted, plugged and abandoned and leases terminated, Moffat County, Colo.	() 15.025
C178-152 B 11-14-77	Mesa Petroleum Co. et al.	Colorado Interstate Gas Co., Sparkes field, Morton County, Kans.	Do.
C178-153 A 11-14-77	Monsanto Co., 1300 Post Oak Tower, 5051 Westchimer, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., Long Butte No. 1 well, located in Section 32, T. 39 N., R. 91 W., Fremont County, Wyo., limited to the interval between 16,102' subsurface on Schlumberger Compensated Neutron-Formation Density Log, and 16,640' subsurface total depth by driller measurement.	() 15.025
C178-154 A 11-14-77	Monzanto Co.	Texas Eastern Transmission Corp., Well S1A-4; Olivenza No. 1-T, M. C/P-SUE; Hedgepeth V-18 and S. J. Colvin No. V-17, Hico Knowles field, Lincoln Parish, La.	() 15.025
C178-155 A 11-10-77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, applicant's interest in the Government "AB" No. 4 well, in Section 9, 20 S., 28E., Eddy County, N. Mex.	() 14.05
C178-158 A 11-10-77	Louisiana Land Offshore Exploration Co., Inc., 235 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	United Gas Pipeline Co., certain acreage from block A-323, High Island area, east addition, south extension, offshore Tex.	() 14.05
C178-159 A 11-10-77	Florida Gas Transmission Co., certain acreage from the Newsom field area, Marion County, Miss.	Florida Gas Transmission Co., certain acreage from the Newsom field area, Marion County, Miss.	() 16.025
C178-170 B 11-21-77	W. R. W. Enterprises, Inc., 5022 South Post Rd., Indianapolis, Ind. 40239.	Penowe interests, Cairo Ritchie, W. Va.	Nonproduction.

is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft.* Pressure base
C178-136 A 11-7-77	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Natural Gas Pipeline Co., Cemetery field (Morrow), Eddy County, N. Mex.	() 14.65
C178-137 A 11-7-77	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Furhandle Eastern Pipe Line Co., certain acreage of the Archie "A" No. 1 well in the Langdon field, Reno County, Kans.	() 14.65
C178-138 B 11-10-77	J. Roy McCoy, 205 Insurance Bldg., 2109 Ave. Q, Lubbock, Tex. 79405.	Asstro-Tex Oil Co., two states, Cochran County, Michigan Wisconsin Pipe Line Co., Millie 1-20 well located in Section 20, Township 17 N., Range 17 W., Dewey County, Okla.	The purchaser is no longer in existence and there is no pipeline to deliver gas. () 14.65
C178-139 A 11-2-77	Ashtand Exploration, Inc. (Successor in Interest to Ashland Oil, Inc.), P.O. Box 1603, Houston, Tex. 77091.	Coastal States Gas Producing Co., Alfred West field, Jim Wells County, Tex.	All acreage was released and all wells abandoned.
C178-140 B 11-1-77	Worth National Bank Bldg., Fort Worth, Tex. 70102.	Transcontinental Gas Pipe Line Corp., Rice Bayou field, Terrebonne Parish, La.	() 15.025
C178-141 A 11-7-77	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Northern Natural Gas Co., Ella Sugg (Wolfcamp) field, Irian County, Tex., limited to gas well gas produced from the interval between the surface of the earth and a depth of 8,100 feet below the surface of the earth.	() 14.65
C178-142 A 11-3-77	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Pioneer Gas Products Co., Southeast Aylesworth field, Bryan County, Okla.	() 14.73
C178-143 A 11-2-77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Colorado Interstate Gas Co., Hugoton area, Kearny and Finney Counties, Kans.	() 14.65
C178-144 A 11-10-77	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77040.	United Gas Pipeline Co., certain acreage from block A-323, High Island area, east addition, south extension, offshore Tex.	() 14.05
C178-145 B 10-10-77	J. Roy McCoy	El Paso Natural, thru Amoco (Slaughter plant), Slaughter field, Heckley County, Tex.	Uneconomical.

NOTICES

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft. ³	Pressure base
CI78-187 A 11-25-77	Southland Royalty Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	Southern Natural Gas Co., Marg 8 Sand, encountered between electric log depths of 10,438 feet and 10,485 feet, from the Grief Brothers No. 2 well and the acreage compris- ing the production unit established for such well located at a surface point 330 feet from the west line and 2,205 feet from the north line of Section 23, Township 9 S., Range 8 E., St. Martin Parish, La.	(*)	15.025
CI78-188 CI71-542 B 11-28-77	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Cleveland Community No. 1 well, NE¼ of Section 23, 12S., 32E., Bagley field, Lea County, N. Mex.	Nonproductive and aban- doned.	
CI78-189 G-18014 B 11-28-77	Cities Service Co.	Texas Eastern Transmission Co., the old Waverly field in San Jacinto County, Tex.	Leases expired.	
CI78-190 B 11-23-77	Shenandoah Oil Corp. (Op- erator), 1500 Commerce Bldg., Fort Worth, Tex. 76102.	Trunkline Gas Co., West Alta Loma field, Galves- ton County, Tex.	Depleted, nonproductive, and leases expired.	
CI78-191 A 11-25-77	Amoco - Production Co., P.O. Box 3092, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Red Lake field, Eddy County, N. Mex.	(*)	14.65
CI78-194 A 11-30-77	American Natural Gas Pro- duction Co., 5075 West- helmer, 1100 Galleria Towers West, Houston, Tex. 77056.	Northern Natural Gas Co., Texas County, Okla.	(*)	14.65
CI78-195 A 12-2-77	Union Oil Co., of Califor- nia, Union Oil Center, Rm. 901, P.O. Box 7600, Los Angeles, Calif. 90051.	Natural Gas Pipeline Co. of America, Cox-Stump unit, Section 20, 2 N., 20ECM Camrick field, Beaver County, Okla.	(*)	14.73
CI78-196 G-16991 B 11-21-77	American Petrofina Co. of Texas, P.O. Box 2159, Dallas, Tex. 75221.	United Gas Pipe Line Co., Joaquin field, Fanola County, Tex.	Depleted, plugged, and aban- doned.	
CI78-197 A 12-1-77	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	United Gas Pipe Line Co., Urbana field, San Jacinto County, Tex.	(*)	14.65
CI78-198 B 12-2-77	George W. Strake, Jr., 3300 Gulf Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Co., North Elton field, Allen Parish, La.	Plugged and abandoned.	

*Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

Filing Code:

A—Initial Service.
B—Abandonment.
C—Amendment to add acreage.

D—Amendment to delete acreage.
E—Total Succession.
F—Partial Succession.

[FR Doc. 77-37228 Filed 12-30-77; 8:45 am]

[6740-02]

[Docket Nos. CI78-101, et al.]

**NOTICE OF APPLICATIONS FOR CERTIFICATES,
ABANDONMENT OF SERVICE AND PETI-
TIONS TO AMEND CERTIFICATES¹**

DECEMBER 21, 1977.

Take notice that each of the appli-
cants listed herein has filed an appli-
cation or petition pursuant to section
7 of the Natural Gas Act for authori-
zation to sell natural gas in interstate
commerce or to abandon service as de-
scribed herein, all as more fully de-
scribed in the respective applications
and amendments which are on file
with the Commission and open to
public inspection.

¹This notice does not provide for consoli-
dation for hearing of the several matters
covered herein.

Any person desiring to be heard or
to make any protest with reference to
said applications should on or before
January 12, 1978, file with the Federal
Energy Regulatory Commission,
Washington, D.C. 20426, petitions to
intervene or protests in accordance
with the requirements of the Commis-
sion's rules of practice and procedure
(18 CFR 1.8 or 1.10). All protests filed
with the Commission will be consid-
ered by it in determining the appropri-
ate action to be taken but will not
serve to make the protestants parties
to the proceeding. Persons wishing to
become parties to a proceeding or to
participate as a party in any hearing
therein must file petitions to intervene
in accordance with the Commission's
rules.

Take further notice that, pursuant
to the authority contained in and sub-
ject to the jurisdiction conferred upon
the Federal Energy Regulatory Com-

mission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition

for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. Pressure base
C178-101 B 10-31-77	Natural Gas Processing Co. (formerly David L. Hamilton d.b.a. Natural Gas Processing Co. of Wyoming, Inc.), P.O. Box 512, Thermopola, Wyo. 82443.	Kansas-Nebraska Gas Co., Inc., SESE of section 29, T. 35 N., R. 65 W., Niobrara County, Wyo.	(*) 14.65
C178-102 A 10-31-77	Diamond Shamrock Corp. (successor to the Shamrock Oil & Gas Corp.) P.O. Box 691, Amarillo, Tex. 79173.	El Paso Natural Gas Co., Granite Wash formation through the Gulf Energy & Minerals Co., Jenkie Campbell No. 1-1 well and applicant's Willis E. Fillins No. 1-44 well, Hemphill County, Tex.	(*) 14.65
C178-104 A 11-2-77	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Tex. 77001.	Natural Nonproductive, depleted and uneconomical.	(*) 15.025
C178-105 A 10-31-77	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Willow Lake unit, Federal No. 1 well section 22 ft. 24 S., R. 28 E., Eddy County, N. Mex.	(*) 14.73
C178-106 A 11-1-77	Keweenaw Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Natural Gas Pipeline Co. of America, E½ of section 24, 18 S., 20 E., Eddy County, N. Mex.	(*) 14.65
C178-107 A 10-31-77	Napcco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Bess No. 1 well, section 11, T. 22 S., R. 27 E., Eddy County, N. Mex.	(*) 14.65
C178-108 A 10-31-77	Austral Oil Co., Inc. (successor in interest to Reaser & Sheldon), 2700 Exxon Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., limited to the extent that the leases conveyed cover the surface of the ground down to the base of the formation utilized by the Skelly Myers Langlie-Nattix unit, Lea County, N. Mex.	(*) 14.65
C178-109 A 10-31-77	Narmco, Inc. (Del.), 122 South Michigan Ave., Chicago, Ill. 60603.	Kansas-Nebraska Natural Gas Co., Inc., Wallace Creek State No. 1 well, Natrona County, Wyo.	(*) 16.025
C178-110 A 10-31-77	Harper Oil Co., 904 Light-Over Bldg., 108 North Hudson, Oklahoma City, Okla. 73102.	Michigan. Wisconsin Pipe Line Co., Shepherd No. 1 well, sec. 16, 16 N., 18 W., Cuarter County, Okla.	(*) 14.05
C178-111 A 11-1-77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Montana-Dakota Utilities, Coral Creek field, Fallon County, Mont.	(*) 16.025

NOTICES

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. Pressure base
C178-112 B 10-28-77	Southwestern Exploration Consultants, Inc., 404 Local Federal Bldg., Oklahoma City, Okla. 73102.	Shell Oil Co., gasoline plant, Hewitt-Carter County, Okla.	Last sale March 1976, abandoned.
C178-113 B 10-28-77	Southwestern Exploration Consultants, Inc.	Signal Oil & Gas Co., Dixie-Jefferson County, Okla.	Sold to H. A. Parramore, Duncan, Okla., effective March 1, 1974.
C178-114 B 10-28-77	.....do.....	.....do.....	.....do.....
C178-115 A 11-3-77	American Natural Gas Production Co., 5075 Westheimer, Suite 1100 West, Houston, Tex. 77056.	Sinclair-Atlantic Richfield, Folo-Noble County, Okla.	Last sale March 1973, depleted and abandoned.
C178-116 A 11-3-77	Odessa Natural Corp. (operator), P.O. Box 3908, Odessa, Tex. 79760.	Wisconsin Pipe Line Co., Roger Mills County, Okla.	(*) 14.65
C178-117 A 11-7-77	Kerr-McGee Corp., P.O. Box 25801, Oklahoma City, Okla. 73125.	Northern Natural Gas Co., plat of communitized area covering N½ of section 25, T. 25 N., R. 10 W., San Juan County, N. Mex.	(*) 14.65
C178-118 C167-1509 B 11-3-77	Robert White, Operator et al., 1014 Union Center, Wichita, Kans. 67202.	Eastern Pipe Line Co., W½ section 24, 20 S., 9 W., Reno County, Kans.	Unconventional and abandoned.
C178-119 G-19499 B 11-3-77	Robert White, Operator et al.	Northern Natural Gas Co., SW section 32, 21 S., 32 W., and W½ section 28, 21 S., 32 W., Finney County, Kans.	Do.
C178-120 C167-51 B 11-3-77	.....do.....	Panhandle Eastern Pipe Line Co., SW¼ section 11, 25 S., 16 W., Stafford County, Kans.	Do.
C178-121 C167-1244 B 11-3-77	.....do.....	Cities Service Gas Co., SE¼ section 6, 33 S., 10 W., Barber County, Kans.	Do.
C178-122 B 11-3-77	.....do.....	Cities Service Gas Co., SW¼ section 30, 33 S., 11 W., Barber County, Kans.	Do.
C178-123 C160-0689 B 11-3-77	.....do.....	Cities Service Gas Co., N½ of section 21, 34 S., 12 W., Barber County, Kans.	Do.
C178-124 C169-301 B 11-3-77	Robert White, operator et al., 1014 Union Center, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., SW¼ and NE¼, section 18, 26 S., 8 W., Reno County, Kans.	Do.
C178-125 C165-301 B 11-3-77	Robert White, operator et al.	Panhandle Eastern Pipe Line Co., SE¼, section 13, 20 S., 9 W., Reno County, Kans.	Do.
C178-126 C167-1244 B 11-3-77	.....do.....	Cities Service Gas Co., NE¼ section 24, 33 S., 11 W., and NW¼, section 10, 33 S., 11 W., Barber County, Kans.	Do.
C178-127 B 11-3-77	.....do.....	Northern Natural Gas Co., all of section 9, 33 S., 21 W., Clark County, Kans.	Do.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³ Pressure base
CI78-129 B 11-2-77	Blake Gas Co., 510 First National Bank Bldg., El Dorado, Ark. 71730.	Consolidated Gas Supply Corp., Sherman District, Boone County, W.Va.	Uneconomical.
CI78-130 CI60-290 B 11-3-77	American Petrofina Co. of Texas (operator), et al., P.O. Box 2159, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Wll field, Edwards County, Kans.	Depleted, plugged, and abandoned.
CI78-131 A 11-3-77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Fennel field, Fallon County, Mont.	(*) 15.025
CI78-132 B 11-7-77	Connally Oil Co., Inc., P.O. Box 768, Abilene, Tex. 79604.	El Paso Natural Gas Co., Spraberry (Trend area), Reagan County, Tex.	Depleted and uneconomical.
CI78-133 A 11-3-77	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	Northern Natural Gas Co., S $\frac{1}{2}$ of section 28, Twp. 22 S., Rge. 35 E., Abra (Morrow) field, Lea County, N. Mex.	(*) 14.73

* Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

* Applicant and purchaser are affiliated.

Filing code:

A—Initial service.
B—Abandonment.
C—Amendment to add acreage.

D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

Doc. 77-37229 Filed 12-30-77; 8:45 am]

[4110-02]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Education

EMERGENCY SCHOOL AID ACT

**Notice of Closing Date for Receipt of
Applications for Fiscal Year 1978**

Under the authority contained in the Emergency School Aid Act, Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619), the Commissioner of Education invites applications for assistance from local educational agencies for the following programs:

1. Basic Grants under section 706(a) of the Act;
2. Pilot Project grants under section 706(b) of the Act;
3. Bilingual Project grants under section 708(c) of the Act; and
4. Special Project grants under section 708(a) of the Act to assist in implementing nonrequired plans described in section 706(a)(1)(D) of the Act and 45 CFR 185.11(b)(4), providing for the enrollment of non-resident children.

The Commissioner also invites other applicants, indicated below, to submit applications for the following types of assistance:

1. Grants under section 708(b) of the Act to public or private nonprofit organizations other than local educational agencies;
2. Bilingual Project grants under section 708(c) to private nonprofit organizations;
3. Special Project grants under section 708(a) of the Act to the central public education agencies in Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territories of the Pacific Islands;
4. Special Arts Project grants under section 708(a) of the Act to public agencies responsible for the administration of statewide arts programs;

5. Special Mathematics Project grants under section 708(a)(3) of the Act to private nonprofit agencies; and

6. Special Student Concerns Project grants under section 708(a) of the Act to public agencies other than local educational agencies.

The Assistant Secretary for Education has determined that awards for Special Projects described in this notice will make substantial progress toward meeting the purposes of the Act.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages.

Closing date: February 28, 1978.

A. Applications sent by mail. An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Washington, D.C. 20202. The address for applications should be marked as follows: Attention: 13.525A (for Basic Grants); Attention: 13.526A (for Pilot Projects); Attention: 13.528A (for Bilingual LEA Projects); Attention: 13.532K (for Special Projects for section 706(a)(1)(D) plans); Attention: 13.529A (for Non-profit Organization Projects under section 708(b)); Attention: 13.528B (for Bilingual Nonprofit Organization Projects); Attention: 13.532C (for Special Projects in jurisdictions other than States); Attention: 13.532D (for Special Arts Projects); Attention: 13.532E (for Special Mathematics Projects); Attention: 13.532F (for Special Student Concerns Projects). Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 23, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. Hand-delivered applications. An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. Program information. (1) The fiscal year 1978 appropriation level for various types of assistance has not yet been set. The amount of funds available for each type will be established after enactment of appropriation legislation.

(2) In fiscal year 1977, funds were expended as follows: (a) 430 Basic Grants, in an average amount of \$307,580;

(b) 162 Pilot Project grants, in an average amount of \$198,462;

(c) 24 Bilingual Project grants to local educational agencies, in an average amount of \$338,520;

(d) 4 Special Project grants to support nonrequired plans described in section 706(a)(1)(D) of the Act, in an average amount of \$378,144;

(e) 205 grants to nonprofit agencies, in an average amount of \$83,881;

(f) 5 Special Project grants to public agencies in jurisdictions other than States, in average amount of \$560,000;

(g) 15 Special Arts Project grants, in an average amount of \$99,747;

(h) 1 Special Mathematics Project grant, in the amount of \$750,000; and

(i) 7 Special Student Concerns Project grants, in an average amount of \$205,403.

D. Project periods. Grants made pursuant to this notice will be for projects starting no earlier than July 1, 1978, and ending no later than September 30, 1979, but in no case for more than a 12-month period.

E. For further information and forms contact: Division of Program Operations, Equal Educational Opportunity Programs, U.S. Office of Educa-

tion, 400 Maryland Avenue SW., Room 2007A, Washington, D.C. 20202; 202-245-7965.

F. Applicable regulations. Grant awards made pursuant to this notice will be subject to the following regulations: (1) Regulations relating only to assistance under the Emergency School Aid Act (45 CFR Part 185), and

(2) The Office of Education general provisions regulations (45 CFR Parts 100, 100a and appendixes) except to the extent that these regulations are inconsistent with 45 CFR Part 185.

(20 U.S.C. 1601-1619.)

(Catalog of Federal Domestic Assistance Number 13.525, Basic Grants; 13.526, Pilot Projects; 13.528, Bilingual Projects; 13.529, Public and Nonprofit Private Organization Grants; 13.532, Special Projects-Emergency School Aid.)

Dated: December 28, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.
(FR Doc. 78-12 Filed 1-3-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of the Secretary
[Docket No. N-77-780]

PROCEDURES FOR PROTECTION AND
ENHANCEMENT OF THE ENVIRONMENT

Amendments to Departmental Handbook

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: This Notice removes the expiration date of December 11, 1977, for the special procedures for the first segment of large scale subdivisions requiring an Environmental Impact Statement. In addition, this Notice makes modifications to the special procedures consistent with major recommendations resulting from a staff evaluation of the procedures to determine whether the interim regulations should be implemented on a permanent basis or not.

FOR FURTHER INFORMATION CONTACT:

Shirley J. Griffith/James Miller,
Office of Environmental Quality,
room 7262, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On June 11, 1976, the Secretary amended Handbook 1390.1 (38 FR 19182, July 18, 1973) and provided, among other things, for certain special procedures for the first segment of large scale subdivisions requiring an Environmental Impact Statement (41 FR 23878, 23879). These special proce-

dures were limited under the terms of the amendment to a period of 1 year from the date the amendment was published, or until June 11, 1977. (Paragraph 5.a (10)(c), Handbook 1390.1, as amended.)

The expiration date was subsequently extended to December 11, 1977 (42 FR 37605, on July 22, 1977). At the time the special procedures were extended, public comments were requested. There were three responses received from developers, and they were in favor of continuing the early start program with certain modifications and changes as follows: (1) that there be an educational provision for clientele as to the advantages of early start; (2) that there be made in the proposed regulations a clear distinction between subdivision and multifamily projects; and (3) that the term "subdivision" used with respect to early start provision be changed to "subdivision or multifamily project."

A staff evaluation of 20 project cases was conducted jointly by the Office of Community Planning and Development, Policy Development and Research, and the Inspector General. Their findings and recommendations are as follows: (1) that HUD should change the regulations to include both subdivisions and multifamily projects on a case-by-case decision where separability can be shown; (2) that special provisions for early starts should apply flexibility to projects according to overall project size, and the early start should be available for 200 units or 15 percent of the total units in a project not to exceed 499 units, the current upper limit of the Special Clearance threshold; (3) that the Regional Office have an expanded role of providing review and recommendations prior to early start approval; (4) that HUD should provide training for field staff on early start procedures; and (5) that HUD should provide additional guidance in interpreting criteria on the early start procedures.

The Secretary now finds that the effectiveness of those special procedures shall be continued on a permanent basis and that there will be no interruption in the early start program.

Public comments were requested on these procedures when they were initially published and when the expiration date was extended. In view of these prior reviews, in addition to the current time limitation, there shall be no opportunity for further comment.

A finding has been made that these amendments do not significantly affect the quality of the human environment and a finding of this effect has been prepared and is available for copying and inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

The requirements of OMB Circular A-107 and Executive Order 11923 have been complied with.

Accordingly, HUD Handbook 1390.1 is amended as follows:

1. Paragraph 5.a(10) is changed to read: (10) Special Procedures for First Segment of Large Scale Projects (Subdivision or Multifamily) Requiring an Environmental Impact Statement:

(a) Where Appendix A-2 requires an Environmental Impact Statement on a large scale project, processing of the first segment of the large scale project may begin and be completed prior to the completion of the Environmental Impact Statement processing if the first segment would form a project which would be financially and functionally separate and complete, without regard to whether the total large scale project is developed, and the following criteria are also satisfied for such first segment:

(i) It is not located such that it would have an environmental impact on an area designated under Federal, State or local law as a park, outdoor recreation, wildlife, historic, archeological, scenic, or aesthetic preservation or conservation district or area;

(ii) It is not located in a pristine natural area;

(iii) It has received a Special Environmental Clearance as further set forth in subparagraph (b), below, and it has been found to have no significant environmental impacts;

(iv) It is less than 200 lots/units;

(v) It is in an existing urbanized area with a population density of 1,000 or more persons per square mile or within 2 miles of such areas;

(vi) It can currently be served with existing roads, sewer and water, and other utilities located off-site.

(b) Documentation must be provided which clearly demonstrates the first segment of a large scale project proposed for approval to be in compliance with the criteria of paragraph (a), above. The documentation is subject to the following further conditions:

(i) A Special Environmental Clearance (ECO $\frac{3}{4}$) shall be completed and concurred in by the Area/Insuring Office Environmental Clearance Officer (ECO) on the proposed segment, thus making the determination that the project has no significant impact on the natural or man-made environment in terms of NEPA, Council on Environmental Quality guidelines, and HUD environmental policies;

(ii) The Special Environmental Clearance shall include information on the entire development plan and its consistency with areawide planning. In addition, the condition and use of the surrounding land if the remainder of the large scale project were not to be developed;

(iii) A letter from HUD will inform the developer that there will be no

further application approvals until the EIS has been satisfactorily completed, and any actions taken by the developer that would foreclose future options to be explored in the EIS may jeopardize approval of the larger project;

(iv) The segment must not have received any substantive, unresolved adverse comment on environmental grounds by any State, regional or any local agencies commenting on the proposal;

(v) A statement requesting early start permission and setting forth conditions requiring the early start will be prepared by the appraiser and concurred in by the Area/Insuring Office ECO and Director;

(vi) A Notice of Intent to File an EIS with respect to the entire large scale project shall be published in a newspaper of general circulation in the area of the proposed large scale project.

(c) A copy of the early start request and supporting documentation along with a management plan for the preparation of the requisite EIS, indicating timetable, staffing, and responsibility for its preparation and how the schedule is coordinated with the contemplated rate of development by the project sponsor will be sent to the Regional Environmental Clearance Officer (Attention: Environmental Officer) for review and recommendation prior to approval. Any comments and recommendations by the Regional Environmental Clearance Officer shall be provided within 10 working days from receipt.

Issued at Washington, D.C., December 26, 1977.

PATRICIA ROBERTS HARRIS,
*Secretary Department of
Housing and Urban Development.*

[FR Doc. 78-72 Filed 1-3-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CONFEDERATED TRIBES OF THE SILETZ RESERVATION

General Council Meeting—January 7, 1978

DECEMBER 27, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Notice is hereby given that a general council meeting of the Confederated Tribes of the Siletz will be held on January 7, 1978, at 1 p.m., at the Grange Hall in Siletz, Ore. The purpose of this council meeting will be to nominate candidates for election to the nine-member Interim Council as provided by Pub. L. 95-195 (Siletz Restoration Act).

All members who are eighteen (18) years of age or older are entitled and eligible to be given notice of, attend, participate in, and vote at general council meetings and to nominate candidates for, to run for any office in, and to vote in elections of members to the interim council.

Pursuant to Pub. L. 95-195, a person shall be a member of the tribe if—

(A) His name is listed on the final membership roll;

(B) He was entitled on August 13, 1954, to be on the final membership roll but his name was not listed on that roll; or

(C) He is a descendant of a person specified in subparagraph (A) or (B) possesses at least one-fourth degree of blood of members of the tribe or their Siletz Indian ancestors.

Before election of the interim council, verification of descendancy, age, and blood degree shall be made upon oath before the Secretary and his determination thereon shall be final.

Identification and registration of those entitled to participate in the nomination process or to be nominated as a candidate for a position on the Siletz Interim Council will commence prior to the meeting in the Grange Hall. At 1 p.m., the meeting will be called to order for the purpose of receiving nominations. Following the conclusion of receiving nominations, and if time permits, there will be a general tribal discussion period.

The general election for those nominated at this meeting will be held February 18, 1978, at the Grange Hall in Siletz, Ore. For certification for voter registration forms for those persons unable to attend the January 7, 1978, meeting, request forms from:

Bureau of Indian Affairs, Portland Area Office, Attention: Tribal Operations, P.O. Box 3785, Portland, Ore. 97208, or
Confederated Tribes of Siletz, P.O. Box 137, Siletz, Ore. 97380.

FORREST J. GERARD,
*Assistant Secretary—
Indian Affairs.*

[FR Doc. 78-33 Filed 1-3-78; 8:45 am]

[4310-84]

Bureau of Land Management

CALIFORNIA

ORV Designation for Randsburg/Johannesburg (Squaw Spring)

The California Desert Vehicle program (BLM's Interim Critical Management program for vehicle use on the California Desert), restricts area No. 14 (Red Mountain/Cuddeback), to Existing Vehicle Routes.

The unimproved access route into Squaw Spring, in area No. 14, is now designated as closed to vehicle use beginning at a point approximately 200

yards north of Squaw Spring wildlife guzzler, A-91, to the end of the road, a total distance of approximately 0.7 miles. Foot travel and loitering within the immediate area of the wildlife guzzler will be restricted to a maximum of 30 minutes. Camping within the closed area is prohibited.

This closure is situated near the town of Red Mountain, Calif., in the Mojave Desert at the following location:

SAN BERNARDINO BASE AND MERIDIAN,
CALIFORNIA

T. 29 S., R. 41 E.,
Sec. 34, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

The purpose of the road closure is to protect cultural and wildlife values associated with Squaw Spring from unnecessary damage. This closure will provide for better resource management and will allow for the programmed implementation of the Squaw Spring Activity Plan.

The area contains unique cultural values that are candidates for the National Register of Historic Places (80 Stat. Pub. L. 89-665). These warrant special protection from inordinate damage which will destroy the integrity of the site complex. Damage is presently taking place. Additional damage to the sites will significantly reduce their scientific value.

The wildlife guzzler, A-91, represents a critical water source for small birds and some large mammals. The primary species of concern are the Mourning Dove, Gambel's Quail, Chukar, deer, and Desert Bighorn Sheep. This guzzler is the only reliable wildlife water source for an area in excess of 100 square miles.

The closed designation will be effective immediately and remain in effect until further notice.

Authority for this closure is contained in Title 43, Subchapter F—Outdoor Recreation and Wildlife Management, 6010.3, 6010.4, and is consistent with the National Environmental Policy Act, regulations as contained in 36 CFR 800, Executive Order 11593, and Executive Order 11644, as amended.

Effective date: January 4, 1978.

Dated: December 7, 1977.

GERALD E. HILLIER,
District Manager, Riverside.
[FR Doc. 78-4 Filed 1-3-78; 8:45 am]

[4310-70]

National Park Service

INDIANA DUNES NATIONAL LAKESHORE
GENERAL MANAGEMENT PLAN

Notice of Meetings

Notice is hereby given of meetings, which will be conducted as informal workshops, to provide for public input

into a new General Management Plan for Indiana Dunes National Lakeshore. Times and places of the workshops:

Monday, January 16, 1978, at 7:30 p.m. (e.s.t.), Central Careers Center Auditorium, 317 Washington Street, South Bend, Ind.

Wednesday, January 18, 1978, at 6:30 p.m. (e.s.t.), City Council Chambers, Second Floor, Municipal Building, 401 Broadway, Gary, Ind.

Thursday, January 19, 1978, at 7:30 p.m. (e.s.t.), Elleston Senior High School, Career Center Cafeteria, 317 Detroit Street, Michigan City, Ind.

The planning process is in its initial stage and the National Park Service is developing alternatives for use, interpretation, preservation and protection of the area. The workshops will offer the public its first opportunities for expression on the matters involved. It is the intent of the Service to provide other opportunities for public input and comment as the planning process progresses.

Information on the workshops or the planning process may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Ind. 46304, telephone area code 219-926-7561.

Dated: December 22, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc. 78-86 Filed 1-3-78; 8:45 am]

[4310-10]

Office of the Secretary

BUREAU OF INDIAN AFFAIRS
REORGANIZATION TASK FORCE

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the third meeting of the Bureau of Indian Affairs Reorganization Task Force will be held on Wednesday, January 18, 1978, and Thursday, January 19, 1978, commencing at 10 a.m. on both dates in Room 5160, at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of these meetings is to permit 15 Bureau of Indian Affairs Superintendents to present their views on structural reorganization of the Bureau of Indian Affairs. In addition, representatives of the National Congress of American Indians, National Tribal Chairmen Association and Bureau of Indian Affairs Area Office Directors will discuss their views on reorganization of the Bureau of Indian Affairs. There will be presentations by the Acting Director of the Office of Trust Responsibility and the Director of the Office of Indian Services on the

structure, responsibilities, and problem areas that their respective offices address. Finally, each meeting day time will be set aside for each of the five committees of the Reorganization Task Force to meet to consider specific issues or problems before each committee.

The meeting is open to the public. Space will permit at least 15 persons to attend the meeting in addition to task force members, task force staff, and official observers. Any member of the public may file written statements with the Task Force Director concerning any issue or problem the person wishes to bring to the attention of the task force.

Persons wishing further information concerning this meeting may contact Jack Rushing, Task Force Director, Office of the Secretary, Room 7353, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-6010.

Tribes wishing further information concerning either this meeting or the Reorganization Task Force may contact the Task Force Director, Mr. Rushing, at the aforementioned address or on telephone number (202) 343-4118.

Minutes of each meeting will be available for public inspection one week after each task force meeting in Room 7353, Interior Building, 18th and C Streets NW., Washington, D.C.

Dated: December 28, 1977.

JACK RUSHING,
Task Force Director, BIA
Reorganization Task Force.

[FR Doc. 78-74 Filed 1-3-78; 8:45 am]

[4310-70]

National Park Service

[INT DES 77-37]

PROPOSED COLORADO RIVER MANAGEMENT
PLAN, GRAND CANYON NATIONAL PARK,
ARIZ.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the proposed river management plan, Grand Canyon National Park, Ariz.

The statement considers actions regulating river running activities on the Colorado River from Lee's Ferry to Grand Wash Cliffs (277 miles) in Grand Canyon. Management proposals include the elimination of motorized craft, an increase in total use, an increase in noncommercial use, extension of the river running season, and resource protection measures.

Written comments on the environmental statement are invited and will be accepted on or before March 6,

1978. Comments should be addressed to the Superintendent, Grand Canyon National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

National Park Service, Southern Arizona Group, 1115 North 1st Street, Phoenix, Ariz. 85004.

Grand Canyon National Park, P.O. Box 129, Grand Canyon, Ariz. 86023.

Dated: December 23, 1977.

DAVID USHIO,
Acting Deputy Assistant,
Secretary of the Interior.

[FR Doc. 78-17 Filed 1-3-78; 8:45 am]

[7020-02]

**INTERNATIONAL TRADE
COMMISSION**

[ITA-406-1]

**CERTAIN GLOVES FROM THE PEOPLE'S
REPUBLIC OF CHINA**

Investigation and Hearing

Investigation instituted.—Following receipt of a petition on December 15, 1977, filed by the Work Glove Manufacturers Association, Washington, D.C., the U.S. International Trade Commission on December 28, 1977, instituted an investigation under section 406(a) of the Trade Act of 1974 to determine, with respect to imports of gloves of cotton, without fourchettes or sidewalls, provided for in items 704.40 and 704.45 of the Tariff Schedules of the United States, which are the product of the People's Republic of China, whether market disruption exists with respect to an article produced by a domestic industry. Section 406(e)(2) of the Trade Act defines market disruption to exist within a domestic industry "whether imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry."

Public hearing order.—A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., e.d.t. on February 7, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon, Tuesday, January 31, 1978.

There will be a prehearing conference in connection with this investiga-

tion which will be held in Washington, D.C., at 10 a.m., e.d.t., on January 30, 1978, in Room 117, U.S. International Trade Commission Building, 701 E St. NW.

Inspection of petition.—The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission and at the New York City office of the Commission located at 6 World Trade Center.

Issued: December 29, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-79 Filed 1-3-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-36]

CERTAIN PLASTIC FASTENER ASSEMBLIES

Extension of Suspension of Investigation

Notice is hereby given that the United States International Trade Commission on December 28, 1977, accepted the Presiding Officer's recommendation of December 27, 1977, that the suspension of Commission investigation No. 337-TA-36 of Certain Plastic Fastener Assemblies be extended from January 2, 1978, until a date two weeks subsequent to the date set by the United States District Court for the Southern District of New York for the filing of post-trial briefs in *Dennison Manufacturing Co. v. Ben Clements & Sons, Inc.*, 74 Civ. 979 (CES). The Commission will issue an appropriate notice for the resumption of the investigation after the date is set for the filing of such briefs.

Notice of institution of the investigation was published in the FEDERAL REGISTER on August 11, 1977 (42 FR 40786); notice of suspension of the investigation was published in the FEDERAL REGISTER on October 18, 1977 (42 FR 55654); notice of date of resumption of the investigation was published in the FEDERAL REGISTER on November 10, 1977 (42 FR 58581).

Issued: December 29, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-78 Filed 1-3-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-

29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

(1) Three Rivers Legal Services, Inc., in Gainesville, Fla., to serve Alachua, Bradford, Columbia, Hamilton, Lafayette, Suwanee, and Union counties.

(2) North-Central Louisiana in Natchitoches, La., to serve Natchitoches, DeSoto, Red River, Sabine, Grant, and Winn counties.

(3) Acadiana Legal Services, Inc., in Lafayette, La., to serve Acadia, Iberia, Lafayette, St. Landry, St. Martin, and Vermillion counties.

(4) Legal Services of North Carolina in Lexington, N.C., to serve Bertie, Martin, Washington, Hertford, Robeson, Bladen, Scotland, Burke, Caldwell, McDowell, Catawba, Randolph, Rockingham, Davidson, Pender, Lee, Cherokee, Clay, Macon, Alamance, Caswell, Columbus, and Brunswick counties.

(5) North Alabama Legal Services Corp. in Birmingham, Ala., to serve Jefferson County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE., 9th Floor, Atlanta, Ga. 30308.

THOMAS EHRLICH,
President.

[FR Doc. 78-29 Filed 1-3-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

(1) Legal Services Corp. of Iowa in Des Moines, Iowa 50309, to serve Linn, Benton, Muscatine, Webster, Boone, Hamilton, Humboldt, Calhoun, Wright, Jasper, Story, Cerro Gordo, Floyd, Butler, Franklin, Hancock, and Winnebago Counties.

(2) Legal Services Organization of Indiana, Inc., in Indianapolis, Ind., to serve Decatur, Jennings, Shelby, Owen, Greene, Vanderburgh, Posey, Spencer, Warrick, Gibson and Pike Counties.

(3) Legal Services Program of Northern Indiana Inc., in South Bend, Ind. 46625, to serve Montgomery, Clinton, Tippecanoe, Miami, Cass, White, La-grange, and Noble Counties.

(4) Central Minnesota Legal Aid Society in Minneapolis, Minn. 55415, to serve Todd, Morrison, Mille Lacs, and Wright Counties.

(5) Southern Minnesota Regional Legal Services in St. Paul, Minn. 55102, to serve Washington, Dakota, Olmstead, Winona, Rice, Goodhue, and Wabasha Counties.

(6) Legal Aid Service of Northeastern Minnesota in Duluth, Minn. 55802, to serve Itasca and Carlton Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corp., Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill. 60604.

THOMAS EHRLICH,
President.

[FR Doc. 78-30 Filed 1-3-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

(1) Legal Aid of Chester County, Inc., in West Chester, Pa. 19380, to serve Chester County.

(2) Legal Aid Society of Morris County in Morristown, N.J. 07960, to serve Morris County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above

applications to the Regional Office of the Legal Services Corp. at:

Legal Services Corp., Philadelphia Regional Office, 101 North 33d Street, Suite 115, Philadelphia, Pa. 19104.

THOMAS EHRLICH,
President.

[FR Doc. 78-31 Filed 1-3-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

DECEMBER 29, 1977.

The Legal Services Corp. was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961. Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *"

The Legal Services Corp. hereby announces publicly that it is considering the grant applications submitted by:

(1) New Haven Legal Assistance Association in New Haven, Conn., to serve the town of Shelton, Conn.

(2) Connecticut Legal Services, Inc., in Bridgeport, Conn., to serve, Litchfield County and towns of Eaton, Monroe, Fairfield, Stratford and Trumbull, Conn.

(3) OnBoard Legal Services, Inc., in New Bedford, Mass., to serve the town of Brockton and environs.

(4) Merrimack Valley Legal Services in Lowell, Mass., to serve the town and vicinity of Haverhill.

(5) Central Massachusetts Legal Services in Worcester, Mass., to serve Worcester County.

(6) Neighborhood Legal Services, Inc., in Lynn, Mass., to serve the North Shore in Essex County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corp. at:

Legal Services Corp., Boston Regional Office, 84 State Street, Room 520, Boston, Mass. 02101.

THOMAS EHRLICH,
President.

[FR Doc. 78-32 Filed 1-3-78; 8:45 am]

[6820-41]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS PRIVACY ACT OF 1974

Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93-579, 5

U.S.C. 552a, the National Commission on Electronic Fund Transfers published in the FEDERAL REGISTER (42 FR 1317) notice of the existence of the following system of records subject to the Privacy Act: NCEFT-1, Payroll Records; NCEFT-2, General Financial Records; NCEFT-3, General Informal Personnel Files. The Commission will terminate operations on December 27, 1977, and the above system of records is revoked as of that date.

Following is a summary of the disposition of the Commission's system of records, subsequent to the termination date:

Payroll Records, NCEFT-1

To be retained by General Services Administration, Region 3, Washington, D.C. for use in concluding administrative operations of the National Commission on Electronic Fund Transfers as part of the GSA system of records, Manpower and Payroll Statistics.

General Financial Records, NCEFT-2

To be retained by General Services Administration, Central Office, Washington, D.C. for use in concluding administrative operations of the National Commission on Electronic Fund Transfers.

General Informal Personnel Files, NCEFT-3

To be destroyed or returned to employees upon their request.

JOHN B. BENTON,
Executive Director.

DECEMBER 16, 1977.

[FR Doc. 78-7 Filed 1-3-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. OF MINNESOTA, ET AL.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Partial Initial Decision, dated May 3, 1977, and the Initial Decision, dated December 23, 1977, of the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission (the Commission) has issued Construction Permit No. CPPR-157 to the Northern States Power Co. of Minnesota, Northern States Power Co. of Wisconsin, Cooperative Power Association, Dairyland Power Cooperative, and Lake Superior District Power Co. for construction of a pressurized water nuclear reactor at the applicants' site in Dunn County, Wis. The proposed reactor, known as the Tyrone Energy

Park, Unit No. 1 is designed for a rated power of 3,411 megawatts thermal with a net electric output of 1,150 megawatts.

The Partial Initial Decision and the Initial Decision are subject to review by the Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by the Atomic Safety and Licensing Appeal Board in connection with these decisions may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is April 1, 1983, and the latest date for completion is October 1, 1985. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Partial Initial Decision, dated May 3, 1977; (2) the Initial Decision, dated December 23, 1977; (3) Construction Permit No. CPPR-157; (4) the report of the Advisory Committee on Reactor Safeguards, dated December 11, 1975; (5) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated October 31, 1975 and Supplement Nos. 1, 2, and 3, thereto, dated July 19, 1976, September 14, 1976 and December 1, 1976, respectively; (6) the Preliminary Safety Analysis Report and amendments thereto; (7) the applicants' Environmental Report, dated April 30, 1974; (8) the Draft Environmental Statement, dated June 1976; and (9) the Final Environmental Statement, dated April 1977, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and at the University of Wisconsin, Stout Library, Menomonie, Wis. 54751. A copy of the construction permit may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the Safety Evaluation Report (Document No. NUREG-75/102) and Supplement Nos. 1, 2, and 3 (Document No. NUREG-0092), and the Final Environmental Statement (Document No. NUREG-0226) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-14 Filed 1-3-78; 8:45 am]

[7590-01]

[Docket No. 50-216]

POLYTECHNIC INSTITUTE OF NEW YORK

Order Terminating Facility License

By application dated July 1, 1977, as supplemented August 5, 1977, the Polytechnic Institute of New York (the licensee) requested authorization to terminate Facility License No. R-107 for the AGN 201M Reactor (the facility), a research reactor located in University Heights, Bronx, N.Y. A "Notice of Proposed Issuance of Order Authorizing Termination of Facility License" was published in the FEDERAL REGISTER on November 17, 1977 (42 FR 59436). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has found that the facility has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts and fuel in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. The facility was dismantled pursuant to the Commission's Order dated September 29, 1976 (41 FR 44765, October 12, 1976).

The facility area has been inspected by the Commission's Office of Inspection and Enforcement and radiation surveys confirm that radiation levels meet the values defined in the decommissioning plan, and the area is available for unrestricted access.

Therefore, pursuant to the application by the Polytechnic Institute of New York, Facility License No. R-107 is hereby terminated as of the date of this Order.

For further details with respect to this action, see (1) application for authorization to terminate facility license dated July 1, 1977, as supplemented August 5, 1977, (2) the Commission's Order Authorizing Dismantling of Facility dated September 29, 1976, and (3) the Commission's related Safety Evaluation. Each of these items is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of December 1977.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director for Operating
Reactors, Division of Operating
Reactors.

[FR Doc. 78-15 Filed 1-3-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co. and Atlantic City Electric Co. (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, N.J. The amendment is effective as of its date of issuance.

The amendment will (1) revise the section dealing with routine reports and reportable occurrences to be consistent with a recent change to Commission guidance, (2) change the title of one member of the Nuclear Review Board and designate a different Vice Chairman in order to maintain the same professional qualifications of the Board as originally reviewed and approved by the Commission, (3) revise the pressurizer heatup rate to be consistent with design limits, and (4) make certain editorial corrections to rectify errors contained in the Specifications as originally issued with DPR-70.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 19, September 20, September 26, October 7, October 28, November 17, and November 17, 1977, (2) Amendment No. 9 to License No. DPR-70 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, N.J. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of December 1977.

For the Nuclear Regulatory Commission.

DAVID M. VERRELLI,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-16 Filed 1-3-78; 8:45 am]

[7590-01]

RISK ASSESSMENT REVIEW GROUP

Extension of Termination Date

In accordance with sections 9 and 14 of Pub. L. 92-463 (Federal Advisory Committee Act), notice is given that the Nuclear Regulatory Commission has determined that extension of the Risk Assessment Review Group for the period January 1, 1978 through July 1, 1978, is necessary and in the public interest. An appropriate amendment to the charter for this committee has been filed in accordance with section 9(c).

Dated: December 30, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-107 Filed 12-30-77; 3:01 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10073; 811-2164]

EPOCH RESOURCES FUND, INC.

Order Declaring That Company Has Ceased to Be an Investment Company

DECEMBER 27, 1977.

Notice is hereby given that Epoch Resources Fund, Inc. ("Epoch"), registered under the Investment Company Act of 1940 (the "Act"), as a diversified, open-end, management investment company, filed an application on April 14, 1977, and amendments there-

to on July 1, 1977, and July 14, 1977, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Epoch has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Epoch was incorporated under the laws of Maryland on January 11, 1971, and has been registered under the Act since 1971. Epoch states that it has never been successful in selling a significant number of its shares; that its total net assets have never exceeded one million dollars; that it has never had more than 150 shareholders at any one time; and that, as of December 31, 1976, it had only 26 shareholders and total net assets of \$137,117. It represents that as of March 31, 1977, it had no shareholders and no net assets, all of its shareholders having voluntarily redeemed their shares prior to that date. According to the application, on March 7, 1977, Epoch's Board of Directors authorized it to file for dissolution under Maryland law. Epoch states that it does not have any current operations and has no plans or intentions to continue as either an investment company or a corporation, and that as of July 1, 1977, it does not have any debts or liabilities outstanding.

Section 8(f) of the Act provides, in part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 20, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate), shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own

motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.
SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-27 Filed 1-3-78; 8:45 am]

[8010-01]

GEARHART-OWEN INDUSTRIES, INC.

Application to Withdraw from Listing and Registration

DECEMBER 22, 1977.

In the matter of Gearhart-Owen Industries, Inc., Common Stock, \$0.50 Par Value, File No. 1-4975, Securities Exchange Act of 1934 Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Gearhart-Owen Industries, Inc. has been listed for trading on the Amex since November 30, 1964. On October 5, 1976 the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE"). The Company does not see any particular advantage in the dual listing of its stock, inasmuch as trading of such stock on the Amex has dwindled to a nominal amount, and believes that continued dual trading would no longer serve the purpose of stimulating competition among the market makers of such stock.

This application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE.

Any interested person may, on or before January 20, 1978, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application any other information submitted to it, issue an order grant-

ing the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary,

[FR Doc. 78-5 Filed 1-3-78; 8:45 am]

[8010-01]

[Release No. 14308; SR-MSE-77-39]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

DECEMBER 23, 1977.

On October 27, 1977, the Midwest Stock Exchange, Inc., filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change would establish uniformity among the exchanges which provide markets for standardized listed options with respect to the application of the restricted options rule to dually listed exchange traded options. By this proposal an option would be restricted on that exchange only when such option would meet the criteria for restriction on all exchanges where a transaction has occurred with respect to such option on the previous day.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14160 (November 10, 1977)), and by publication in the FEDERAL REGISTER (42 FR 59577 (November 18, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on October 27, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 78-28 Filed 1-3-78; 8:45 am]

[8010-01]

[Release No. 34-14271; File No. SR-NYSE-77-36]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 30, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The text of the proposed amendment to the Constitution of the Exchange is attached as Exhibit 1-A. The text of proposed new Rule 475 and rescissions are attached as Exhibit 1-B.

PROCEDURE OF SELF-REGULATORY ORGANIZATIONS

The Board of Directors of the New York Stock Exchange at its October 6, 1977 meeting, approved the proposed rule amendments and rescissions. The membership approved the proposed amendment to the Constitution of the Exchange by vote on November 9, 1977. No further Board action or actions by the membership of the Exchange is required.

NYSE'S STATED PURPOSE OF PROPOSED RULE CHANGE

(a) The primary purpose of the proposed changes is to conform the Exchange Constitution and rules with the Securities Acts Amendments of 1975, sections 6(d)(2) and (3). Basically, new Rule 475 is a restatement of the language of sections 6(d)(2) and (3) of the Exchange Act. The provisions proposed for deletion are either redundant or inconsistent with the proposed new Rule.

(b) As stated above, Rule 475(a) reflects essentially the language set forth in 6(d)(2) of the Securities' Acts Amendments of 1975. The Act establishes a mandatory due process requirement, repeated herein, as a safeguard concerning those rules which permit the Exchange to act summarily in matters involving its members and non-members.

(c) Rule 475(b) is subdivided into three sections which consolidates and otherwise revises Section 16 of Article XIV and Exchange Rule 345(d). Section (b) provides for summary procedures (viz., suspensions and limitations) that the Exchange may take: (i) due to disciplinary action imposed by other self-regulatory organizations on members and other persons; (ii) as a result of financial or operating difficulty of a member or member organization; (iii) in limiting or prohibiting

persons with respect to access to Exchange services if either subsections (i) or (ii) above are applicable or, if such person is not a member or member organization, if he fails to meet the prerequisites for such access and cannot be permitted to have such access with safety to investors, creditors, members, member organizations or the Exchange. This section further provides an opportunity for a hearing for any person aggrieved by such summary action.

(d) Subsection (c) through (h) of proposed Rule 475 restate, with some modification, the provisions currently embodied in Article XIII, establishing and clarifying the rights and jurisdictional limitations with respect to members and other associated persons, that necessarily arise subsequent to the imposition of any summary suspension.

However, it is to be noted that paragraph (d) provides that in the event a member is suspended and not reinstated within one year, the membership shall be disposed of by the Board, unless the Board has extended the time for settlement. This assures the Exchange that the prescribed number of memberships shall remain viable and active.

(e) The question of due process was a major concern of the SEC when it formulated the Securities Acts Amendments of 1975. Proposed new Rule 475 reflects the mandatory due process requirements of the Amendments. Thus, all current constitutional and rule provisions which are either inconsistent or redundant when compared with this proposal should be deleted. Accordingly, sections 1 and 2 of Article XIII should be rescinded since they do not conform to the procedural requirements of the Act. Subsection (b) of the proposed Rule consolidates and otherwise revises Section 16 of Article XIV and Exchange Rule 345(d).

NYSE'S STATED BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(i) The Exchange has the express authority and responsibility, under sections 6(d)(2) and (3) of the 1975 Amendments, to prohibit or limit access by members or non-members to Exchange or member services, and to summarily suspend or limit or prohibit a member or non-member from such services, i.e., to do exactly what is provided for under the proposed herein.

Section 6(d)(2) of the 1975 Amendments, in brief, requires notice, a hearing, maintenance of a record, and preparation of a specific statement supporting any regulatory action, in any proceeding by a national securities exchange to determine whether a person shall be denied membership, barred from becoming associated with a member, or prohibited or limited with respect to access to services offered by the Exchange or a member

thereof. This section corresponds to new Rule 475(a).

Section 6(d)(3) of the 1975 Amendments provides for summary action by a national securities exchange in situations involving:

(a) a member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization, or barred or suspended from being associated with a member of any self-regulatory organization;

(b) a member who is in such financial or operating difficulty such as to pose a problem of safety to investors, creditors, other members, or exchanges;

(c) any person with respect to access to services offered by the Exchange if above paragraph (a) or (b) is applicable to such person or if such person does not meet the prerequisites of access and cannot be permitted such access with safety to investors, creditors, members, member organizations or the Exchange.

Any person aggrieved by any such summary action shall promptly be afforded an opportunity for an Exchange hearing as set forth in paragraph 6(d) (1) or (2).

(ii) Paragraph 475(a) states that, except as provided for in summary proceedings, the Exchange shall not prohibit or limit any person with respect to access to services offered by the Exchange or any member or member organization, without first giving such person notice and an opportunity to be heard on the specific grounds for the Exchange's proposed prohibition or limitation. A record is to be kept of such proceedings and any adverse determination is to be supported by a statement setting forth the specific grounds for the prohibition or limitation.

(iii) Not applicable.

(iv) Not applicable.

(v) Except for the stated conditions in summary proceedings, the Exchange's authority to prohibit or limit access by any person to services offered by the Exchange or members cannot be effected unless such person is afforded due process by the Exchange. The right to a hearing following Exchange Summary Proceedings is also provided for in new Rule 475. These procedures were discussed in detail above.

Such proceedings are consistent with the Exchange's obligation to promote just and equitable principles of trade; to the removal of impediments to and perfection of the mechanism of a free and open market and a national market system, and for the protection of investors and of the public interest.

(vi) In accordance with the provisions of the within proposal, any person subject to a Summary Proceeding is afforded an opportunity for a

prompt hearing. Therefore, although the Exchange can act expeditiously under its summary proceeding's authority, the due process requirements imposed by the 1975 amendments assure any such aggrieved person of a quick hearing.

(vii) The proposed rule changes carry out the purposes of Section 6(d) of the Act by providing for a fair procedure for limiting or denying access to services offered by the Exchange or any member, including ample notice of any action and a hearing. Should the Exchange take summary action, the aggrieved party is afforded an opportunity for a prompt hearing.

The within proposal conforms to Section 6(d) of the Act in all respects.

(viii) Not applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments were not solicited on this proposal.

NYSE'S STATEMENT ON BURDEN ON COMPETITION

This proposal will not impose any burden on competition.

By February 8, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 25, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 14, 1977.

GEORGE FITZSIMMONS,
Secretary.

Words in CAPS pending SEC approval.

EXHIBIT 1-A

[ARTICLE XIII—INSOLVENT MEMBERS-SUSPENSION-REINSTATEMENT]

¶1601 Notice from Member-Suspension

Sec. 1. A member who fails to perform his contracts, or is insolvent, shall immediately inform the Secretary of the Exchange in writing that he is unable to meet his engagements and prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in Section 5 of this Article [¶1605].

Suspension for insolvency on declaration

A member or allied member who is a general partner in a member firm or a MEMBER OR ALLIED MEMBER in a member corporation, which firm or corporation fails to perform its contracts, or is insolvent, or is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, shall immediately inform the Secretary of the Exchange in writing of such fact and prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner in SUCH MEMBER FIRM AND EVERY MEMBER OR ALLIED MEMBER IN SUCH MEMBER CORPORATION shall thereby become suspended from membership or allied membership, until reinstated as provided in Section 5 of this Article [¶1605].

¶1602 Notice from Exchange-Suspension

Sec. 2. Whenever it shall appear to the Chairman of the Board that a member has failed to meet his engagements, or is insolvent, or the Chairman of the Board has been advised by the Board of Directors of the Exchange that such member is in such financial or operating condition that he cannot be permitted to continue in business with safety to his creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member shall thereby become suspended from membership until he has been reinstated as provided in Section 5 of this Article [¶1605].

Suspension by Exchange for insolvency

Whenever it shall appear to the Chairman of the Board that a member firm or member corporation has failed to meet its engagements, or is insolvent, or the Chairman of the Board has been advised by the board of Directors of the Exchange that such member firm or member corporation is in such financial or operating condition that it cannot be permitted to continue in business with safety to its creditors or the Exchange, prompt notice thereof shall be given to the Exchange. Such member firm or member corporation shall thereby become suspended as a member firm or as a member corporation and every member or allied member who is a general partner in SUCH MEMBER FIRM AND EVERY MEMBER OR ALLIED MEMBER IN SUCH MEMBER CORPORATION shall thereby become suspended from membership or allied membership, until reinstated as provided in Section 5 of this Article.

¶1603 Investigation of Insolvency

Sec. 3. Every member and allied member suspended under the provisions of this Arti-

cle shall at the request of the Board of Directors or any committee authorized thereby submit to the Board or any such committee his books and papers or the books and papers of his firm or of any employee thereof or the books and papers of the member corporation in which he is AN OFFICER or of any employee thereof and furnish information to and appear and testify before or cause any such employee to appear and testify before the Board or any such committee.

¶ 1604 Time Limit for Reinstatement

Sec. 4. If the Board of Directors determines, after not less than 10 days notice to a member DESCRIBED IN SECTION 1(A) OF ARTICLE IX WHO IS suspended under the provisions of this Article, that the protection of the persons, firms and corporations entitled to make claim against the proceeds of the transfer of the membership under Section 3 of Article XI or of the creditors of the member firm or member corporation in which such member is or was last a general partner or AN OFFICER, requires the transfer of the membership of such member, such membership may be disposed of by the Board of Directors.

In any case, if SUCH member suspended under the provisions of this Article is not reinstated as provided in Section 5 of this Article within one year from the time of his suspension, or within such further time as the Board of Directors may grant, his membership shall be disposed of by the Board of Directors.

Extension of Time

The Board of Directors may, by the affirmative vote of a majority of the Directors then in office, extend the time of settlement for periods not exceeding one year each.

¶ 1605 Reinstatement of Insolvent Member-Vote Required

Sec. 5. A member, allied member, member firm or member corporation suspended under the provisions of this Article may, at any time, be reinstated by the Board of Directors.

¶ 1606 Disciplinary Measures During Suspension for Insolvency

Sec. 6. A member, allied member, or member organization suspended under the provisions of this Article may be proceeded against for any offense committed by him or it either before or after his or its suspension in all respects as if he or it were not under such suspension.

¶ 1607 Rights of Member Suspended for Insolvency

Sec. 7. A member suspended under the provisions of this Article shall be deprived during the term of his suspension of all rights and privileges of membership. His suspension shall create a vacancy in any office or position held by him. No such suspension shall operate to bar or affect the payments provided for by Article XVI in the event of the death of the suspended member. The suspension of an allied member under the provisions of this Article shall create a vacancy in any office or position held by him.

ARTICLE XIV—Expulsion and Suspension from Membership or from Allied Membership—Disciplinary Proceedings

Suspension or Expulsion After Action Taken by Other Exchange or Association

Sec. 16. Whenever a person who is a member or allied member is suspended or expelled from any other securities exchange or any national securities association, or is suspended or barred from being associated with any member of such exchange or association, or is suspended or barred by any governmental securities agency from dealing in securities or being associated with any broker or dealer in securities, the Board of Directors may, in view of such suspension, expulsion or bar, suspend or expel such person as a member or allied member of the Exchange, but no such suspension imposed by the Board shall commence before or expire after the suspension imposed by such other exchange, association or agency, and no such expulsion shall be imposed by the Board unless such person has been expelled or barred by such other exchange, association or agency. Nothing in this Section shall preclude any proceeding against any member or allied member under any other Section of this Article.

Member Organizations

Whenever a member organization is suspended or expelled from any other securities exchange or any national securities association, or is suspended or barred by any governmental securities agency from dealing in securities, the Board of Directors may, in view of such suspension, expulsion or bar, suspend or expel such member organization, but no such suspension imposed by the Board shall commence before or expire after the suspension imposed by such other exchange, association or agency, and no such expulsion shall be imposed by the Board unless such member organization has been expelled or barred by such other exchange, association or agency. Nothing in this Section shall preclude any proceeding against any member organization under any other Section of this Article.

Procedure

In any proceeding under this Section, the method of procedure required by the fifth paragraph of Section 14 of this Article shall not apply but the accused shall be given not less than ten days notice in writing that the Board will determine whether or not to suspend or expel the accused, as the case may be, as provided in this Section. The accused member or allied member, or any representative of an accused member firm or member corporation (who shall be a general partner of such firm or a holder of voting stock of such corporation) shall be afforded an opportunity to explain why it would be inappropriate for the Board to accept the finding of the other exchange, association or agency or to suspend or expel the accused, notwithstanding the suspension, expulsion or bar by such other exchange, association or agency. In the event that the Board determines not to accept the finding of guilt by the other exchange, association or agency, the Board may order a proceeding under any other Section of this Article. In the event that the accused fails or refuses to appear, the Board may nevertheless determine the matter and suspend or expel the accused as provided in this Section. A written notice of the result shall be served upon the accused in the manner provided by Section 14 of this Article. The findings of the Board shall be final and conclusive.]

EXHIBIT 1-B

[Rule 345(d)]

Employees—Registration, Approval, Records, Discipline

(d) Whenever a person who is a registered or non-registered employee is suspended or expelled from any other securities exchange or any national securities association, or is suspended or barred from being associated with any member of such exchange or association, or is suspended or barred by any governmental securities agency from dealing in securities or being associated with any broker or dealer in securities, the Board of Directors may, in view of such suspension, expulsion or bar, suspend, expel or bar such person as a registered or non-registered employee of a member, or member organization corporation of the Exchange, but no such suspension imposed by the Board shall commence before or expire after the suspension imposed by such other Exchange, association or agency, and no such expulsion or bar shall be imposed by the Board unless such person has been expelled or barred by such other exchange, association or agency. Nothing in this subsection (d) of Rule 345 shall preclude any proceeding against any registered or non-registered employee under any other subsection of this Rule.

In any proceeding under this subsection (d) of Rule 345, the method of procedure required by subsection (c)(2) of Rule 345 shall not apply, but the accused shall be given not less than ten days notice in writing that the Board will determine whether or not to suspend, expel, or bar the accused, as the case may be, as provided in this subsection. The accused registered or non-registered employee shall be afforded an opportunity to explain why it would be inappropriate for the Board to accept the finding of the other exchange, association or agency or to suspend, expel, or bar the accused notwithstanding the suspension, expulsion or bar by such other exchange, association or agency.

In the event that the Board determines not to accept the finding of guilt by the other exchange, association or agency, the Board may order a proceeding under any other provision of Rule 345. In the event that the accused fails or refuses to appear, the Board may nevertheless determine the matter and suspend, expel or bar the accused as provided in this subsection. A written notice of the result shall be served upon the accused in the manner provided by subsection (c)(2) of this Rule. The findings of the Board shall be final and conclusive.]

Proposed New Rule 475

PROHIBITION OR LIMITATION WITH RESPECT TO ACCESS TO SERVICES OFFERED BY THE EXCHANGE OR A MEMBER OR MEMBER ORGANIZATION—SUMMARY PROCEEDINGS

(a) Except as provided in subsection (b) of this Rule, the Exchange shall not prohibit or limit any person with respect to access to services offered by the Exchange or any member or member organization thereof unless the Exchange shall have notified such person and shall have given such person an opportunity to be heard upon the specific grounds for such prohibition or limitation. The Exchange shall keep a record of any proceeding pursuant to this Rule. Any determination by the Exchange to prohibit or limit any person with respect to access to services offered by the Exchange or a member or member organization thereof shall be supported by a statement setting forth the spe-

cific grounds on which the prohibition or limitation is based.

(b) The Exchange may summarily—

(i) suspend a member, member organization, allied member, approved person, or registered or non-registered employee of a member or member organization who has been and is expelled or suspended from any other self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934, or barred or suspended from being associated with a member or any such self-regulatory organization provided, however, that any such summary suspension imposed by the Exchange shall not exceed the termination of the suspension imposed by such other self-regulatory organization on such member, member organization, allied member, approved person, or registered or non-registered employee;

(ii) suspend a member or member organization who is in such financial or operating difficulty that the Exchange determines and so notifies the Securities and Exchange Commission that the member or member organization cannot be permitted to continue to do business as a member or member organization with safety to investors, creditors, other members or member organizations, or the Exchange;

(iii) limit or prohibit any person with respect to access to services offered by the Exchange if subparagraph (i) or (ii) of this subsection is applicable to such person or, in the case of a person who is not a member or member organization, if the Exchange determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, member organizations, or the Exchange.

Any person aggrieved by any such summary action shall be promptly offered an opportunity for a hearing by the Exchange as required by the provisions of the Securities Exchange Act of 1934.

(c) Whenever a member or member organization fails to perform his or its contracts, becomes insolvent, or is in such financial or operating difficulty that he or it cannot be permitted to continue to do business as a member with safety to investors, creditors, other members or member organizations, or the Exchange, such member or member organization shall promptly give written notice thereof to the Secretary of the Exchange.

(d) If the Board of Directors determines, after not less than ten days written notice to a member described in Section 1(a) of Article IX who is suspended under the provisions of this Rule, that the protection of the persons entitled to make claim against the proceeds of the transfer of the membership of such member under Section 3 of Article XI of the Constitution or of the creditors of the member organization with which such member is or was last associated as such, requires the transfer of the membership of such member, such membership may be disposed of by the Board of Directors. In any case, if a member suspended under the provisions of this Rule is not reinstated within one year from the time of his suspension, or within such further time as the Board of Directors may grant, his membership shall be disposed of by the Board of Directors; but the Board may, by the affirmative vote of a majority of the directors then in office, extend the time for settlement for periods not exceeding one year each.

(e) Any person suspended under the provisions of this Rule shall, at the request of the

Exchange, submit to the Exchange his or its books and records (including those books and records with respect to which such person has access or control) or the books and records of any employee thereof and furnish information to or to appear or testify before or cause any such employee to appear or testify before the Exchange.

(f) Any person suspended under the provisions of this Rule may, at any time, be reinstated by the Board of Directors.

(g) Any person suspended under the provisions of this Rule may be disciplined in accordance with the rules of the Exchange for any offense committed by him or it either before or after his or its suspension in all respects as if he or it were not under such suspension.

(h) A member suspended under the provisions of this Rule shall be deprived during the term of his suspension of all rights and privileges of membership, but such suspension shall not operate to bar or affect the payments provided for by Article XVI of the Constitution in the event of his death. Any suspension under the provisions of this Rule of a member or allied member shall create a vacancy in any office or position held by such member or allied member.

[FR Doc. 78-26 Filed 1-3-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

COMMONWEALTH OF PENNSYLVANIA, ET AL.

Petitions for Waiver of Track Safety Standards

As required by 45 U.S.C. 431(c) notice is hereby given that four interested parties have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the interested party be granted a waiver of compliance with certain provisions of the track safety standards (49 CFR Part 213).

Each of the interested parties, which are identified below, are seeking a waiver of compliance with certain provisions of the standards on a temporary basis. A brief description of the particular facts involved in each request as well as the particular regulatory provision is identified below to the extent that such information has been furnished by the petitioner.

Interested persons are invited to participate in these proceedings by submitting written comments or views. The FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, the FRA will provide an opportunity for oral comment if requested to do so by any interested party. Such requests must be in writing and must be submitted to the FRA before January 16, 1978.

All communications concerning these proceedings should identify the appropriate docket number (e.g., FRA Waiver Petition Docket No. RST-77-14) and must be submitted in triplicate to the Docket Clerk, Office

of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before January 30, 1978, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination, both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Portions of the trackage which are the subject of these individual waiver requests have been the subject of prior public notice (41 FR 1312 and 42 FR 11090). Consequently, the FRA may take interim action on these requests prior to the end of the comment period provided for in this notice. Such interim action will occur only if the FRA determines that the public interest will best be served by permitting rail service to be continued until final action is taken in these proceedings.

[Waiver Petition Docket RST-77-14]

COMMONWEALTH OF PENNSYLVANIA

The Commonwealth of Pennsylvania (Pennsylvania) seeks a temporary waiver for a nine month period terminating no later than September 30, 1978. The provisions for which this waiver is sought involve the minimum safety requirements for crossties set forth in section 213.109 and unspecified sections of the track geometry requirements.

Pennsylvania seeks this waiver for approximately 41 miles of track. The trackage involves five track segments identified as follows: (1) USRA line No. 177 described as the Pomeroy Branch, running from Pomeroy, Pa., to Buck Run, Pa., consisting of approximately 3 miles of track; (2) USRA line Nos. 196 and 197b described as the Schuylkill Branch, consisting of approximately 25 miles of track; (3) USRA line No. 198 described as the Frederick Secondary, running from Hanover, Pa., to Littlestown, Pa., consisting of approximately 6 miles of track; (4) USRA line No. 260a described as the Valley Branch, running from Warren, Pa., to North Warren, Pa., consisting of approximately 3 miles of track; and (5) USRA line No. 651 described as the Ridgway Secondary, running from Falls Creek, Pa., to Minns Coal, Pa., consisting of approximately 4 miles of track.

Pennsylvania wishes to continue operation of the above identified branch lines. At the present time these lines do not meet class 1 safety standards. However, track restoration programs have been established for all of the lines and work is nearly complete on three of them. Upon completion of the

track restoration program, all five branch lines will be in compliance with class 1 safety standards.

[Waiver Petition Docket RST-77-15]

COMMONWEALTH OF MASSACHUSETTS

The Commonwealth of Massachusetts (Massachusetts) seeks a temporary waiver for an unspecified period. The provisions for which this waiver is sought involve unspecified requirements for track structure and geometry.

Massachusetts seeks this waiver for trackage operated by Consolidated Rail Corporation (ConRail), consisting of three track segments which are identified in the following manner: (1) USRA line No. 8, described as the Ware River, consisting of an unspecified number of miles of track; (2) USRA line No. 17 described as the West Hanover, running between North Abington, Mass., and West Hanover, Mass., approximately 4 miles in length, of which 0.6 miles contains track deficiencies; and (3) USRA line Nos. 21 and 22, identified as the Hyannis Secondary, running between East Sandwich, Mass., and Hyannis, Mass., approximately 17 miles in length, of which 1.1 mile contains track deficiencies.

Massachusetts states that track rehabilitation programs are underway to bring the above trackage into compliance with either class II or class III standards. Considerable progress has been made on each of the three lines. Delays resulting from weather and other conditions have postponed completion of the track rehabilitation.

[Waiver Petition Docket RST-77-16]

STATE OF NEW YORK

The State of New York (New York) seeks a temporary waiver for an eight month period, terminating no later than September 1, 1978. The provisions for which this waiver is sought involve unspecified requirements for track structure and geometry.

New York seeks this waiver for four track segments identified as follows: (1) USRA line Nos. 102, 103, and 104 described as the Ontario Secondary, running between Oswego, N.Y. and Winsor Beach, N.Y., consisting of 8.6 miles of deficient track out of 66 miles of trackage; (2) USRA line Nos. 105 and 107 described as Ontario Secondary (Hojack West), running between Charlotte, N.Y., and Model City, N.Y., consisting of 68.9 miles of deficient track out of 72.5 miles of trackage; (3) USRA line No. 81 described as the West Shore, running between South Amsterdam, N.Y., and S. Fort Plain, N.Y., consisting of 26.5 miles of deficient track out of 29.7 miles of trackage; and (4) USRA line Nos. 109 and 110, described as the Marion Branch, running between Newark, N.Y., and

Marion, N.Y., consisting of approximately 9 miles of track.

New York states that track rehabilitation programs are being conducted under the supervision of the operator, Consolidated Rail Corporation (ConRail). Compliance activities are already underway. Delays resulting from weather, funding, and other conditions have postponed construction. New York wishes to continue operation over this trackage while the trackage is being brought into compliance with FRA Standards.

[Waiver Petition Docket RST-77-17]

STATE OF CONNECTICUT

The State of Connecticut (Connecticut) seeks a temporary waiver for a one year period terminating no later than December 31, 1978. The provisions for which this waiver is sought involve the minimum safety requirements for crossties set forth in section 213.109 and unspecified sections of the track geometry requirements.

Connecticut seeks this waiver for approximately 12 miles of track. This light density line trackage consists of three track segments identified as follows: (1) USRA line No. 47 described as the Wethersfield Secondary; (2) USRA line No. 50 described as the Griffins Secondary; and (3) USRA line Nos. 55 and 54 described as the Holyoke Secondary.

These light density lines are owned by the Trustees of Penn Central Transportation Co. and are operated by the Consolidated Rail Corporation (ConRail).

This trackage does not meet FRA class 1 standards at the present time, but a track rehabilitation program is underway. Delays have resulted from certain financial and procedural considerations that precluded Connecticut from entering into a contract for the completion of the necessary work. Federal rail assistance funds have now been received. Connecticut has approved a bidder for accelerated maintenance and has authorized ConRail to sign a contract with the bidder to perform the work. Accelerated maintenance will be performed when all documents are in order and when weather conditions permit.

AUTHORITY: Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by sec 5(b) of the Federal Railroad Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976; section 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n).

Issued in Washington, D.C., on December 28, 1977.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-57 Filed 1-3-78; 8:45 am]

[4910-06]

Federal Railroad Administration
[Docket No. 401-2; Notice 1]

DEVELOPMENT OF A MIDWESTERN RAIL SYSTEM PLAN

Notice of Public Meetings

AGENCY: Federal Railroad Administration ("FRA"), DOT.

ACTION: Notice of public meetings.

SUMMARY: Pursuant to section 5 of the Department of Transportation Act ("Act"), 49 U.S.C. 1654, FRA intends to develop a plan which will contain the recommendations of FRA on the physical plant restructuring needed to achieve a viable rail system in the midwestern region of the United States. In connection with the development of the plan, FRA has scheduled public meetings on January 18 and 19, 1978, to receive comments on its intention to plan the unification or coordination of operations and facilities with respect to railroads in the midwestern region. The public is invited to submit written comments and, subject to prior notification, oral testimony at the meetings on the development of the FRA plan.

DATES: Public meetings will be held on January 18 and 19, 1978, at the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill. Each meeting will commence at 9 a.m.

ADDRESSEE: All written comments should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Steven R. Ditmeyer, Associate Administrator for Policy and Program Development, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-8254.

SUPPLEMENTARY INFORMATION: On December 19, 1977, the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. became the second midwestern railroad in the last three years to file for reorganization under section 77 of the Bankruptcy Act; the Chicago, Rock Island and Pacific Railroad Co., had filed for reorganization on March 17, 1975. The financial plight of these two railroads and the marginal nature of several other midwestern railroads is attributable in large part to redundant rail facilities in the region. FRA has concluded that it can assist the railroads in the midwestern region and the national rail system in general by implementing its planning authority under section 5 of the Act.

Pursuant to 49 CFR 1.49(u), the Secretary has delegated his authority

under section 5 (with the exception of authority to issue subpoenas), to the Administrator of FRA.

COMMENTS: Interested persons are invited to submit written comments on the subject matter of the public meetings and to present oral testimony at such meetings. Comments, both oral and written, may address the operations and financial condition of railroad carriers in the region, restructuring concepts for a single railroad, a combination of railroads or other specially tailored forms of restructuring, and the economic impacts of such restructuring. Comments may also address the following specific issues:

- (1) Mainline redundancy;
- (2) The problem of unprofitable branch lines;
- (3) Continuation of competitive service; and
- (4) Regulatory factors.

All written comments should indicate the docket number shown above. Any person desiring to present oral testimony must submit written notification to the Docket Clerk of FRA's Office of Chief Counsel at the aforementioned address not later than January 12, 1978.

INSPECTION: Copies of all written comments received will be available for examination by interested persons in Room 5101, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., between the hours of 9 a.m. and 5:30 p.m., on Mondays through Fridays with the exception of Federal holidays.

Dated: December 30, 1977.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 77-37416 Filed 12-30-77; 12:10 pm]

[4910-59]

National Highway Traffic Safety
Administration

[Docket No. 75-16; Notice 16]

AIR BRAKE SYSTEMS

Requirements for Air-Braked Buses.

AGENCY: National Highway Traffic Safety Administration, DOT. (NHTSA), Department of Transportation.

ACTION: Denial of petitions for amendment of the standard.

SUMMARY: This notice denies a petition of the American Public Transit Association to exclude transit buses from the "no lockup" requirement of Standard No. 121, Air Brake Systems, and a joint petition of the American Bus Association, the Greyhound Corp., Trailways, Inc., and Motor Coach Industries to extend until January 1, 1979, the present suspension of

bus service brake stopping distance requirement. The petitions arise because of transit and intercity bus operators' dissatisfaction with the adequacy of testing conducted with the one antilock system used to meet the "no lockup" requirement on buses. The NHTSA concludes that the single reported case of erratic service brake performance does not justify further delay of the standard's benefits.

FOR FURTHER INFORMATION CONTACT:

Mr. Duane Ferrin, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2153.

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Following implementation of the requirements for buses, a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the "no lockup" requirements of the standard (S5.3.1). The NHTSA suspended the service brake stopping distance requirements (including the "no lockup" requirement) to provide a period in which modified antilock hardware and newly-introduced systems could be field-evaluated (41 FR 1598; January 9, 1976). Several vehicle manufacturers and user groups argued that the suspension should be for a longer period and the suspension was extended from January 1, 1977, to September 1, 1977 (41 FR 52055; November 26, 1976), and subsequently to January 1, 1978 (42 FR 30188; June 13, 1977), with an additional 3-month delay for school buses.

PETITIONS AND REQUESTS FOR DELAY

The American Bus Association (ABA), the Greyhound Corp., Trailways, Inc., and Motor Coach Industries (MCI) petitioned in the case of intercity and transit buses for a continuation until January 1, 1979, of the suspension of the bus service brake stopping distance requirements (S5.3.1) of Standard No. 121, including the "no lockup" requirement that provides for lateral stability of the vehicle during stopping maneuvers. The petition is based on the experience of one bus involved in antilock testing which experienced several intermittent losses of brakes when stopped on an incline, on July 15 and July 23, 1977. No accident or injury occurred in either case, but the antilock system was removed at the request of the operator following these occurrences.

A second basis for the requested delay was testing of antilock-equipped

and non-antilock-equipped buses in which shorter stopping distances were obtained without antilock action in some straight-line, low-speed stops. The longer stopping distances were further increased by inducing an electrical failure in the antilock system.

A separate request for similar delay by Trailways, Inc. (October 26, 1977, letter from D. Wayne Strout), apparently was based on the same straight-line, low-speed testing. Trailways also requested prohibition of the "recognition factor" incorporated in antilock logic which delays reversion of the system to "fail-safe" mode in certain cases for a short period after a malfunction is detected.

The American Public Transit Association (APTA) petition for permanent exclusion of transit buses from the "no lockup" requirement of the standard. The petition was based on numerous reports of malfunctioning truck antilock systems, claims that truck antilock-system malfunctions have caused accidents and injuries, the low average operating speed of transit buses, and the assertion that "the incidence of skidding in the transit industry is extremely slight". In addition, APTA believes that the size of the antilock test fleet whose experience was used as the basis for the June 1977 decision to reimplement the service brake stopping distances on January 1, 1978, was inadequate. As an alternative to permanent exclusion, APTA petitioned for a 2-year delay while further testing is conducted.

Eagle International, Inc., a major manufacturer of intercity buses, requested a 150-day delay in reimplementation of the requirements in order to obtain parts not available as of November 15, 1977, to train personnel, and to conduct testing on the test track and in service. It has since been orally verified that the parts are available and that the relief is no longer needed.

Although all of the issues raised by the petitioners are in reference to antilock systems, it is noted that the standard does not require the use of antilock systems. Further most bus manufacturers have determined that the "no lockup" portion of the requirement can be met without the use of antilock systems.

DISPOSITION OF THE PETITIONS

The suspension of bus stopping distance requirements was granted in January 1976 because of documented erratic and potentially unsafe behavior of the only-antilock system then available to intercity and transit bus manufacturers to comply with the "no lockup" performance requirement.

A second antilock supplier (AC Spark Plug Division of General Motors) began bus antilock testing in November 1975 and has since become

the sole supplier in the market. The agency stated in November 1976 that the performance of the AC system as installed on intercity and transit buses justified reimplementation of the "no lockup" requirement in September 1977. In its June 1977 reconsideration of this decision, the agency noted the malfunction-free performance of "second-generation" AC components but delayed reimplementation for three months to confirm the reliability of the new components.

General Motors installed the AC system on its own intercity and transit coaches, MCI and Prevost intercity coaches, and on Rohr-Flexible transit coaches for a total of 34 buses. Initial heat build-up problems and water intrusion with first generation sensors were solved with a more resistant, sealed sensor design, and an upgrading of controller design was effected to obtain commonality with similar AC truck systems incorporating improved diagnostic features. One intercity bus experienced two instances of intermittent loss of brakes on both axles, allowing it to roll several feet after it had been stopped on an incline. The brake loss was apparently due to the antilock system because the loss of brakes could not be duplicated with the system disconnected. General Motors performed a series of tests with the vehicle but could not diagnose or duplicate the problem. Although no accident occurred, the antilock system was removed from the vehicle.

The 11 intercity buses in the AC test fleet had operated 1,493,000 miles as of the October 1977 status report. Counting both the single case of brake loss and the seven cases of fail-safe sensor malfunction, a failure rate of one failure per 187,000 vehicle miles is obtained. The failure rate is further improved when only the data from improved sensors and controllers is considered (206,000 miles per failure) and should be further improved when the encapsulated sensor design is generally introduced. The failure rate of the 22 transit buses in a total 842,000 miles is one failure per 94,000 miles, and the malfunctions have all been failsafe. Six of the nine failures involved the sensor, and the encapsulated design is expected to improve system performance dramatically.

Notwithstanding the case of the single bus demonstrating two instances of brake loss, the agency is satisfied that the AC system has shown itself reliable in the 2.3 million miles of vehicle testing on intercity and transit buses. When an engineer is presented with isolated behavior that cannot be replicated in any other vehicle or environment or even in the single bus in which it occurred, and has not experienced brake loss in any of the remainder of its test fleet, the

responsible judgement is that the inexplicable single case must be evaluated as an isolated phenomenon. It is the NHTSA's judgement in this case that the benefits of "no lockup" performance should be put in place and not delayed in view of the isolated nature of the one failure.

The associations representing both intercity and transit bus operators agree with the agency about the benefit of "no lockup" performance. The ABA, Greyhound, Trailways, and MCI all stated in their joint petition—

So that this record is clear, petitioners do not in any way object to the improved safety and safety objectives performance (sic) of Standard No. 121. In fact, petitioners share the Agency's view, as stated in its June 13, 1977, Order, of the desirability, from a safety point of view, of "no lockup" performance on transit buses.

The APTA stated in its petition that "the transit industry is not opposed to the concept of preventing skidding if the designs used to meet the performance requirement are fail-safe, require only reasonable maintenance, present no risk to bus passengers, and are adequately tested." In the December 15, 1977, public meeting on antilock systems, Mr. Jack Schnell of APTA reiterated the position that the concept of antilock is good.

However, APTA asserted in its petition that the low operating speed of transit buses and their low likelihood of skidding make this category of vehicle inappropriate for "no lockup" performance. The agency has treated the issue of transit bus duty cycles previously (41 FR 52056; November 26, 1976) and concluded that available data on bus accidents (Bureau of Motor Carrier Safety data on intercity bus operation for the most part) support the conclusion that bus skidding occurs from relatively low pre-accident speeds and commonly in business and residential areas typical of transit-bus operation. The average speed of transit bus operations are not determinative, in that they represent time stopped and stopping as well as time underway. APTA provided no data in its petition to support the contention that transit buses do not share the lateral instability problems of straight trucks and combinations.

The contentions of the APTA about antilock systems reliability are based on information from antilock systems other than the AC system that will be used on the few transit and intercity buses that need antilock systems. The Chicago Transit Authority (CTA) objection about radio frequency interference is repeated, despite the agency's finding in its June 1977 notice that the RFI complaints apparently refer to the Rockwell International antilock system which is no longer available for installation in new bus production. The APTA reference to 1975 testing refers to the Rockwell system also.

The APTA listed reports of experience with antilock systems installed in trucks but did not discuss the AC test program for the only system that will be installed on few buses that will use antilock systems. APTA makes the conclusory statement that the AC test fleet was too small, without explaining why it disputes the validity of the conclusions derived from the AC test data. The agency's analysis of the few malfunctions experienced in the AC test fleet is that performance of production-installed systems in highway service should substantially exceed test experience to date because of the use of the improved encapsulated sensor design. Even without this anticipated improvement, maintenance is expected to fall within completely reasonable bounds. As of the October 1977 report from GM on its AC system, the 22 transit buses in its test fleet had accumulated a total of 842,000 miles with only 8 antilock equipment failures and one instance of an antilock sensor that was damaged due to improper maintenance. Of this total, 99,000 miles have been accumulated using the encapsulated sensor design (available since June 1977), and no failures on these buses have occurred.

In its separate request for continuation of the suspension of "no lockup" performance requirements, Trailways pointed out that stopping distances of antilock-equipped buses can under some circumstances be longer than stopping distances of non-antilock equipped vehicles, because of the series of momentary brake releases that is integral to antilock operation. Braking on split traction coefficient surfaces is an example of a situation where this could occur. Somewhat greater increases can be induced by certain intermittent electrical failures because of the time necessary for the antilock logic to detect the failure (called the "recognition factor") and reapply the brakes. Because of these characteristics of antilock controlled braking, the ABA, Greyhound, Trailways, and MCI ask for a continuation of the suspension. Trailways also suggested a prohibition on the "recognition factor" in the case of differential wheel speed analysis.

The agency is aware of the possible trade-off between stopping distance and lateral stability in the design of brake systems. Although vehicle tests show that antilock-equipped vehicles will generally stop in somewhat shorter distances than equivalent vehicles without antilock, there are certain conditions where some stopping capability of the loaded vehicle must be sacrificed to preserve lateral stability of the unloaded vehicle. The installation of antilock systems provides a compromise between these competing needs. It is noteworthy that, in all

cases, the tested bus stopped within the stopping distances specified by the standard.

A comparable balancing of benefits was involved in the NHTSA's agreement that "recognition factors" are an important, necessary aspect of anti-lock system design. As stated in a December 1974 letter of interpretation to Eaton Corp.,

The NHTSA believes that this period of initial recognition is desirable to detect and eliminate incorrect indications of malfunction without interfering with the antilock function * * *. The NHTSA interprets S5.5.1 to permit an increase in actuation time while antilock logic circuitry first recognizes a failure occurring during brake actuation, and deactivates that antilock system.

It is clear from this interpretation that Trailways is mistaken in thinking that the AC system fails to comply with the standard and that therefore no complying antilock system exists with which to comply with the air brake standard. As evidenced by the above discussion, the agency has previously considered the issues raised by Trailways in detail, and judges that the probability of somewhat increased stopping distances under some circumstances is vastly outweighed by the improved lateral stability of the vehicle in stopping and turning maneuvers in service. For this reason, the agency declines to modify with the standard with regard to "recognition factor" as requested by Trailways.

The cost of reimplimenting the stopping and "no lockup" requirements should be minor since most of the manufacturers do not need to install antilock systems to meet the requirements. Under an interpretation issued by this agency in response to an inquiry by AM General, a test driver can "modulate" the braking effort during compliance testing. Most buses do not need antilock to be successfully stopped without wheel lockup within the 293-foot stopping distance and the 12-foot wide lane.

For the foregoing reasons, the petitions of Trailways, Greyhound, MCI, the ABA, and APTA are denied.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on December 30, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 77-164 Filed 12-30-77; 4:57 pm]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[Notice No. 554]

ASSIGNMENT OF HEARINGS

DECEMBER 29, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141465 (Sub 3), Geneva Lake Area Joint Transit Commission, now being assigned March 20, 1978 (1 week) at Lake Geneva, Wis., in a hearing room to be later designated.

MC 134022 (Sub-Nos. 25, 26, and 29), Richard A. Zima, d.b.a. Zipco, now being assigned March 15, 1978 (3 days) at Chicago, Ill., in a hearing room to be later designated.

MC 134970 (Sub 16), Unzicker Trucking, Inc., now being assigned March 14, 1978 (1 day) at Chicago, Ill., in a hearing room to be later designated.

MC 113855 (Sub 391), International Transport, Inc., now being assigned February 2, 1978 (2 days) at Birmingham, Ala., and will be held in GSA Conference Room 430, Federal Building, 1800 5th Avenue North. No. 36667, *Chicago North Western Transportation v. The Bell Railway Co. of Chicago*, now assigned January 23, 1978, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 139577 (Sub 3), Adams Transit, Inc., now assigned January 18, 1978, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 135684 (Sub 40), Bass Transportation, Inc., now assigned January 17, 1978, at Chicago, Ill., will be held in Room 834, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 142941 (Sub 5), Scarborough Truck Lines, now assigned January 17, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 106920 (Sub 69), Riggs Food Express Inc., now assigned January 18, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 116273 (Sub 211), D & L Transport, Inc., and MC 124048 (Sub 725), Schwer-

man Trucking Co., now assigned January 20, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 200 (Sub 291), Riss International Corp., now assigned January 19, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 128256 (Sub 32), O. W. Blosser, d.b.a. Blosser Trucking, now assigned January 25, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 107496 (Sub 1080), Ruan Transport, Inc., now assigned January 23, 1978, at Chicago, Ill., will be held in Room 280, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 2900 (Sub 296), Ryder Truck Lines, Inc., now assigned January 23, 1978, at Charlestown, W. Va., will be held in the Sheraton Inn, Charlestown Downtown, 50 Virginia Street East, and continued to January 30, 1978, at Pittsburgh, Pa., will be held at the Hilton Hotel, Gateway Center.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-65 Filed 1-3-78; 8:45 am]

[7035-01]

[LAB 136 (SDM)]

CHICAGO SOUTH SHORE AND SOUTH BEND
RAILROAD CO.

System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Chicago South Shore and South Bend Railroad Co., has filed with the Commission its color-coded system diagram map in docket No. AB 136 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on December 12, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 136 (SDM).

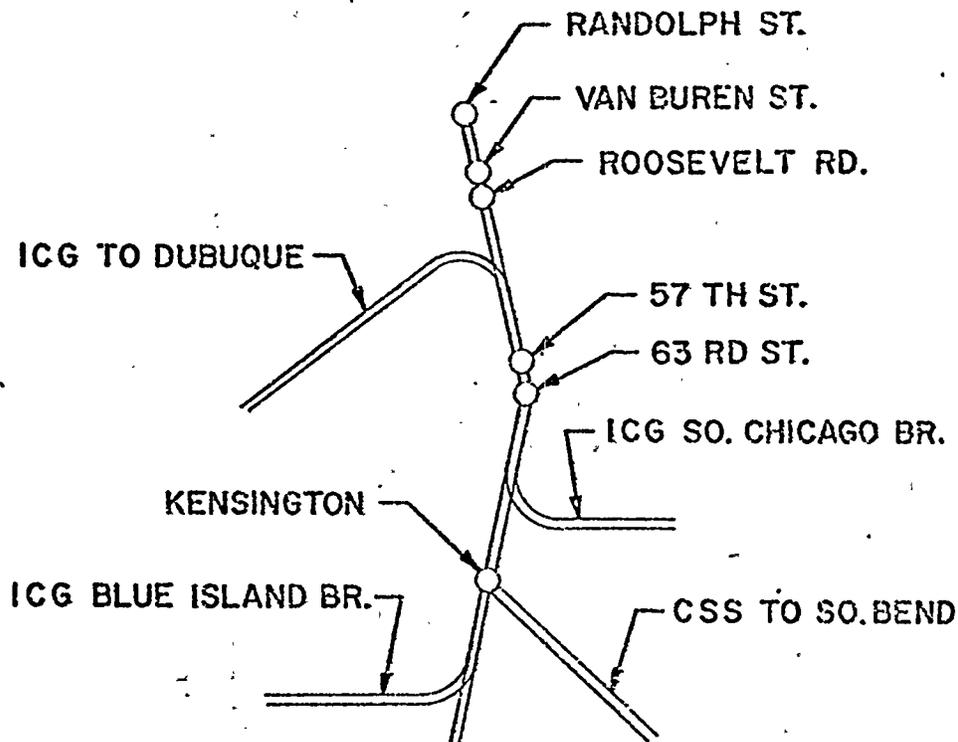
H. G. HOMME, JR.,
Acting Secretary.

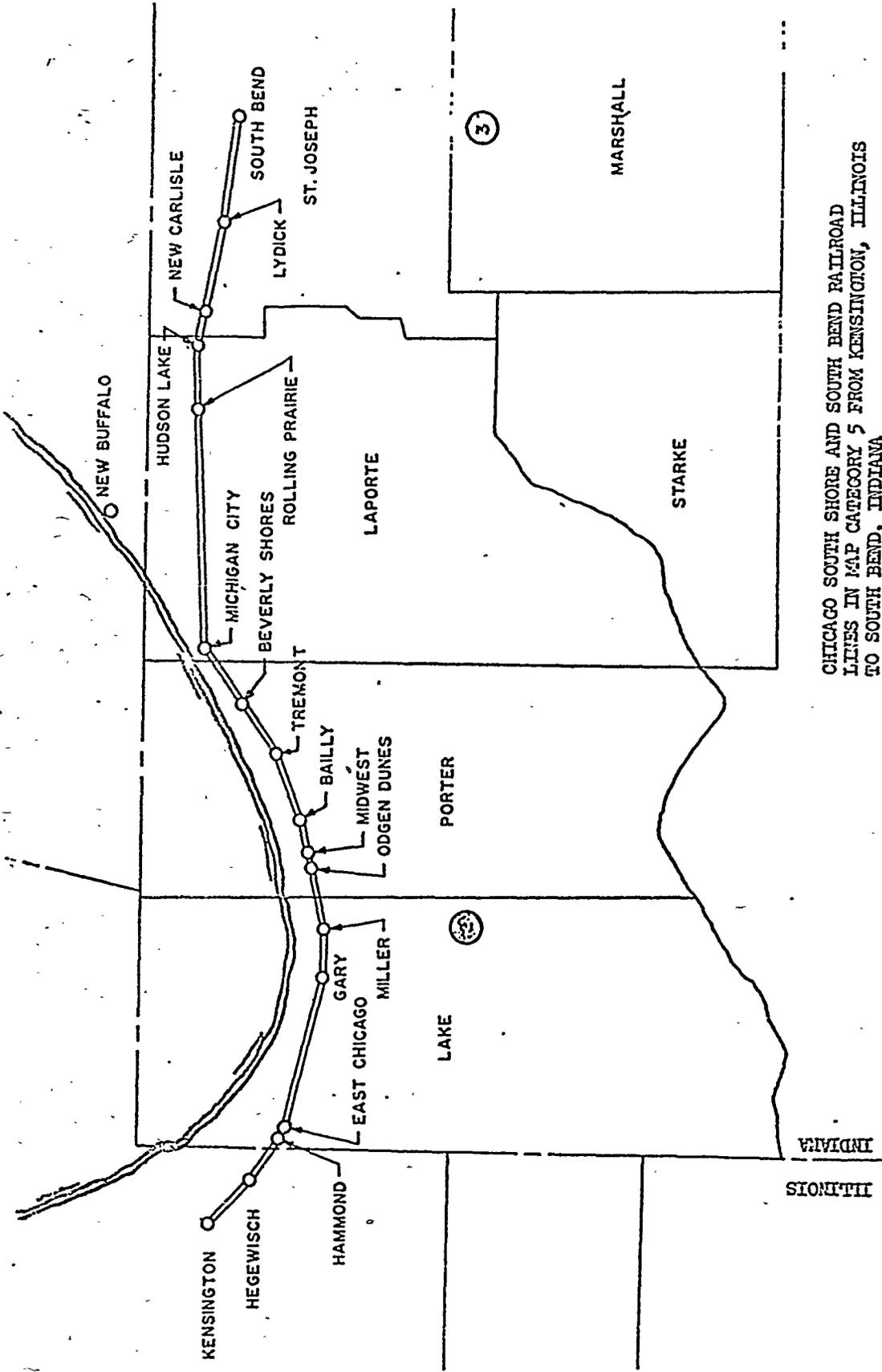
NOTICES

Map
Code ILLINOIS

DOCKET NO. AB-136 (SDM)

- 1**
- (a) Kensington to Randolph St. Trackage Rights on Illinois Central Gulf Railroad.
 - (b) Located in State of Illinois.
 - (c) Located in Cook County.
 - (d) ICG MP 0.33 to MP 14.66, 14.2 Miles.
 - (e) Agency Stations - Randolph St. MP 0.33, VanBuren St. MP. 0.80, Roosevelt Rd. MP 1.43 and Kensington MP 14.49.





CHICAGO SOUTH SHORE AND SOUTH BEND RAILROAD LINES IN MAP CATEGORY 5 FROM KENSINGTON, ILLINOIS TO SOUTH BEND, INDIANA

[7035-01]

[LAB 1 (Sub-No. 40)]

CHICAGO AND NORTH WESTERN
TRANSPORTATION CO.

Abandonment Between Gilllett and Scott Lake, in Oconto, Forest, and Florence Counties, Wis., and Iron County, Mich.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment.

These comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

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

[FR Doc. 78-67 Filed 1-3-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 29, 1977.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43482, Sea-Land Service, Inc.'s No. 96, on intermodal rates on general commodities, between ports in Puerto Rico and the Virgin Islands, on the one hand, and, on the other, rail terminals at Los Angeles and Oakland, Calif., by way of New Orleans, La., and Houston, Tex., in its tariffs Nos. 289 and 290, ICC Nos. 122 and 123, respectively, to become effective January 22, 1978. Grounds for relief—water competition.

FSA No. 43483, Western Trunk Line Committee, Agent's No. A-2747, on rail rates on boards or sheets, from Hudson Bay, Saskatchewan, and Thunder Bay and Twin City, Ontario, Canada, to western trunk-line territory, in sup. 54 to its tariff 490, ICC A-4928, to become effective January 21, 1978. Grounds for relief—motor carrier competition.

By the Commission.

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

[FR Doc. 78-66 Filed 1-3-78; 8:45 am]

[7035-01]

[LAB 43 (Sub-No. 40)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Soso and Laurel in Jones County, Miss.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Co. of its line between Soso and Laurel, a distance of 9.3 miles, in Jones County, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no significant environmental impacts would result from abandonment because no traffic has traversed the line in more than 2 years. There are no development plans in the area which would be dependent on the continuation of rail service over the branch line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 78-68 Filed 1-3-78; 8:45 am]

[7035-01]

[LAB 43 (Sub-No. 39)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Milepost 50.5 Near Hermanville, Miss. and Milepost 70.0 at Harriston, Miss. in Claiborne and Jefferson Counties, Miss.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment of 19.85 miles of branch line between Hermanville and Harriston, in Claiborne and Jefferson Counties, Miss., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic would add approximately 2 trucks each working day to area highways and would not create any significant changes in current highway or environmental conditions. The subject line traverses rural and agricultural lands for which no developmental plans apparently exist. The proposed abandonment could negatively impact a pulpwood dealer at Pattison, the sole shipper on the line. However, due to the transitory nature of pulpwood operations, wood harvesting should not be significantly impeded. Consequently, approval of the action should not have a serious adverse effect on community development.

The right-of-way is not considered suitable for alternative public use upon abandonment as the corridor lies in a rural area, does not connect any population, and has aroused no state or local interest. Finally, no historic sites or endangered species will be affected by the proposed action.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently,

ly, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 78-69 Filed 1-3-78; 8:45 am]

[7035-01]

[Finance Docket No. 28334]

CTORARO RAILWAY, INC.

Operation—Over Southeastern Pennsylvania Transportation Authority at Wawa, Delaware, and Chester Counties, Pa., and Colora, Cecil County, Md.

NOVEMBER 17, 1977.

The interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

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

[FR Doc. 78-71 Filed 1-3-78; 8:45 am]

[7035-01]

[Finance Docket No. 28532]

WILLIAM M. GIBBONS, TRUSTEE OF THE PROPERTY OF CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO., DEBTOR

Petition To Discontinue Trains 5 and 6 Between Rock Island, Ill. and Chicago, Ill., and Trains 11 and 12 Between Peoria, Ill., and Chicago, Ill.

DECEMBER 22, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed discontinuance of train Nos. 5 and 6 between

Rock Island and Chicago, a distance of 181 miles, and train Nos. 11 and 12 between Peoria and Chicago, a distance of 161 miles, all in Illinois, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that passenger traffic handled by the affected trains is low and diversion to alternative modes would not significantly affect the environment. Some of the affected communities would continue to have rail passenger service from Amtrak. Moreover, alternative transportation is available by bus, automobile, and airplane. Several interstate highways also serve the region. The subject discontinuance may create some inconveniences for passengers adjusting to time schedules and locations of alternative transportation.

The subject discontinuance is not expected to influence development within the affected corridor. The action, however, is contrary to the policies and plans of state and local officials who are currently investigating options for improving rail service between Chicago and both Peoria and Rock Island.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before January 30, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the involved passenger service. Consequently, com-

ments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 78-70 Filed 1-3-78; 8:45 am]

[7035-01]

[No. 36765]

ELECTRIC RAILWAYS

Exemption of Amtrak from Uniform System of Accounts for Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Order.

SUMMARY: The Interstate Commerce Commission has exempted the National Railroad Passenger Corporation (Amtrak) from the new railroad system of accounts which becomes effective January 1, 1978. The exemption was granted because: (1) Amtrak is exempted from Commission proceedings which the new rules were designed to provide data for; (2) existing accounting rules will provide sufficient information for Commission needs; and (3) since the Commission is planning to adopt separate accounting rules just for Amtrak, effective January 1, 1980, it would be an unnecessary burden to require them to also adopt new rules on January 1, 1978.

Amtrak will follow the railroad system of accounts in effect on December 31, 1977, except for subsequent changes adopted by the Commission to maintain conformity with generally accepted accounting principles. Also, Amtrak will file quarterly and annual reports with the Commission which are similar to those filed by other class I railroads, except as they are amended to reflect differences in accounting rules.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald Young, Chief, Section of Accounting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No.: 202-275-7448.

Issued at Washington, D.C., December 12, 1977.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-76 Filed 1-3-78; 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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National Transportation Safety Board	3

[6320-01]

1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., January 5, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of items adopted by notation.

2. Delegation of Authority to Managing Director for Establishing Target Dates for Board Decisions (Memo No. 7674, OGC).

3. Docket 27372, *Pan American World Airways v. Seaboard World Airlines*, and Docket 27459, *Seaboard World Airlines*, Enforcement Proceeding (Memo No. 7663, OGC).

4. Sample Certificate for Section 418 Carriers (Memo No. 7675, BOR, OGC).

5. Docket 31439, Application by Summa Corp. (Summa), and Lineas Aereas de Nicaragua, S.A. (Lanica), for approval of an agreement between the parties (Memo 7676, BOR, BIA).

6. Docket 29952, Pan American's application for New York-Dallas/Ft. Worth fill-up authority (Memo No. 6980-G, BOR).

7. Docket 30656, ALIA-The Royal Jordanian Airlines Corp. (Memo No. 3634-F, BIA, BOR, OGC).

8. Docket 31090, increase in mainland-Puerto Rico/Virgin Islands promotional fares proposed by American (Memo No. 7668, BFR).

9. Docket 29591, Complaint of Donald L. Pevsner, Esq., regarding

refund provisions for unused tickets, (Memo No. 7670, BFR, BIA).

10. Docket 31749, Transatlantic specific commodity rate on books proposed by TWA (Memo No. 7685, BFR, BIA).

11. Dockets 31682 and 31685-NACA and ACTOA complaints against U.S.-Mexico APEX and ITX fares proposed by American (Memo No. 7683, BFR, BIA).

12. Dockets 31561 and 31672, Complaints of Trans International Airlines against North/Central and South Pacific Budget Fares proposed by Pan American (BFR).

13. Dockets 31574, 31722, 31723, 31720, 31710, 31775, 31718, 31706, 31725, 31724, 31717, 31719. *California-Nevada Low-Fare Route Proceeding* and related matters (Memo No. 7686, BLJ, OGC).

14. Proposed Legislation (Memo No. 7187-A, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-2192-77 Filed 12-30-77; 3:34 pm]

[6210-01]

2

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 65372.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, January 4, 1978.

CHANGES IN THE MEETING: Postponement of the meeting. The matters that had been announced for consideration on January 4 will be considered on January 5, following the previously announced open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: December 30, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[S-2193-77 Filed 12-30-77; 3:25 pm]

[4910-58]

3

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, January 5, 1978 (NM-78-1).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first four items will be open to the public; the fifth item will be closed. A majority of the Board voted that no earlier notice was possible.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Commonwealth of Pennsylvania, Piper PA-31T, N631PT, Bressler, Pa., February 24, 1977.

2. *Discussion* of recommendation closeouts A-74-106, A-77-20, and A-74-110.

3. *Railroad Accident Report*—Rear End Collision of Two ConRail Freight Trains, Stemmers Run, Baltimore, Md., June 12, 1977.

4. *Recommendation* to Secretary, DOT, republication of official hazardous materials reference list.

5. *Opinion and Order*—Commandant v. Torres, Dkt. ME-66; disposition of appellant's appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Fleming, 202-755-4930.

[S-2191-77 Filed 12-30-77; 3:29 pm]

WEDNESDAY, JANUARY 4, 1978

PART II



**DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE**

**Health Care Financing
Administration**



**STATEWIDE
PROFESSIONAL
STANDARDS REVIEW
COUNCILS**

**Membership, Organization, and Duties
of Advisory Groups**

Professional Standards Review Councils

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING
ADMINISTRATION, DEPARTMENT OF
HEALTH, EDUCATION, AND WELFAREPART 478—STATEWIDE PROFESSIONAL
STANDARDS REVIEW COUNCILSSubpart B—Advisory Groups to Statewide
Professional Standards Review CouncilsMEMBERSHIP, ORGANIZATION, AND DUTIES
OF ADVISORY GROUPS

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

ACTION: Final rule.

SUMMARY: These regulations prescribe the membership, organization, and duties of advisory groups to Statewide Professional Standards Review Councils. The regulations require the advisory groups to assist Statewide Councils in their activities by assuring the involvement of health care practitioners other than physicians and by developing effective relationships with organizations representing these practitioners and health care facilities. The advisory groups also assist the councils in other functions, including the coordination of activities and dissemination of information among PSROs, the evaluation of PSROs, and if necessary, development of replacement PSROs.

Section 1162(e) of the Social Security Act requires that the councils be advised and assisted by advisory groups, and that the Secretary of Health, Education, and Welfare issue regulations governing their establishment.

EFFECTIVE DATE: These regulations are effective January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Rhoda Abrams, Director, Office of Program Development, Health Standards and Quality Bureau, Room 16A-44, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, phone 301-443-4086.

SUPPLEMENTARY INFORMATION: On July 12, 1976, there was published in the FEDERAL REGISTER (41 FR 28690) a notice of proposed rulemaking to add a new Subpart V to Part 101 of Title 42 of the Code of Federal Regulations. Since that date a new Chapter IV in Title 42 of the Code of Federal Regulations has been established for regulations governing programs of the Health Care Financing Administration. These final regulations are codified as Subpart B of Part 478, Subchapter D, Professional Standards Review, of 42 CFR Chapter IV.

All comments, suggestions, and objections received in response to the NPRM were considered and are summarized below along with the Department's responses and the changes made in the proposed rule.

(1) One comment stated that Statewide Councils already represented the health community and urged that these rules not be promulgated and Advisory

Groups not be established. Section 1162(e) of the Social Security Act, however, requires the establishment of Advisory Groups to Statewide Councils.

(2) Several comments requested that, one or more positions on the Advisory Group be reserved for representatives of special groups of health care practitioners, such as pharmacists, or representatives of particular health agencies, such as rehabilitation facilities. (See § 478.102.) The suggestions were rejected because the number of interested groups and agencies is great and limitation of member positions to representatives of specific groups would result in reducing the variety of representatives of other groups which may be appropriately designated as Advisory Group members. The general definition of membership categories which is in the rule permits flexible membership selection that is consistent with local needs and conditions.

(3) Comments recommended an increase in the size of the Advisory Group. This suggestion could not be taken because the statute specifies that the number of Advisory Group members be not less than seven nor more than eleven.

(4) One objection was made to the requirement that at least one-half of the Advisory Group be representatives of health care practitioners (other than physicians) and urged instead that there be greater representation for hospitals. This change was not made because the statute requires that hospitals be represented on the Statewide Council itself. Also there are a large number of health care practitioner (other than physician) groups that require representation on the Advisory Group and expanding hospital representation would limit the positions available for these other groups. (See § 478.102(a) (3) (i).)

(5) Several comments requested changes regarding the length of terms and the limit on the number of terms of Advisory Group members. There was no consensus among these comments and the provisions of the proposed rule were retained. The rule now provides for appointing members for one year terms, but allowing an individual member to serve continuously up to three terms. This provides for cumulative development of the skills of some members while affording an opportunity for participation on the Advisory Group to a large number of group representatives. (See § 478.102(a) (2).)

(6) One comment recommended that the public be allowed to attend Advisory Group meetings, but that some meetings be closed on the basis of reasonable confidentiality policy. This suggestion was incorporated into the final rule under § 478.103(e).

(7) Several recommendations urged the inclusion of a time requirement for the initiation of the actual operation of the Advisory Group. This addition has been made in the final regulation under § 478.103(a).

Accordingly, with these changes and additions, the proposed rules are adopted as set forth below.

Subchapter D of Chapter IV of 42 CFR is amended by adding a new Subpart B to Part 478 to read as follows:

Subpart B—Advisory Groups to Statewide
Professional Standards Review Councils

Sec.

- 478.101 Scope.
- 478.102 Membership.
- 478.103 Organizational requirements.
- 478.104 Reporting requirements.
- 478.105 Duties and functions.
- 478.106 Employment nondiscrimination.

AUTHORITY: Secs. 1102 and 1162(e), Social Security Act (42 U.S.C. 1302, 1320c-11(e)).

Subpart B—Advisory Groups to Statewide
Professional Standards Review Councils

§ 478.101 Scope.

Section 1162(e) of the Social Security Act ("the Act") provides that the Statewide Professional Standards Review Council for any State ("Statewide Council") shall be advised and assisted in carrying out its functions by an Advisory Group. This subpart establishes the requirements for Statewide Councils to follow in establishing and utilizing such Advisory Groups.

§ 478.102 Membership.

(a) *Composition, terms and qualifications.* (1) Each Advisory Group shall have a minimum of seven and a maximum of eleven members.

(2) Advisory Group members shall be appointed for terms of one year. An appointed member shall not be eligible to serve more than three consecutive full terms. To the extent practicable, no more than one-half of the members of the Advisory Group shall be appointed for an initial term in any year subsequent to the first year.

(3) The membership of each Advisory Group shall consist of representatives of health care practitioners (other than physicians), of hospitals and of other health care facilities which provide within the State health care services for which payment, in whole or in part, may be made under Titles V, XVIII or XIX of the Act and who are knowledgeable about the types of health care services being reviewed in the State. In addition, the membership of each Advisory Group shall meet the following requirements:

(i) *Representatives of health care practitioners (other than physicians).* At least one-half of the members of each Advisory Group shall be representatives of health care practitioners (other than physicians). For purposes of this subpart, health care practitioners (other than physicians) are those health professionals who do not hold a Doctor of Medicine or Doctor of Osteopathy degree, meet all applicable State or Federal requirements for practice of their profession, and are actively involved in the delivery of patient care or services which are directly or indirectly paid for under Titles V, XVIII and/or XIX of the Act. Each such representative shall practice his or her profession in the State.

(ii) *Representatives of hospitals.* One or more members of each Advisory Group shall be representatives of hospitals.

Each such representative shall be actively involved in the administration of or provision of services in a hospital which is located in the State and which has in effect arrangements for reimbursement for services under Titles V, XVIII and/or XIX of the Act.

(iii) *Representatives of other health care facilities.* One or more members of each Advisory Group shall be representatives of health care facilities other than hospitals. At least one such member shall be a representative of a skilled nursing facility (as defined in section 1861(j) of the Act) or an intermediate care facility (as defined in 42 CFR 449.10(b)(15)). Each such representative shall be actively involved in the administration of or provision of, services in a health care facility other than a hospital which is located in the State and which has in effect arrangements for reimbursement for services under Titles V, XVIII and/or XIX of the Act.

(b) *Selection procedures.* (1) Each Statewide Council shall have a standing committee, called the Advisory Group Nominating Committee, which shall solicit recommendations and nominate persons for Advisory Group membership. Each Advisory Group Nominating Committee shall have no fewer than five members and shall include at least one representative of each of the three membership categories set forth in section 1162(b) (1), (2) and (3) of the Act.

(2) Each Statewide Council shall develop a written plan for the selection of Advisory Group members. Such plan shall be submitted to the Secretary no later than 90 days after the date of execution of an agreement between the Secretary and the Statewide Council under section 1162(d) of the Act and must be approved by the Secretary prior to the selection of any Advisory Group members. Such plan shall include the following provisions:

(i) Specification of the composition of the Advisory Group, including plans to rotate membership among practitioner and health care facility groups.

(ii) A list of all the organizations representing health care practitioners other than physicians, hospitals, other health care facilities and consumer and other interested groups in the State from which recommendations will be sought by the Advisory Group Nominating Committee.

(iii) Criteria and procedures for review of recommendations by the Advisory Group Nominating Committee.

(iv) Criteria and procedures for selection of Advisory Group members by the Statewide Council from nominations of the Advisory Group Nominating Committee.

§ 478.103 Organizational requirements.

(a) Each Statewide Council shall convene the first meeting of the Advisory Group no later than 120 days after approval of the described plan in § 478.102 (b) (2).

(b) Each Advisory Group shall establish its own organizational structure, elect its own chairperson, and develop written operating procedures, consistent with this subpart.

(c) Each Advisory Group shall report directly to its Statewide Council.

(d) Each Advisory Group shall meet as a whole at least quarterly.

(e) Meetings, or any portion thereof, of the Advisory Group shall be open to the public, except when the meeting concerns review of:

(i) Sanction reports or recommendations forwarded to the Statewide Council pursuant to section 1157 of the Act;

(ii) Review of PSRO reconsiderations pursuant to section 1159(a) of the Act;

(iii) Internal personnel rules and practices of the Statewide Council;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Matters prohibited from disclosure by statute;

(vi) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; and

(vii) Information the premature disclosure of which would be likely to significantly frustrate implementation of a Statewide Council action except where the Statewide Council has already disclosed to the public the content or nature of the action, or where the Statewide Council is required by law to make such disclosure on its own initiative prior to taking final Statewide Council action.

(f) Minutes shall be recorded for all Advisory Group meetings and shall be available to the public consistent, as appropriate with regulations to be issued by the Secretary concerning confidentiality.

(g) Each Statewide Council shall provide its Advisory Group with staff support sufficient to enable the Advisory Group to carry out its duties and functions under this subpart.

(h) Expenses reasonably and necessarily incurred, as determined by the Secretary, by an Advisory Group in carrying out its duties and functions under this subpart shall be considered to be expenses necessarily incurred by its Statewide Council.

§ 478.104 Reporting requirements.

(a) Each Statewide Council shall prepare annually for submission to the Secretary a report containing the following information:

(1) The plan described in § 478.102 (b) (2).

(2) The membership of the Advisory Group Nominating Committee.

(3) The membership of the Advisory Group.

(4) The organization of the Advisory Group.

(5) The Advisory Group's activities for the year, including the number of meetings, and a description of specific projects, accomplishments, and recom-

mendations made by the Advisory Group to its Statewide Council.

(b) Each Advisory Group shall prepare an annual report assessing the involvement of health care practitioners (other than physicians), and of hospitals and other health care facilities in the Professional Standards Review Organization program in its State.

§ 478.105 Duties and functions.

Each Advisory Group shall advise and assist its Statewide Council in the performance of the Council's functions, specifically in the following areas and in any other areas considered appropriate by the Statewide Council:

(a) (1) In assuring maximum effective involvement of health care practitioners (other than physicians) in the Professional Standards Review Organization activities in its State.

(2) In developing effective relationships with organizations representing health care practitioners (other than physicians), hospitals and/or health care facilities within its State.

(3) In carrying out the functions of the Statewide Council under section 1160 (c) of the Act as they relate to health care practitioners (other than physicians), hospitals and other health care facilities.

(4) In carrying out the Statewide Council's functions under section 1162(c) of the Act.

(b) An Advisory Group may undertake other activities with the approval of its Statewide Council.

§ 478.106 Employment nondiscrimination.

Attention is called to the requirements of Executive Order 11246 (42 U.S.C. 2000e) which prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. Regulations implementing such Executive Order 11246, which are applicable to Advisory Groups under this Subpart, have been issued by the Secretary of Labor (41 CFR Ch. 60).

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

(Catalog of Federal Domestic Assistance Program Nos. 13.714—Medical Assistance Program; 13.800—Medicare—Hospital Insurance; 13.801—Medicare—Supplementary Medical Insurance.)

NOTE.—The Department of Health, Education, and Welfare 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.

Dated: August 10, 1977.

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

Approved: November 12, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.78-00001 Filed 1-3-78;8:45 am]

WEDNESDAY, JANUARY 4, 1978

PART III



DEPARTMENT OF TRANSPORTATION

**Federal Railroad
Administration**



ASSISTANCE TO STATES FOR RAIL SERVICE

**Procedures and Requirements Regarding
Applications and Disbursements**

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Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 4, Notice No. 2]

PART 266—ASSISTANCE TO STATES FOR RAIL SERVICE ASSISTANCE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Procedures and Requirements Regarding Applications and Disbursements

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

ACTION: Final rule.

SUMMARY: This rule sets forth procedures and requirements of the Federal Railroad Administrator ("Administrator") in connection with the filing of applications with the FRA for rail service assistance under section 5 of the Department of Transportation Act (49 U.S.C. 1654) ("Act") as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("RRRRA").

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

JoAnne McGowan, Program Analyst, Office of State Assistance Programs, Federal Railroad Administration, Washington, D.C. 20590, 202-426-1677; or

Mark Tessler, Attorney-Advisor, Office of Chief Counsel, State Rail and Passenger Programs Division, Federal Railroad Administration, Washington, D.C. 20590, 202-426-7737, who are the persons principally responsible for the preparation of this document.

SUPPLEMENTARY INFORMATION: On August 9, 1976, Proposed Procedures and Requirements Regarding Applications and Disbursements were published in the FEDERAL REGISTER (21 FR 33354) as proposed Part 266 of Title 49 of the Code of Federal Regulations. The Administrator is the delegate of the Secretary for all purposes under subsections 5(f) through 5(o) of the Act. The Administrator has determined, in accordance with the policies of the Department of Transportation as published in 41 FR 16200, April 16, 1976, that an evaluation of the regulatory impact of these regulations is not required. As stated in those policies, an evaluation is not required if the grant program requirement, or publication of the proposed regulations is expressly mandated by statute. The Administrator has also determined, under Department of Transportation Order No. 5610.1B (39 FR 35234), September 30, 1974, that projects under these regulations do not significantly affect the quality of the human environment (except where highways or highway-related facilities are involved or the project is to construct or improve facilities for which the ac-

quisition of real estate is required). A negative declaration has been prepared pursuant to this determination and is available to the public upon request. Therefore, applicants for financial assistance pursuant to this part are not required to prepare or submit data on the environmental impact of the projects proposed in the applications, except (1) where the proposed project is to construct or improve facilities which necessitate the purchase of real estate, in which case an environmental assessment shall be submitted with the application, or (2) where the proposed project involves highways or highway-related facilities, in which case the Federal Highway Administration regulations on environmental assessments shall apply (23 CFR Part 771).

Section 5 of the Act establishes a five-year program ("Section 5 Program") similar to the rail service continuation assistance program ("Title IV Program") authorized under section 402 of Title IV of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 701 et seq.) ("Rail Act"). The Section 5 Program provides financial assistance to States for rail freight assistance programs that are designed to cover:

(1) The cost of rail service continuation payments;

(2) The cost of purchasing a line of railroad or other rail properties to maintain existing or provide for future rail service;

(3) The cost of rehabilitating and improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line; and

(4) The cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service.

For the period from July 1, 1976, to April 1, 1978, section 5 of the Act authorizes rail service assistance to States outside the Northeast and Midwest Region as defined by the Rail Act. Beginning April 2, 1978, the Section 5 Program will extend to all States pursuant to the expanded eligibility provisions of section 5(n) of the Act.

DISCUSSION OF MAJOR COMMENTS

Interested persons were invited to participate in this rulemaking by submitting written comments to the FRA. The public docket on this rulemaking contains correspondence from 22 commentators. Many comments were adopted, in whole or in part, and some were rejected. The significant issues are discussed in the following paragraphs. Due to various additions and deletions, section numbers may have changed from those used in the proposed rules. References in this preamble refer to the revised section numbers.

§ 266.1. One comment suggested that the definition of "planning assistance" be amended to include planning assistance costs incurred in revising or amending the original State Rail Plan. This was intended in the original definition and it has been changed to clarify this.

§ 266.5(d). Several of the comments received recommended that the FRA clarify the scope of "substitute service assistance" to be provided pursuant to section 5(f) (4) of the Act. This section provides for rail freight assistance programs designed to cover the cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service. It was suggested that both the relocation of shippers located on eligible lines and operating subsidies for use of nonrail freight transportation be included as eligible assistance programs. The FRA recognizes the apparent eligibility of programs of this type. However, because the question of substitute service assistance was not widely addressed in either the proposed regulations or in the comments received, more information and discussion of the subject is felt to be necessary before specific regulations governing such programs are established.

Therefore, comments and suggestions regarding the scope and eligibility requirements of substitute service assistance will be solicited by an advance notice of proposed rulemaking to be published in the FEDERAL REGISTER in the near future. Until such specific regulations are issued, applications will be handled on a case-by-case basis.

§ 266.7(b). Many commentators have stated that eligible mileage should not be limited solely to lines of railroad for which the Commission has found that the public convenience and necessity permit the abandonment of, or the discontinuance of service on such line. They suggested that marginal lines which might in the future be the subject of abandonment petitions be included as eligible mileage. The determination as to what constitutes eligible mileage is governed by sections 5 (h) and (k) of the Act. Those statutory provisions cannot be modified or waived by the Administrator.

§ 266.9. This section has been expanded to clarify the available sources of funds which may comprise the State share of the costs of providing rail service assistance under section 5(g) of the Act. Such costs may be provided through in-kind benefits such as forgiveness of taxes, trackage rights, and facilities which would not otherwise be provided. Standards and procedures regarding in-kind benefits shall be governed by 49 CFR Part 267.

§ 266.11. This section has been revised to clarify that costs may be incurred prior to the date of the execution of the grant agreement only under specified circumstances and only with the prior written approval of the Administrator.

§ 266.13. This section has been revised to provide for an allocation of funds as of April 2, 1978, the date on which the Title IV program merges into the Section 5 Program. On that date, appropriated sums transferred into the program by section 5(o) of the Act are allocated to all States. Additionally, funds appropriated to the Section 5 Program for fiscal year 1978 and which are not the subject of a grant agreement executed by both

parties by April 2, 1978, are reallocated among the other States. On that date, all mileage eligible for rail service assistance under the Title IV Program will also be eligible under the Section 5 Program. This section has therefore been revised to reflect that merger and the increased eligible mileage resulting from it. In addition, the requirement of an annual certification by the Governor that each line is suitable for rail freight service has been deleted with the view that the statutory five-year Federal assistance limitation contained in section 5(k)(2) provides sufficient safeguards as intended by Congress.

Subsection 266.13(c) governs all reallocations except the reallocation occurring as of the merger date (April 2, 1978). This subsection provides for reallocation of funds which are in excess of a State's certified program of projects. The program of projects is based on those projects for which the State intends to submit specific project applications during the program period. Reallocation based on the program of projects will enable a State to plan for, and retain funding for, the assistance of lines which it reasonably expects will become eligible during the ensuing fiscal year.

For fiscal year 1978, there will be a reallocation of funds distributed as of April 2, 1978, as a result of the merger of the Section 5 and Title IV Programs. This reallocation will be based on (1) a program of projects submitted prior to May 1, 1978, by the States in the original Section 5 Program and (2) a program of projects which will be submitted by May 1, 1978, by States eligible due to the termination of the Title IV Program and which will cover the period from the date of submission through September 30, 1978.

States should be aware that § 266.17 contains provisions for amending a program of projects and thus programs of projects submitted early in the fiscal year can be updated prior to the fiscal year 1978 reallocation.

This section has also been revised to prevent administrative bottlenecks similar to those which have occurred under the September 30 reallocation deadline of the Title IV Program (49 CFR 255.7 (d)(3)). The September 30 reallocation resulted in placing a paperwork burden on both the States and FRA with all parties rushing to complete the necessary work on applications and grants before the close of the fiscal year. To eliminate this burden, the September 30 reallocation has not been incorporated into these regulations. Instead, reallocations, in addition to those mentioned above, will take place during the year only when necessary, and upon written notice to the States.

In a further effort to reduce the burdens on both the States and FRA to complete the paperwork process according to an inflexible timetable, the annual reallocation and the 1978 reallocation resulting from the merger of the two programs will be accomplished as soon as practicable after receipt of the States' programs of projects.

§ 266.15(a). It has been suggested that the "local and regional governmental bodies" referred to in this section be designated as the Metropolitan Planning Organizations in those areas where such bodies exist. The designated State agency has the responsibility under this section to establish procedures whereby local and regional governmental bodies may review and comment on appropriate elements of the State Rail Plan. The FRA expects that such review and comment procedures will involve all affected local and regional governmental bodies, thereby negating the need to designate a specific organization.

§ 266.15(c). Many commentators felt that the required contents of the State Rail Plan impose unnecessary burdens upon the States. Based on the experience gained in administering the Title IV Program, in which the requirements are very similar, the FRA has determined that the listed requirements are the minimum upon which a useful and effective State Rail Plan can be based. Additionally, experience has shown that States in the Title IV Program have been quite successful in drafting their plans according to the requirements of that program.

One suggestion that was made by many was that the specific rail project justifications should more appropriately be included as part of the project application rather than as part of the State Rail Plan. The data and analyses required as part of the State Rail Plan are data and analyses which a State must have in order to develop its overall strategy for resolving local rail freight problems. Because this data is indispensable to an informed decision as to where best to apply program funds, it has been determined that it is appropriate to require the data prior to the individual project application. It should be noted that pursuant to § 266.19(b)(3) of this part, exhibits filed with the State Rail Plan or pursuant to a prior application need not be refiled in a subsequent application as long as the prior filing is appropriately referenced. Also, where required data are available from secondary sources, the States are encouraged to use such data rather than develop it themselves.

§ 266.15(c)(3)(vi). One State suggested that this section, which requires the identification of projects for which a State wishes to receive assistance under the Act, including, where practicable, projects not yet eligible for Federal assistance but expected to become eligible during the ensuing year, be expanded to include projects expected to become eligible during the life of the program. A State is of course free to expand the scope of this section; however, the requirement will remain limited to lines expected to become eligible during the ensuing year.

§ 266.15(c)(4). It has been suggested that the requirements of this section should apply to projects listed in subdivision 266.15(c)(3)(vi) in addition to the lines or projects listed in subdivi-

sions 266.15(c)(3)(iii), (iv) and (v). The stated purpose of this addition would be to include in the analysis procedure projects potentially eligible for assistance. Such projects are already included in the scope of the analysis procedure of this section because subdivision (3)(vi) is the product of the analysis of the three preceding categories. Subdivision (3)(iii) refers to rail lines in the State which are eligible for assistance under section 5(k) of the Act. Subdivision (3)(iv) refers to lines of railroad in the State which, pursuant to section 1a(5)(a) of the Interstate Commerce Act, as amended ("ICA") and 49 CFR 1121.20 (b)(1) and (2), are designated as potentially subject to abandonment as well as those which are anticipated to be the subject of an abandonment or discontinuance application. Subdivision (3)(v) refers to rail freight services in the State for which abandonment applications are pending before the Commission. Subdivisions (3)(iv) and (3)(v) include lines which, while they are not yet eligible under section 5(k) of the Act, are potentially eligible due to the possibility of their abandonment in the future. Thus reference to subdivision (3)(vi) in this section is not necessary because potentially eligible lines will be analyzed pursuant to subdivisions (3)(iv) and (3)(v).

Another issue regarding lines included in subdivision (3)(iv), lines which are designated as potentially subject to abandonment as well as those which are anticipated to be the subject of an abandonment or discontinuance application, involves the availability of data with respect to these lines. The Commission has issued branch line accounting regulations (49 CFR Part 1201, Subpart B) requiring rail carriers to collect and publish cost and revenue data for lines designated as potentially subject to abandonment and those anticipated to be the subject of an abandonment or discontinuance application within a specified time period. Since the cost and revenue data for these lines will not be available until such time as it is reported to the Commission under the branch line accounting regulations, subsection 266.13(c)(4) has been revised to require certain analyses and information with respect to these lines only when the cost and revenue data necessary for the analyses is provided in accordance with 49 CFR Part 1201, Subpart B.

§ 266.15(c)(6). The necessity and extent of public hearings as part of a State's planning process were questioned by several commentators. One State felt that while public participation in the planning process should be encouraged, formal public hearings should not be required because they do not provide an adequate forum for the exchange of ideas. Another State expressed the view that public hearings should not be required for annual updates and revisions.

The regulations require that an opportunity for a public hearing be afforded the public as one element of the

public participation requirement of section 5(i)(3)(C) of the Act. It is intended that other methods of eliciting the public views be used in addition to public hearings. It is felt that the importance of assuring the public a voice in the planning process as required by the Act outweighs any possible duplication of time and energy.

The public must also be afforded an opportunity to participate in the selection of projects to be assisted or dropped from the program due to developments occurring between annual updates of the State Rail Plan. For that reason, the requirement concerning public hearings on the annual update or revisions will be retained.

§ 266.19(c)(9). On January 24, 1977, a new Part 265 of the Code of Federal Regulations was published in the FEDERAL REGISTER (41 FR 4286). Those regulations, entitled "Nondiscrimination in Federally Assisted Railroad Programs" ("Nondiscrimination Regulations"), implement section 905 of the RRRRA and require recipients of financial assistance under the RRRRA and certain of their contractors and subcontractors to take affirmative action to ensure that minority persons and minority businesses have a fair opportunity to participate in employment and contractual opportunities which may result from projects, programs and activities funded by such assistance.

The certification requirement of § 266.19(c)(9) has been revised to incorporate the Nondiscrimination Regulations. Included in those regulations at 49 CFR 265.11 are deadline requirements critically important to the receipt of funding approval.

Additionally attention is directed to 28 CFR Part 42, Subpart F, published in the FEDERAL REGISTER on December 1, 1976 (41 FR 52669). Those regulations, entitled "Nondiscrimination; Equal Employment Opportunity, Policies and Procedures—Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs", set forth minimum requirements for implementation by Federal agencies of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4). The Department of Transportation ("DOT") has issued DOT Order 1000.2B implementing those regulations. FRA will be issuing an order in the near future implementing the DOT order.

§ 266.19(e)(5). The proposed regulations required that the planning work statement include analytical methodology to be used in the planning process. Such methodology was to include consideration of the advisory criteria published by the Rail Services Planning Office under subsection 205(d)(3) of the Rail Act. Because such advisory criteria are required only under the Title IV Program, reference to it has been deleted from this section.

§ 266.19(f). This section has been slightly expanded to clarify the requirements for appraisals related to the acquisition of rail lines. In order to be valid, appraisals must be based on the extent of the property interest to be acquired.

This interest can only be determined on the basis of a title search. Therefore, this section has been revised to require that the two independent valuation appraisals be based on the results of a title search. This section has also been clarified to require that comparable land sales be used in appraising the value of the land involved. Additionally, a State Review Appraiser is required to review the two appraisals and on the basis of the appraisals establish just compensation. This approach is consistent with that utilized by the Federal Highway Administration and will be useful both to the States and FRA in evaluating appraisals.

This section also has been revised to incorporate the requirements of the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 266.21. This section has been revised to provide more detailed instructions regarding consideration of the environmental impact of projects to construct or improve facilities for which the acquisition of real estate is required. An environmental assessment is required of all such projects. If the assessment concludes that a project will not significantly affect the quality of the human environment a negative declaration to that effect is required. However, if the assessment concludes that the quality of the human environment is significantly affected, an environmental impact statement is required.

The form and content of such documents will be governed by FRA Procedures for Considering Environmental Impacts. Proposed procedures were published in the FEDERAL REGISTER on January 27, 1977 (41 FR 5171). Until such time as the procedures are issued in final form, the proposed procedures should be considered an adequate guide for the preparation of the necessary documents. Copies of the proposed procedures, and of the final procedures when issued, will be made available to interested parties upon request.

§ 266.23. This section has been revised to clarify the situation occurring when cash contributions are provided by the State as part of its matching share. The State must expend a pro-rata share of its cash contribution at the same rate that payments of the Federal share are made to the State. If the State share is not expended at the same rate as the Federal payments are made, the Federal share could exceed the statutory maximum. The provision or performance of in-kind benefits is governed by 49 CFR Part 267.

Also included in this section is the requirement that third party agreements must be executed before funds can be disbursed to the State to cover costs incurred under such agreements. Additionally, at least 30 days prior to the anticipated receipt of advance payments, the State must provide evidence that it is eligible to receive such payments pursuant to Attachment J of Office of Management and Budget Circular No. A-102 Revised, published in the FEDERAL REGIS-

TER (42 FR 45828) on September 12, 1977, ("OMB Circular A-102"). This requirement is necessary in order to provide sufficient time to complete reviews and resolve any problems which might delay disbursements to the State.

The remaining revisions to this section relate to the information which must be supplied before funds can be disbursed for acquisition. It is recognized that because of the nature of the acquisition process a State may not be able to fulfill certain requirements, particularly those relating to title, at the time an application for assistance is submitted. Accordingly, the regulations require that this essential information be provided before funds can be disbursed.

§ 266.25. Clarification was requested regarding this section's record keeping requirements for audit purposes. This section has thus been revised to reflect the record keeping requirements contained in Attachment C of OMB Circular A-102.

Unless otherwise required by statute, the administrative requirements governing this program are those contained in OMB Circular A-102.

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

In consideration of the foregoing, 40 CFR, Chapter II, is amended by adding a new Part 266 as set forth below.

Dated: December 29, 1977.

ROBERT E. GALLAMORE,
Deputy Administrator.

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AUTHORITY: Sec. 5, Department of Transportation, as amended, 49 U.S.C. 1054; Sec. 806, Railroad Revitalization and Regulatory Reform Act of 1976, 90 Stat. 143; 40 CFR 1.49(u).

§ 266.1 Definitions.

As used in this part:
"Acquisition" means the purchase of a line of railroad or other rail properties under section 5(f)(2) of the Act and § 266.5(b) of this part.

"Accelerated maintenance" means replacing ties, and other track and structural materials, sufficient functionally to restore the existing rail service facilities to the level necessary for such

facilities to be maintained in compliance with FRA Class 1 Track Safety Standards.

"Act" means the Department of Transportation Act, as amended.

"Administrator" means the Federal Railroad Administrator or his or her delegate.

"Applicant" means the designated State agency of a State meeting the requirements of § 266.7 of this part.

"Commission" means the Interstate Commerce Commission.

"Designated State agency" means the State agency designated by the Governor under section 5(j) (2) of the Act and § 266.7(a) (2) of this part.

"Line of railroad" or "related project" means (1) (i) a line of railroad with respect to which the Commission has found under section 1a of the Interstate Commerce Act, as amended, ("ICA") on or after February 5, 1976, that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service thereon, or (ii) a line of railroad or related project which was eligible for assistance under Title IV of the Regional Rail Reorganization Act, as amended ("Rail Act"); and (2) such line or related project has not previously been the subject of Federal rail service assistance under section 5 of the Act for more than five (5) fiscal years.

"Other rail properties" means property or facilities, excluding rolling stock, related to a line of railroad, as defined in (h) above.

"Planning assistance" means funds granted to a State under section 5(i) of the Act to meet the cost of establishing, implementing and updating the State's Rail Plan.

"Planning work statement" means the planning work statement required under § 266.19(e) of this part.

"Rail service assistance" means payments provided for rail freight assistance programs for the purposes enumerated in section 5(f) of the Act and § 266.5 of this part. As used in this part, such assistance shall include planning assistance unless specifically excluded.

"Rail service continuation payments" means payments which cover the difference between the revenue attributable to a line of railroad and the avoidable costs of providing rail service on such line of railroad, together with a reasonable return on the value of such line of railroad and other rail properties related to that line of railroad, all as determined in accordance with 49 CFR Part 1121 with the following exceptions: (1) Where service is eligible to be subsidized under section 402(c) (2) (A) and (B) of the Rail Act, rail service continuation payments means payments determined in accordance with 49 CFR Part 1125; and (2) where service is eligible to be subsidized under section 402(c) (2) (C) of the Rail Act, rail service continuation payments means payments calculated, to the greatest extent possible, in a manner consistent with 49 CFR Part 1121.

"Rehabilitation or improvement" means replacing ties, and other track and structural materials, to the extent necessary to permit safe, adequate and efficient rail freight service on a line of railroad.

"Routine maintenance" means inspection and light repairs, emergency repairs and a planned program of periodic maintenance which is necessary to keep the track at its existing condition or to comply with FRA Class 1 Safety Standards.

"State" means (1) during the period from February 5, 1976, through April 1, 1978, any State in which a carrier by railroad subject to Part I of the ICA maintains any line of railroad, except that the term shall not include the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan and Illinois; the District of Columbia, and that portion of the State of Wisconsin eligible for, and receiving assistance pursuant to Commission order (Ex Parte No. 293) published on January 28, 1974 39 FR 3605; and (2) during the period following April 1, 1978, any State in which a carrier by railroad subject to Part I of the ICA maintains any line of railroad.

"State Rail Plan" means a current plan, including all updates, revisions and amendments thereto, required under section 5(j) (1) of the Act and § 266.7 of this part.

"Substitute service assistance" means assistance pursuant to section 5(f) (4) of the Act designed to reduce the costs of lost rail service in a manner less expensive than continuing rail service. Such assistance may include the acquisition, construction, or improvement of facilities for the provision of substitute freight transportation services.

§ 266.3 Applicability.

The provisions of this part apply to the requirements regarding applications for and disbursement of financial assistance for the development of State Rail Plans, for the continuation of rail freight services, for the acquisition or improvement of rail properties and for substitute service assistance under subsections 5(f) through 5(o) of the Act ("Section 5 Program"). Compliance with the provisions of this part is a prerequisite for the receipt of such financial assistance.

§ 266.5 Purposes.

Rail service assistance is provided by the Administrator to enable an eligible applicant to cover:

- (a) The cost of rail service continuation payments;
- (b) The cost of purchasing a line of railroad or other rail properties to maintain existing or provide for future rail service;
- (c) The cost of rehabilitating and improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line;

(d) The cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service;

(e) The cost of program operations. Rail service assistance for program operations shall not exceed five (5) percent of the total funds granted to the State for the purposes listed in paragraphs (a) through (d) of this section; and

(f) The cost of developing a planning work statement and the cost of establishing, implementing, and updating the State Rail Plan. Planning assistance is made available by the Administrator in accordance with § 266.19(e) of this part during the course of the State rail planning process and shall be distributed by the Administrator as needed by the States. The amount of planning assistance to which each State is entitled is proportionate to the amount of rail service assistance to which each State is entitled under section 5(h) of the Act. Planning costs constitute a cost of providing rail service assistance under section 5(h) of the Act and are subject to the Federal-State cost sharing provisions of that section.

§ 266.7 Eligibility.

(a) *State eligibility.*—(1) *Eligibility requirements for planning assistance.* A State is eligible to receive planning assistance under section 5(i) of the Act and § 266.19(e) of this part if the Administrator approves in writing the State's application after determining that:

- (i) The State has submitted, as part of its application for assistance in accordance with § 266.19(e) of this part, a planning work statement documenting the State's rail planning process which will result in an initial or revised State Rail Plan; and
- (ii) The State has provided satisfactory assurances, pursuant to section 5(j) (4) of the Act, that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds.

(2) *Eligibility requirements for rail service assistance excluding planning assistance.* A State is eligible to receive rail service assistance other than planning assistance under section 5(h) of the Act if:

- (i) The State has established an adequate plan for rail services in the State which (A) meets the requirements of § 266.15 of this part; (B) is part of an overall planning process for all transportation services in the State; and (C) includes a suitable process for updating, revising, and amending such plan, and the plan as updated, revised and amended has been approved by the Administrator;
- (ii) Such State plan (A) is administered or coordinated by a designated State agency; and (B) provides for the equitable distribution of resources;
- (iii) The State agency (A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services; (B) employs or will employ, directly or indirectly, sufficient

trained and qualified personnel, (C) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and (D) is designated and directly solely or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution;

(iv) The State has provided satisfactory assurances pursuant to section 5(j) (4) of the Act, that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and

(v) The State complies with the requirements of this part and with the terms and conditions included in the grant of assistance.

(b) *Eligible Mileage.* A line of railroad in a State is eligible mileage for rail service assistance if (1) (i) the Commission has found after February 5, 1976, that the public convenience and necessity permit the discontinuance of service on or abandonment of such line pursuant to section 1a of the ICA, or (ii) the line of railroad or related project was eligible for assistance under Title IV of the Rail Act ("Title IV Program"), provided, however, that such lines under subparagraph (ii) are not eligible hereunder until the termination of the Title IV Program pursuant to section 806 of the RRRRA; and (2) such line or related project has not previously been the subject of Federal rail service assistance under section 5 of the Act for more than five (5) fiscal years.

§ 266.9 Federal/Non-Federal Share.

The Federal share of the costs of providing rail service assistance under section 5(h) of the Act is:

(a) 100 percent for the 12-month period from July 1, 1976, to June 30, 1977;

(b) 90 percent for the 12-month period from July 1, 1977, to June 30, 1978;

(c) 80 percent for the 12-month period from July 1, 1978, to June 30, 1979; and

(d) 70 percent for the period from July 1, 1979, to June 30, 1981.

The Federal share of assistance for rail service continuation payments (excluding accelerated maintenance) and program operations shall be determined as of the date the work is performed. The Federal share of assistance other than that specified in the preceding sentence is governed by the date funds are granted to the State. For purposes of this section, funds are considered to be granted on the date that a grant agreement or amendment thereto has been executed by both parties in accordance with § 266.23(a) of this part. The State share of the costs of providing rail service assistance shall be provided by the State from its own funds, or funds contributed to it by third parties. The State share may also be provided through in-kind benefits such as forgiveness of taxes, trackage rights, and facilities which would not otherwise be provided. Standards and procedures regarding in-

kind benefits are governed by the provisions of 49 CFR Part 267. The State share of such costs may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally subsidized program with such funds.

§ 266.11 Allowable costs.

Allowable planning, program operation, and project related costs shall consist of those costs allowed under Federal Management Circular 74-4 which are properly attributable and allocable to the work performed. Costs may only be incurred prior to the date of the execution of the grant agreement if the Administrator determines in response to a written request by a State, that immediate action by a State is necessary to prevent a significant opportunity being lost, and the Administrator gives written approval prior to a State incurring such costs. Costs incurred prior to the date of the execution of the grant agreement are reimbursable to a State only if the costs are shown to have been incurred in conformity with all procedural and substantive requirements of the grant agreement subsequently entered into. Allowable costs of third-party contracts shall be governed by the provisions of 41 CFR 1-15. Project related costs shall consist of those costs directly attributable to the purpose for which the assistance is provided. Project related acquisition costs shall include the costs of the valuation appraisals required under § 266.19(g) of this part. Project related improvement costs shall include necessary engineering and inspection costs. Project related costs with respect to the provision of rail service continuation payments shall include the costs of valuation appraisals when such appraisals are necessary to establish the value of property to be leased.

§ 266.13 Allocation and reallocation of funds.

(a) *Allocation, general.* Funds appropriated for each Federal fiscal year ("fiscal year") are allocated for that fiscal year to each State in the ratio which, as of the preceding August 1, such State's eligible rail mileage under section 5(k) of the Act bears to the total eligible rail mileage in all of the States. However, a State shall not get less than one (1) percent of such funds.

(b) *Allocation and reallocation as of April 2, 1978 (merger date).* Appropriated sums remaining after the repeal of section 402 of the Rail Act and transferred into the Section 5 Program by section 5(o) of the Act are allocated to all States in the same manner as in paragraph (a) of this section. Funds appropriated to the Section 5 Program for fiscal year 1978, which are not the subject of a grant agreement executed by both parties by April 2, 1978, are reallocated among the other States as of that date. For purposes of this paragraph, eligible mileage is based on eligible mileage of all States, including that

of the States under the Title IV Program, as of February 1, 1978.

(c) *Reallocation, general.* Funds not used or committed by a State are reallocated immediately, to the extent practicable, among the other States. Funds are reallocated among the other States in accordance with the formula set forth in the first sentence of section 5(h) of the Act and on the basis of the most recent computation of eligible mileage. For purposes of this subsection, funds are deemed used or committed if their use is reflected in the State's most recent certified program of projects, as approved by the Administrator. If the Administrator determines that it will not be practicable to reallocate funds within 30 days of the date such programs of projects are required to be submitted, he will so notify the State in writing and will establish a new date for reallocation of those funds. When necessary, the Administrator will, upon notice in writing to the States, make additional reallocations when sufficient unused or uncommitted funds are available for such purpose.

§ 266.15 Requirements for State Rail Plan for rail transportation services.

(a) *State planning process.* Consistent with the purposes of the Act, the State Rail Plan required under § 266.7(a) (2) of this part shall be based on a comprehensive, coordinated and continuing planning process for all transportation services in the State. The Plan shall be developed with opportunity for participation by those public and private agencies interested in rail activity in the State and adjacent States where appropriate. Procedures shall be established to provide an opportunity for a public hearing on the contents of the Plan prior to final adoption of the Plan by the State. Such hearings shall be held in accordance with paragraph (c) (6) of this section. Also as part of the planning process, the designated State agency shall establish procedures whereby local and regional governmental bodies may review and comment on appropriate elements of the State Rail Plan. Provisions shall also be made for updating, revising, and amending the State Rail Plan.

(b) *Format of the State Rail Plan.* All State submissions under this section shall reasonably conform to the format of this section, and each item submitted in response to a requirement of this section shall reference such requirement by subsection, paragraph, and subparagraph.

(c) *Contents of the State Rail Plan.* Each State Rail Plan shall: (1) Describe the planning process utilized in the development of the State Rail Plan, specifying the particulars as to State rail policy and objectives, data sources, assumptions, analytical methodology, and other special problems or conditions which would be essential to the understanding of the setting in which the State Rail Plan was developed. In particular, the State shall note any modification of the

planning process set forth in its planning work statement.

(2) Contain an illustration of the entire State rail system on suitable scale maps of the State highway system (such as a reduction of the County Highway Planning Series of maps), designating with respect to each line listed under paragraphs (c) (3) (iii), (iv), and (v) of this section, including all lines connecting to them:

- (i) The operating carrier or carriers,
- (ii) Freight traffic density, and
- (iii) Location of passenger service on such lines. These maps shall be accompanied by a written description of the service provided on each line, including an identification, at the two digit level of the Standard Transportation Commodity Code, of commodity types carried on each line.

(3) Identify the following classes of rail service within the State providing both a written description and illustration of each category of service on appropriate scale maps:

(i) Lines over which oversized loads (high and wide loads) or excessively heavy loads are normally routed due to dimension or weight restrictions on alternate routes;

(ii) Rail freight services to military installations;

(iii) Rail lines in the State which are eligible for assistance under section 5(k) of the Act;

(iv) Lines of railroad in the State which are identified as potentially subject to abandonment as well as those which are anticipated to be the subject of an abandonment or discontinuance application within 3 years following the date on which the system diagram map is submitted by a railroad pursuant to section 1a.(5) (a) of the ICA and 49 CFR 1121.20(b) (1) and (2);

(v) Rail freight services in the State for which abandonment applications are pending before the Commission;

(vi) Projects for which a State plans to apply for rail service continuation assistance, including where practicable, projects not yet eligible for assistance, but expected to become eligible during the ensuing year (all projects listed shall be from among those listed in paragraphs (c) (3) (iii), (iv), and (v) of this section); and

(vii) Rail projects for which a State provides or plans to provide assistance from sources other than the Section 5 Program, including the estimated cost of each such project.

(4) Contain with respect to each line or project listed under paragraphs (c) (3) (iii) and (v) of this section the following information and contain with respect to each line or project listed under paragraph (c) (3) (iv) the following information to the extent that the cost and revenue data necessary for the development of this information is made available in accordance with 49 CFR Part 1201, Subpart B:

(i) Freight traffic and characteristics of shippers on the line of railroad;

(ii) Revenues derived from rail freight services on each line and the cost of providing these services;

(iii) A discussion of the condition of the rail plant, equipment, and facilities;

(iv) An economic and operational analysis of present and future freight service needs;

(v) An analysis of the effects of abandonment with respect to the transportation needs of the State;

(vi) The relative economic, social, environmental, and energy costs and benefits involved in the use of alternate rail services or alternate modes, including costs resulting from lost jobs, energy shortages, and the degradation of the environment;

(vii) An evaluation of methods of achieving economies in the cost of rail service operations on lines on which service will be continued including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment;

(viii) The competitive or other effects on or by profitable railroads;

(ix) For lines or projects which the State may consider for rail banking, a description of future economic potential such as development of fossil fuel reserves or agricultural production;

(x) A statement of the State's projected future for the line or project upon the expiration of Federal assistance under section 5 of the Act (including such considerations as: profitability; State or shipper subsidy; State, shipper, or carrier acquisition; termination of rail service; and, the substitution of other transportation);

(xi) A detailed description of alternatives evaluated, including subsidy and discontinuance or abandonment of service and potential for moving freight by alternate rail service or alternate modes, an explanation of the analysis of each alternative, including the criteria considered in selecting or rejecting the proposed line or project for assistance and identification of the relative costs and benefits of each alternative;

(xii) The conclusion of the State as to whether or not the line or project should be selected for Federal or State assistance; and

(xiii) A discussion of how each line or project selected for assistance is related to the criteria established as part of the overall State rail planning process.

(5) Group projects for which the State may seek assistance (continuation payments, acquisition, rehabilitation, rail banking, rail service substitution) in order of compliance with the State's criteria and goals for assistance as determined under paragraph (c) (4) of this section. This shall be set forth as a summary table which clearly identifies the location of the project and describes the type (subsidy, rehabilitation to Class "X", etc.), estimated amount, and expected timing and duration of assistance to be sought.

(6) Describe the participation in the planning process by local and regional governmental bodies, the railroads, railroad labor, rail service users, and the public generally. In the project selection stage, public participation should be specifically sought regarding each project described and analyzed in accordance with paragraph (c) (4) of this section and regarding the determination of which of these projects will be implemented and the grouping of such projects under paragraph (c) (5) of this section. As one element of this participation, the State shall afford an opportunity for a public hearing. Public notice shall be given (in accordance with applicable State law and practice concerning comparable matters) that a draft of the Plan is available for public inspection at a reasonable time in advance of the hearing.

(7) A description of the overall planning process for all transportation services in the State.

(d) *Inclusion of additional information.* If the scope of the State's rail planning process covers matters additional to those required under this section, the State shall, where practicable, include such additional information in its State Rail Plan. Additional information may also be required by the Administrator to clarify specific elements of the plan.

(e) *Adoption and submission of State Rail Plan.* An original and nine (9) copies of the State Rail Plan, and any amendments or revisions, shall be submitted with a certification by the Governor, or by his or her delegate, that the submission constitutes the State Rail Plan or portion thereof established by the State as provided in section 5(j) of the Act. In accordance with Office of Management and Budget Circular No. A-95 Revised, 41 FR 2052 (1976), the State Rail Plan shall also be submitted with a certification by the chief executive officer of the designated State agency that the Governor or his or her delegated agency for plan coordination has been afforded a period of 45 days in which to comment on the State Rail Plan. Such submittal shall include an original and nine (9) copies of either these comments or a statement to the effect that there were no comments. The State Rail Plan, and all updates, amendments and revisions shall be submitted to the Administrator through the appropriate Regional Director of Federal Assistance. A listing of the States and the appropriate mailing addresses of the above officials is contained in Appendix A to this part. The FRA will notify all affected States in the event of a change of address.

(f) *Review of the State Rail Plan.* The State Rail Plan and all updates, amendments and revisions thereto shall be submitted to the Administrator for review and approval prior to the filing of any application in which the applicant seeks rail service assistance (except

planning assistance) under section 5 of the Act. If the Administrator determines pursuant to section 5(j) (5) of the Act that the State Rail Plan is not in accordance with this part, he notifies the State setting forth his reasons for such determination.

(g) *Updates, revisions, and amendments of the State Rail Plan.*—(1) *Submission.* State Rail Plans shall be updated at least on an annual basis but may be revised more frequently at the discretion of the State. The annual update shall be submitted to FRA no later than August 1 of each year. However, if a State's original State Rail Plan is submitted to FRA within six (6) months prior to August 1, no update shall be required for that year. All such updates, revisions, or amendments shall be adopted by the State as provided for in paragraph (e) of this section and shall be subject to the same review, public participation, and approval procedures by the State and FRA as the original State Rail Plan.

(2) *Contents.* Annual updates shall include as a minimum the following:

(i) A response to FRA comments on previous submittals, other than those comments imposing immediate requirements for grant approval;

(ii) An update of information in previous submittals which has proven to be incomplete or incorrect as a result of plan implementation;

(iii) Inclusion of revenue and cost information from the past year's operating experience and a reevaluation of service for which assistance is received based on these new data;

(iv) Identification of lines and services which have been discontinued or abandoned since the last submission of the State's plan;

(v) Changes in constitutional or legislative position of the designated agency, including appropriation of State funds for rail purposes;

(vi) Changes in agency designation or responsibilities;

(vii) Revisions in the State's policies, goals or long-range expectations; and

(viii) Other updates and analyses which may be appropriate as a result of recent Commission, FRA, or railroad activities (such as changes in lines designated as potentially subject to abandonment on the transportation system diagrams published under section 1a(5) (a) of the ICA and 49 CFR 1121.20 or petitions for abandonment) and FRA's comments on funding applications, program of projects, or grant agreement conditions.

(ix) Other amendments or revisions may be limited to the matter which produces the need for such amendments or revisions.

§ 266.17 Certified program of projects.

(a) *Contents.* Except as provided in paragraph (b) (1) of this section, a State shall annually submit a program of projects for which the State expects to submit specific project applications. This program shall be based on the State Rail Plan and shall be certified to by the

chief executive officer of the designated State agency. The program shall consist only of those projects for which the State reasonably expects to receive funds and shall

(1) Except as provided in paragraph (b) (1) of this section, cover the period of October 1 through September 30 of each year,

(2) List all projects for which applications are expected to be submitted during such period,

(3) Provide the anticipated timing of such applications and a written statement by the chief executive officer that the State intends to file such applications during the period, and

(4) Include the anticipated amount of funds to be obligated and disbursed for the project during the term of the Section 5 Program, including a quarterly breakdown of needs for the current Federal fiscal year. The chief executive officer shall certify that these costs represent the State's best estimate of costs for the period. The program shall also be the product of the planning process required by § 266.15(c) of this part.

(b) *Filing and execution.*—(1) *Fiscal year 1978.* The program of projects shall be submitted to the Administrator for review as soon as practical, but no later than May 1, 1978, and shall cover the period from the date of submission through September 30, 1978. States newly eligible for the Section 5 Program as a result of the repeal of Title IV of the Rail Act shall submit to the Administrator for review a program of projects covering the period from the date of submission through September 30, 1978. Such program of projects shall be submitted no later than May 1, 1978.

(2) *Fiscal year 1979 and thereafter.* The program of projects shall be submitted to the Administrator for review no later than November 1 of each year beginning in 1978, and shall cover the period from October 1 through September 30 of each year.

(3) The chief executive officer of the designated State agency shall certify to the program of projects by executing a certificate in the form of Appendix A to this part. Each original program of projects and certificate, and five (5) copies thereof, shall be filed with the Federal Railroad Administrator, 400 Seventh St. SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself. When the Administrator has approved a program or portion thereof, he notifies the State in writing.

(c) *Amendments.* A certified program of projects may be amended during the fiscal year at the discretion of the State when circumstances so warrant. Such amended certified program of projects shall conform to the requirements of paragraphs (a) and (b) (3) of this section.

§ 266.19 Applications.

(a) *General.* (1) Applications for rail planning assistance shall comply with paragraphs (b), (c) and (e) of this section.

(2) Applications for rail service continuation payments shall comply with paragraphs (b), (c), (d) and (f) of this section.

(3) Applications for acquisition assistance shall comply with paragraphs (b), (c), (d) and (g) of this section.

(4) Applications for accelerated maintenance and rehabilitation or improvement assistance shall comply with paragraphs (b), (c), (d) and (h) of this section.

(5) Applications for substitute service assistance shall comply with paragraphs (b), (c), (d) and (i) of this section.

(b) *Submission.* (1) Applications for rail service assistance shall be submitted by the designated State agency using the standard forms contained in Attachment M of Office of Management and Budget Circular No. A-102, Revised ("OMB Circular A-102"). Each item submitted in response to a requirement of this section shall reference each requirement by subsection, paragraph, and subparagraph. All applications for assistance shall be consistent with the current State Rail Plan and with the program of projects. Such applications for assistance shall be submitted only for those projects related to eligible services, lines of railroad, or improvements specifically identified in the current State Rail Plan, including where appropriate, revisions and amendments thereto.

(2) States may apply for planning assistance at any time during the planning process.

(3) Exhibits previously filed with the State Rail Plan or pursuant to a prior application under this part need not be refiled unless the prior filing has been rendered obsolete by changed circumstances. Such prior filing shall be appropriately referenced.

(c) *Contents.* All applications for rail service assistance shall include:

(1) Full and correct name and principal business address of applicant;

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) Budget estimates for the total amount of assistance required for the projects (or development of the State Rail Plan) during the term of the Section 5 Program;

(4) Evidence of the applicant's ability and intent to furnish its share of the total assistance, as well as copies of executed agreements between the applicant and any third party which may be providing the matching share or a portion thereof;

(5) Assurance by the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance is sought and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations;

(6) Evidence that the applicant has established, in accordance with Attachment G of OMB Circular A-102, adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of Federal funds;

(7) A statement as to whether the applicant desires to receive disbursement of Federal funds by advance payment or reimbursement;

(8) An opinion of the applicant's legal counsel showing that he or she is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, that the applicant is eligible to receive rail service assistance under the requirements of the Act and of this part, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(9) Assurances that the applicant will comply with the following Federal laws, policies, regulations and pertinent directives:

(i) Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d et seq., and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation;

(ii) Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976, 90 Stat. 148, 45 U.S.C. 803, and all requirements imposed by 49 CFR Part 265 (41 FR 4286, January 24, 1977), Nondiscrimination in Federally-Assisted Railroad Programs;

(iii) Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, 42 U.S.C. 4601 et seq. and all requirements imposed by 49 CFR Part 25, Relocation Assistance and Land Acquisition under Federal and Federally-Assisted Programs;

(iv) Where applicable, the Rehabilitation Act of 1973, 87 Stat. 394, 29 U.S.C. 794, with regard to nondiscrimination under Federal grants.

(v) The Hatch Act, 5 U.S.C. 1501 et seq. which limits the political activities of employees; and

(vi) Where applicable, the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq. and all requirements imposed by 31 CFR Part 51; and

(10) such other information as the Administrator may require.

(d) *Additional contents.* In addition to meeting the requirements of paragraphs (b) and (c) of this section, each application for rail service assistance, with the exception of applications for rail planning assistance, shall include evidence that the applicant has the statutory authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; that it is designated and directed solely, or in cooperation with other State agencies, to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution; and that it has the statutory and other

authority to perform its obligations under the Act and this part.

(e) *Applications for rail planning assistance.* In addition to meeting the requirements of paragraphs (b) and (c) of this section, a State shall submit a design of the State rail planning process (planning work statement) which is consistent with the purposes of the Act and which shall highlight the work planned for the period covered by the State's application for planning assistance and shall include:

(1) An explanation of the policy framework to be used in guiding the development of the State Rail Plan. Part of this explanation should be devoted to the expectations of the State for the future of rail services subsequent to the expiration of rail service assistance under the Act including such considerations as likelihood of profitability, continued State or local subsidy, acquisition, substitution of alternate modes, and other long-term alternatives.

(2) Description of the methods by which the State will involve local and regional governmental bodies and the public generally in its rail planning process, including its methods of providing for the equitable distribution of resources.

(3) Criteria and goals for rail services or properties to be considered for assistance.

(4) An identification of the data to be obtained on the rail network and rail services in the State (see § 266.15(c) of this part), the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, the State should provide an overview of all rail services in the State while concentrating most of its efforts on the specific services which are eligible for assistance or which are expected to become eligible during the period of the program.

(5) Analytical methodology to be used in the planning process. Such analytical methodology shall include criteria to be used in selecting lines to be considered for assistance.

(6) A management plan for the development of the State Rail Plan which shall include an identification of responsible individuals, an indication of activities with milestones and a budget, by task, for the period to be covered by the State's application for planning assistance.

(f) *Applications for rail service continuation payments.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for rail service continuation payments shall include the following:

(1) The amount of the required rail service continuation payment for each project; and

(2) A description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases, or other compensation agreements under which the service is to be provided.

(g) *Applications for acquisition assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, each application for acquisition including each application for the preservation of future rail freight service, shall include, to the extent applicable, the following:

(1) Copies of the offer of purchase, the proposed contract of sale, the results of a title search, and the basis for the proposed acquisition price including two independent valuation appraisals by qualified and certified appraisers. Such appraisals shall be performed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisition" proposed by the Interagency Land Acquisition Conference and shall be based on the results of a title search as well as comparable sales and shall take cognizance of all easements, encumbrances and restrictions that may affect the value of the property. Such appraisals shall be reviewed by a State Review Appraiser to establish just compensation.

(2) Written assurance that the acquisition is being undertaken in accordance with 49 CFR §§ 25.253, 25.255, 25.257, and 25.259 to the greatest extent practicable under State law and fully in compliance with 49 CFR 25.261(a) and 25.263;

(3) Written assurance that the owner of the property to be acquired has been advised of the requirements of 49 CFR 25.259 or will be advised of such requirements prior to the consummation of the acquisition;

(4) A description of the steps necessary, and timing thereof, for completion of the acquisition;

(5) A description of the arrangements which the applicant has made for operation of rail service over the property to be acquired, including copies of the proposed operating agreements, leases, or other compensation agreements under which the service is to be provided, as well as a description of the means by which the State will continue rail service on the property to be acquired once assistance under the Act is terminated; and

(6) For applications regarding rail banking, evidence that the properties for which assistance is requested have potential for rail freight service such as plans for agricultural development or existence of fossil fuel reserves, including analysis of alternative mode potential or alternative rail service.

(h) *Applications for accelerated maintenance and rehabilitation or improvement assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section, all applications for accelerated maintenance or rehabilitation or improvement assistance shall include the following:

(1) A detailed estimate of the materials and labor required to complete the work, including the estimated costs for the current calendar year and each succeeding year until completion, the estimated numbers and kinds of ties and

other material involved, and the milepost termini involved;

(2) A description of the method by which the work will be completed, including proposed contracts, and a schedule for accomplishing the work, as well as an identification of whether such work will be performed:

(i) As force account work by the operator or the applicant;

(ii) By either the operator or the applicant contracting with the lowest qualified bidder based on appropriate solicitation; or

(iii) Under an existing continuing contract between the operator and another firm for such work, provided the applicant can demonstrate that the costs are comparable to those under paragraphs (h) (2) (i) and (ii) of this section; and

(3) A description of the applicant's plans for inspection of the work including identification and qualifications of the staff to be responsible for the inspection as well as a discussion of the proposed frequency of the inspections;

(4) A description of the arrangements which the applicant has made for operation of rail service over the property including copies of the proposed operating agreements, leases, or other compensation agreements under which service is to be provided; and

(5) If rehabilitation or improvement is proposed, the long range plan of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including:

(i) Evidence that the applicant has considered the costs and benefits of alternate modes of transportation and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 266.15(c) (4) of this part;

(ii) Projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operating period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with accelerated maintenance;

(iii) The proposed method of financing the operation of such rail services; and

(iv) Any additional financial or supporting data as requested by FRA.

(i) *Applications for substitute service assistance.* In addition to meeting the requirements of paragraphs (b), (c), and (d) of this section and of § 266.21 of this part, all applications for substitute service assistance shall include where appropriate:

(1) For construction or improvement of fixed facilities, a description of the steps necessary for such improvement, and the cost and timing thereof;

(2) A detailed description of the substitute service project which the applicant plans to accomplish, including:

(i) The goals and related objectives which the project is designed to achieve;

(ii) Reference to the section of the State Rail Plan containing the evaluation of alternatives;

(iii) An analysis demonstrating that the total allowable cost of the proposed substitute service project is less than continued rail service on the line during the term of the program, including the annualized cost of routine maintenance necessary to maintain the line in compliance with FRA Class 1 Track Safety Standards;

(iv) The proposed method of repayment of assistance if the properties are abandoned, sold, or converted to non-freight uses; and

(v) Any additional financial or supporting data requested by FRA;

(3) A description of the arrangements which the applicant has made for operation of service where rail service is to be provided in conjunction with a substitute service project, including copies of the proposed operating agreements, leases, or other compensation agreements under which the service is to be provided;

(4) Assurance that further Federal assistance will not be requested after the facilities for substitute service are in place or provision for substitute service has been made;

(5) Assurance that funds provided for highway or bridge construction will not be used to pay the State share of any highway projects under Title 23, United States Code; and

(6) Evidence that the cost and scope of the proposed project is limited to that necessary to replace the rail service being discontinued.

(j) *Execution and filing of application.*

(1) Each original application shall bear the date of execution and be signed by the chief executive officer of the applicant. Each person required to execute the application shall execute a certificate in the form of Appendix B to this part.

(2) Each planning assistance application and certificate, and nine (9) copies, shall be filed with the Administrator through the appropriate Federal Highway Administration Division Office. Each copy shall show dates and signatures that appear in the original and shall be complete in itself. A listing of the States and the appropriate mailing addresses of the above offices is contained in Appendix C to this part. All affected States will be notified by FRA in the event of a change of address.

(3) Each financial assistance application and certificate (excluding planning assistance applications) and five (5) copies, shall be filed with the Administrator through the appropriate Regional Director of Federal Assistance. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself. A listing of the States and the appropriate mailing addresses of the above officials is contained in Appendix A to this part. All affected States will be notified by FRA in the event of a change of address.

(k) *Review and approval of applications.* Applications for rail service assist-

ance shall be submitted to the Administrator for review and approval. When the Administrator has approved an application he notifies the applicant in writing.

§ 266.21 Environmental impact.

(a) The Administrator has determined that assistance provided for the purposes of planning, rail service continuation payments, acquisition, rehabilitation, or improvement or substitute service (other than service involving highway or highway-related facilities) does not significantly affect the quality of the human environment, except when the activity for which assistance is provided involves the construction or improvement of facilities for which the acquisition of real estate is involved.

(b) *Acquisition of real estate.*—(1) *Environmental assessment.* When applicants request assistance for a project involving the construction or improvement of facilities for which the acquisition of real estate is required, an environmental assessment must be prepared to determine whether the acquisition and future use of the property will significantly affect the quality of the human environment. The environmental assessment shall utilize an interdisciplinary approach in identifying the type, degree of effect, and probability of occurrence of primary, secondary and cumulative potential environmental impacts (positive and negative) of the proposed action and of alternative courses of action. The depth of coverage shall be consistent with the magnitude of the project and its expected environmental effects. The environmental assessment and all documents used as a basis for the assessment shall be submitted together with the application for assistance.

(2) *Environmental impact statement.* An environmental impact statement shall be submitted with an application requesting assistance for a project involving the construction or improvement of facilities for which the acquisition of real estate is required when the environmental assessment concludes that such acquisition and future use significantly affect the quality of the human environment. The form and content of the environmental impact statement shall be governed by the applicable provisions of FRA Procedures for Considering Environmental Impacts.

(3) *Negative declaration.* A negative declaration shall be submitted with an application requesting assistance for a project involving the construction or improvement of facilities for which the acquisition of real estate is involved when the assistance project's environmental assessment concludes that such acquisition and future use does not significantly affect the quality of the human environment. The negative declaration shall include and identify clearly a description of the project, and sufficient data and environmental findings to support the conclusions as to the impact upon the quality of the human environment. The form and content of the negative declaration shall be governed by

the applicable provisions of FRA Procedures for Considering Environmental Impacts.

(4) *4(f) Determination.* When applicants request assistance for which the acquisition of real estate involves the use of any land from any public park, recreation area, wildlife and waterfowl refuge, or historic site of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, a determination pursuant to section 4(f) of the Act shall be submitted together with the application. Such 4(f) determination shall document that

- (i) There is no feasible and prudent alternative to the use of such land, and
- (ii) Such assistance project includes all planning to minimize harm resulting from such use.

(c) *Highway or highway-related facilities.* Substitute service projects involving highway or highway-related facilities are subject to the applicable substantive Federal Highway Administration regulations on environmental considerations (23 CFR Part 771).

§ 266.23 Grant agreement and disbursement.

(a) *Grant Agreement.* (1) After receipt, review, and approval of an application meeting the requirements of § 266.19 of this part, a grant agreement is executed by the Administrator and the grantee for the Federal share of the estimated amount of approved program costs. Such grant agreement shall be deemed fully executed when signed by both parties. If no date is shown for the execution by the grantee, the date of receipt by FRA shall be placed thereon and considered the effective date of execution by the grantee.

(2) Such grant agreement shall identify the amount of the State share of program costs which will be furnished in cash and through in-kind benefits. The State shall expend a pro-rata share of its cash contribution at the same time payments of the Federal share are made to the State pursuant to such grant agreement.

(b) *Disbursement.* (1) Payments of the Federal share with respect to rail service continuation payments are made either in advance by a letter-of-credit or a Treasury check or by reimbursement in accordance with Attachment J of OMB Circular A-102.

(2) Prior to receipt of advance payments, the grantee must have fulfilled the requirements of § 266.19(c)(7) of this part as well as have demonstrated to the satisfaction of the Administrator that it has established procedures to comply with OMB Circular A-102, Attachment J, including procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. Evidence of such compliance shall be provided to the Administrator at least 30 days prior to the anticipated date of receipt of advance payments. An advance by letter-of-credit is used when the rail service assistance is expected to be provided for a minimum of one (1) year, and involves or is ex-

pected to involve annual payments aggregating at least \$120,000. Otherwise, advance payments are made by Treasury check in a manner that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement.

(3) If the grantee is not eligible for advance payments or does not desire them, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter upon submission of a request for reimbursement.

(4) Before disbursement of Federal funds can be made to a grantee for payment to third parties under this subsection, the grantee must have executed an agreement with the third party.

(5) The settlement under the grant agreement is made on the basis of a Federal audit which has determined the actual allowable costs over the entire term of the agreement, provided that any additional payments of Federal assistance may not be made unless:

(i) The Administrator determines that the grantee has fulfilled its responsibilities for ensuring the proper and efficient administration of its program;

(ii) The required State share is available;

(iii) The necessary Federal funds are available; and

(iv) The parties execute a grant agreement or grant agreement amendment for the additional funds determined due. If the Federal audit determines that the actual allowable costs under the grant agreement are less than the amount of the grant, the difference shall be refunded to FRA for distribution among all the States. Such refunds are made as part of the settlement process.

(6) Disbursement of assistance for acquisition can be made only if:

(i) A title opinion of the chief legal officer of the grantee has been submitted to the Administrator. The opinion must describe the type of title being acquired and if a warranty deed is not being given it must explain why it could not be given. The opinion must also state that the officer has examined appropriate documents and materials and has made appropriate inquiries and is of the opinion that the property is free and clear of defects, other than those disclosed by the title search. In addition, the opinion must explain how the defects disclosed by the title search affect the marketability of the property and the ability of the grantee to enjoy quiet title;

(ii) A written determination is submitted to and concurred in by the Administrator that the property acquired is limited to the land and facilities that are needed for the rail freight services that would have been curtailed or abandoned but for the acquisition; and

(iii) A written determination is submitted to and concurred in by the Administrator that the purchase price is commensurate with the value of the property interest being acquired and the evidence upon which the determination is based is described in or submitted with such determination.

§ 266.25 Record, audit, and examination.

(a) Retention and custodial requirements for financial records, supporting documents, statistical records, and all other records pertinent to a grant provided under this part shall be governed by Attachment C of OMB Circular A-102.

(b) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives shall, until the expiration of three (3) years after submission to the Administrator of the grantee's final accounting of all program funds, and for any longer period necessary to resolve audit findings, have access for the purpose of audit and examination to any books, documents, papers, and records which in the opinion of the Administrator or the Comptroller General of the United States may be related or pertinent to the grants, contracts, or other arrangements referred to in paragraph (a) above.

§ 266.27 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary. Procedures for submission and consideration of petitions for waiver or modification are governed by 49 CFR Part 211.

APPENDIX A

REGIONAL DIRECTORS OF FEDERAL ASSISTANCE

FRA Eastern Region. States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Federal Railroad Administration, Independence Building, Room 1020, 434 Walnut St., Philadelphia, Pa. 19106.

FRA Southern Region. States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Federal Railroad Administration, 1568 Wilingham Dr., Suite 216B, College Park, Ga. 30337.

FRA Central Region. States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

Federal Railroad Administration, 536 S. Clark St., Room 210, Chicago, Ill. 60605.

FRA Southwest Region: States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Federal Railroad Administration, Federal Office Building, Room 11A23, 819 Taylor St., Fort Worth, Tex. 76102.

FRA Western Region: States of Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Federal Railroad Administration, No. 2 Embarcadero Center, Suite 630, San Francisco, Calif. 94111.

APPENDIX B—CERTIFICATE

The following is the form of the certificate to be made by each person signing an application or program of projects:

----- certifies that he or
(Name of Person)

she is the chief executive officer of _____; that he or she is authorized to sign and file with the Federal Railroad Administrator this application/program of projects; that he or she has carefully examined all of the statements contained in the application/program of projects relating to _____; that he or she has (Name of Agency) knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his or her knowledge, information and belief.

(Date)

(Signature)

Subscribed and sworn to before me this _____ day of _____, 19____

APPENDIX C

FEDERAL HIGHWAY ADMINISTRATION
DIVISION OFFICES

Alabama

441 High St., Montgomery, Ala. 36104.

Alaska

9th and Glacier Ave., P.O. Box 1648, Juneau, Alaska 99801.

Arizona

3500 N. Central Ave., Phoenix, Ariz. 35012.

Arkansas

700 West Capitol Ave., Little Rock, Ark. 72201.

California

P.O. Box 1915, Sacramento, Calif. 95809.

Colorado

10488 W. 6th Place, Denver, Colo. 80215.

Connecticut

990 Wethersfield Ave., Hartford, Conn. 06114.

Delaware

300 South New Street, P.O. Box 517, Dover, Delaware 19901.

District of Columbia

McLachlen Bldg., Room 1000, 686 11th Street, NW., Washington, D.C. 20001.

Florida

223 W. College Ave., P.O. Box 1079, Tallahassee, Fla. 32302.

Georgia

1422 W. Peachtree St., NE., Atlanta, Ga. 30309.

Hawaii

677 Ala Moana Blvd., Suite 613, Honolulu, Hawaii 96813.

Idaho

3010 West State St., P.O. Box 7527, Boise, Idaho 83707.

Illinois

3085 East Stevenson Dr., P.O. Box 3307, Springfield, Ill. 62708.

Indiana

Federal Office Bldg., 575 N. Pennsylvania St., Indianapolis, Ind. 42604.

Iowa

105 6th St., P.O. Box 627, Ames, Iowa 50010.

Kansas

Federal Office Bldg., 444 South East Quincy St., Topeka, Kans. 66683.

Kentucky

330 West Broadway St., P.O. Box 536, Frankfort, Ky. 40602.

Louisiana

Federal Office Bldg., Room 237, 750 Florida Blvd., Baton Rouge, La. 70801.

Maine

Room 614, Federal Bldg., USPO, 40 Western Ave., Augusta, Maine 04330.

Maryland

The Rotunda, Suite 220, 711 West 40th St., Baltimore, Md. 21211.

Massachusetts

100 Summer St., Suite 1517, Boston, Mass. 02110.

Michigan

Room 211, Federal Bldg., P.O. Box 147, Lansing, Mich. 48901.

Minnesota

Suite 490, Metro Square Bldg., 7th and Roberts Sts., St. Paul, Minn. 55101.

Mississippi

Suite 105, 666 North St., Jackson, Miss. 39201.

Missouri

209 Adams St., P.O. Box 148, Jefferson City, Mo. 65101.

Montana

501 N. Fee St., Helena, Mont. 59601.

Nebraska

100 Centennial Mall North, Lincoln, Nebr. 68508.

Nevada

1050 E. Williams St., Suite 300, Carson City, Nev. 89701.

New Hampshire

Room 219, Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

New Jersey

Suburban Square Bldg., 25 Scotch Rd., 2nd Floor, Trenton, N.J. 08628.

New Mexico

117 U.S. Court House, Santa Fe, N. Mex. 87501.

New York

Leo W. O'Brien, Federal Bldg., 9th Floor, Albany, N.Y. 12207.

North Carolina

4th Floor, Federal Bldg., 310 New Bern Ave., P.O. Box 26806, Raleigh, N.C. 27611.

North Dakota

3rd St. and Rosser Ave., P.O. Box 1755, Bismarck, N. Dak. 58501.

Ohio

200 North High St., P.O. Box 15008, Columbus, Ohio 43215.

Oklahoma

Federal Office Bldg., Room 454, 200 NW. Fifth St., Oklahoma City, Okla. 73102.

Oregon

477 Cottage St., NE., P.O. Box 300, Salem, Oreg. 97308.

Pennsylvania

228 Walnut St., P.O. Box 1086, Harrisburg, Pa. 17108.

Puerto Rico

U.S. Courthouse and Federal Bldg., Carlos Chardon St., Hato Rey, P.R. 00918.

Rhode Island

Suite 250, Federal Bldg. and USPO, Exchange Terrace, Providence, R.I. 02903.

South Carolina

2001 Assembly St., Suite 203, Columbia, S.C. 29201.

South Dakota

Federal Office Bldg., P.O. Box 700, Pierre, S.D. 57501.

Tennessee

Federal Bldg., Room A926, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

Texas

Room 826, Federal Office Bldg., 300 East Eighth St., Austin, Tex. 78701.

Utah

P.O. Box 11563, Salt Lake City, Utah 84147.

Vermont

Federal Bldg., P.O. Box 568, Montpelier, Vt. 05602.

Virginia

Federal Bldg., P.O. Box 10045, Richmond, Va. 23240.

Washington

711 South Capitol Way, P.O. Box 29, Olympia, Wash. 98501.

West Virginia

Courthouse and Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

Wisconsin

4502 Vernon Blvd., P.O. Box 5428, Madison, Wis. 53705.

Wyoming

Federal Building and Courthouse, 2120 Capital, P.O. Box 1127, Cheyenne, Wyo. 82001.

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WEDNESDAY, JANUARY 4, 1978

PART IV



**DEPARTMENT OF
COMMERCE**

**National Oceanic and
Atmospheric Administration**

**DEPARTMENT OF
THE INTERIOR**

Fish and Wildlife Service



**ENDANGERED SPECIES
ACT OF 1973**

Interagency Cooperation Regulations

[4310-55]

[3510-12]

Title 50—Wildlife and Fisheries

CHAPTER IV—JOINT REGULATIONS
(UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR AND NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE)

PART 402—INTERAGENCY COOPERATION—ENDANGERED SPECIES ACT OF 1973

Interagency Cooperation

AGENCY: United States Fish and Wildlife Service, Department of the Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes the procedural regulations governing interagency consultation under section 7 of the Endangered Species Act of 1973. Section 7 requires Federal agencies to consult with the United States Fish and Wildlife Service and the National Marine Fisheries Service in order to insure that actions that they authorize, fund, or carry out do not jeopardize the continued existence of an endangered or threatened species or result in the adverse modification or destruction of their critical habitat.

EFFECTIVE DATE: January 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Jacobsen, Chief, Branch of Management Operations, Office of Endangered Species, United States Fish and Wildlife Service, Suite 1100, 1612 K Street, NW., Washington, D.C. 20240, 202-343-5687; or Robert Gorrell, Acting Endangered Species Program Manager, Division of Marine Mammals and Endangered Species, National Marine Fisheries Service, Room 406-A, Page Building No. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235, 202-634-7471.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, and the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, jointly issue a final rulemaking that establishes rules and procedures for interagency consultation pursuant to section 7 of the Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1543 (hereinafter cited as the Act). The final regulations established by the U.S. Fish and Wildlife Service (hereinafter cited as FWS) and the National Marine Fisheries Service (hereinafter cited as NMFS) will be located in Part 402 of Chapter IV of Title 50, Code of Federal Regulations. This final rulemaking had originally been jointly pro-

posed as separate but substantially identical rulemaking by the FWS and NMFS and would have been located in Parts 17 and 223 of Title 50, respectively. However, in order to simplify the consultation process and avoid the publication of duplicate sets of regulations, the FWS and NMFS are jointly publishing these final section 7 regulations in an entirely new Part 402 in Chapter IV of Title 50. Chapter IV of Title 50 already contains a joint set of FWS/NMFS regulations at Part 401 dealing with anadromous fish. This Chapter of Title 50 will now contain all future sets of joint regulations issued by the two Services and the heading for the Chapter has been changed accordingly. For the convenience of the reader, the original section numbers for the FWS's proposed rulemaking will be enclosed in parenthesis after any citation of a new section number in Part 402.

Recognizing that all Federal agencies must cooperate to conserve and protect endangered and threatened species (hereinafter cited as listed species) and their habitat, section 7 of the Act states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

By internal memorandum of October 16, 1974, the Secretary of the Interior further defined Interior's responsibilities under § 7 and designated the FWS as the lead agency for the Act within the Department of Interior.

In a joint letter to all Federal agencies on December 3, 1974, the Secretaries of Interior and Commerce pointed out the responsibilities of the agencies under section 7 and asked for their cooperation in implementing the Act. The letter of December 3 also clarified the responsibilities of the FWS and the NMFS as the lead agencies of the two Departments for the implementation of the Act.

On April 22, 1975, the Directors of the FWS and NMFS published a joint notice in the FEDERAL REGISTER (40 FR 17764-17765) describing how "critical habitat" would be determined for listed species pursuant to section 7 of the Act.

On May 29, 1975, the FWS and NMFS convened a conference for Federal agencies to discuss the Act and its implications for the activities and programs of the agencies. At this meeting, the Federal agencies requested that guidelines be developed to assist them in meeting their responsibilities under section 7.

In response to that request, the FWS and NMFS convened an Ad-Hoc

Interagency Committee of representatives from 11 Federal agencies to advise the two Services in developing the necessary guidelines.

On April 22, 1976, "Guidelines to Assist the Federal Agencies in Complying with Section 7 of the Endangered Species Act of 1973" were transmitted to all Federal agencies by the FWS and NMFS. These guidelines were an interim measure designed to furnish a broad and flexible framework within which Federal agencies could prepare internal procedures to fulfill their responsibilities under section 7. However, as stated in the guidelines, they were "a starting point for the development and promulgation of regulations" and as such, are now superseded by this final rulemaking.

At the request of the Office of Management and Budget (hereinafter OMB), copies of the guidelines were again transmitted to the Federal agencies on May 20, 1976, for a "Quality of Life" review. The Federal agencies were requested to submit comments on the guidelines by August 1, 1976. As of September 28, 1976, 40 comments had been received from Federal agencies. Although 8 comments expressed unequivocal support for the guidelines and 3 comments were opposed, the remaining 29 did not express general support or opposition, limiting themselves to comments on particular language, organization or approach. Seven of the 29 simply stated that they had no comment at that time.

The guidelines were subsequently revised by the FWS and NMFS for publication as a proposed rulemaking, incorporating many of the comments of the Federal agencies. At the request of OMB, the draft version of the proposed rulemaking was sent to the Federal agencies on November 11, 1976, for a second "Quality of Life" review, with comments due no later than December 1, 1976. As of January 5, 1977, 4 Federal agencies had commented. The draft proposed rulemaking was revised somewhat and then published in the FEDERAL REGISTER as proposed regulations on January 26, 1977 (42 FR 4868) (42 FR 4873). Interested parties were given until March 28, 1977, to comment.

At the request of OMB, the FWS met on May 15, 1977, with a number of representatives from various Federal Agencies to respond to question and objections concerning the proposed regulations. As a result of this meeting, OMB requested that the FWS consider modifications to the regulations concerning the use of counterpart regulations, aggregate consultation, the designation of "lead" agencies, and the role of outside parties in consultation. Upon consideration of the comments received on the proposed rulemaking and at the May 15, 1977, meeting at OMB, the FWS and NMFS have revised their proposed regulations as set forth in the following final rulemaking.

These regulations have been subjected to more critical review by other Fed-

eral agencies than any other set of regulations issued by the FWS and the NMFS, and it is the position of those two Services that the vast majority of Federal agency comments have been incorporated into this final rulemaking.

SUMMARY OF COMMENTS RECEIVED ON PROPOSED RULEMAKING

A total of 65 comments were received on the proposed rulemaking of January 26, 1977. Twenty-three of the comments expressed unequivocal support for the proposal or offered no substantive comments at that time. Seven of the comments expressed opposition to the proposal while the remaining 35 comments expressed neither general support nor opposition, limiting themselves to comments on particular language, organization or approach. Thirty-one comments were received from Federal agencies or commissions, 9 comments from State or regional organizations, 7 comments from private environmental organizations, and 18 comments from private commercial enterprises.

Perhaps the issue that received the most attention and comment concerned the mandatory, versus discretionary, nature of the proposed regulations. Some Federal agencies and private commercial groups suggested that the use of the consultation process should be discretionary with each agency. The Council on Environmental Quality and a number of private environmental groups took the opposite position and cited two recent United States Court of Appeals decisions as the basis for their conclusions.

The case of *National Wildlife Federation v. Coleman*, 529 F. 2d 359 (5th Cir. 1976) concerned the adverse impacts upon Mississippi sandhill cranes, an endangered species, which would have resulted from completion of a portion of Interstate Highway 10 in Mississippi. In enjoining completion of the project until protective modifications were made, the Court stated, "The primary responsibility for implementing section 7 is on the Secretary of the Interior. Federal agencies are required to consult and obtain the assistance of the Secretary before taking any actions which may affect endangered species or, critical habitat. However, once an agency has had meaningful consultation with the Secretary of Interior concerning actions which may affect an endangered species, the final decision of whether or not to proceed with the action lies with the agency itself. Section 7 does not give the Department of Interior a veto over the actions of other federal agencies, provided that the required consultation has occurred." *Id.* at 371.

Furthermore, one week after the publication of the January 26th proposed rulemaking, the Sixth Circuit Court of Appeals expressly affirmed the mandatory nature of consultation under section 7 in the case of *Hill v. TVA*, 549 F. 2d 1064 (6th Cir. 1977). In enjoining the closure of Tellico Dam because of the expected destruction of the critical habitat of the snail darter, an endangered fish, the Court stated, "The Secretary of

Interior is not empowered to veto the final actions of such agencies, even when he is convinced, after the requisite consultation has ensued, that they violate the Act." *Id.* at 1070 [emphasis added].

The FWS and the NMFS consider these legal interpretations binding and persuasive and have substituted the word "shall" for the word "should" in the final rulemaking. Section 7's mandatory directive is quite clear in requiring the initiation of consultation upon a determination that an activity or program may affect a listed species or its critical habitat. Since consultation is mandatory in those situations, the FWS and NMFS contend that they cannot adequately fulfill their responsibilities under section 7 unless there is established a rational and uniform procedure for coordinating the consultation process. Anything short of a uniform, general approach would be unnecessarily inefficient and would ultimately work to the disadvantage of the listed species and perhaps to the Federal agencies as well.

The FWS and NMFS recognized this problem in the preamble to the January 26th proposed rulemaking: "The proposal establishes a fixed procedure of consultation because the FWS and NMFS believe they cannot responsibly fulfill their obligations under section 7 unless there is a rational and uniform procedure for the provision of biological advice to agencies considering actions within the borders of section 7." (42 FR 4868, 4869).

The FWS and NMFS are authorized under the Act to issue such regulations as they deem appropriate for the conservation of listed species. The two Services believe that these procedural regulations promote the conservation of listed species by implementing a uniform general framework as the starting point for consultation. Once the mandatory consultation has taken place, however, the ultimate responsibility for determining agency action in light of section 7 still rests with the particular Federal agency that was engaged in consultation. In this fashion, a standardized consultation process is established which preserves ultimate agency administrative control over its activities or programs.

The FWS and NMFS recognize, nonetheless, that general consultation procedures under section 7 must be sufficiently flexible to accommodate the myriad of activities that are authorized, funded, or carried out by the Federal Government. For example, the statutory responsibilities and needs of an HEW grant-in-aid program are considerably different than those of a construction agency such as the Bureau of Reclamation. The need for counterpart regulations to deal with this problem was commented upon by numerous organizations, agencies, the Council on Environmental Quality and OMB.

In response to these suggestions, the FWS and NMFS have added a new section at § 402.04(l) which authorizes the drafting of joint counterpart regulations by Federal agencies and the FWS and

NMFS. These counterpart regulations would allow individual Federal agencies to "fine tune" the general consultation framework to reflect their particular program responsibilities and obligations.

Such counterpart regulations would have to be first published as proposed and final rulemakings with at least a 60-day period for public comment. The joint participation and approval of the FWS and NMFS would also be required on those rulemakings in order to guarantee that the efficiency of consultation and the overall degree of protection afforded listed species is not diminished as a result of an agency's counterpart regulations. Changes in the general consultation framework established by this final rulemaking must, therefore, be designed to enhance the efficiency of the consultation process, without decreasing the availability of biological information or eliminating ultimate Federal agency responsibility for compliance with section 7. As long as the general consultation framework is used as a starting point, Federal agencies can anticipate little difficulty in securing approval of the FWS and NMFS for counterpart regulations. Finalized counterpart regulations for a particular agency would supersede the regulations established by this final rulemaking.

A third modification suggested by a number of Federal agencies, a private conservation organization, and OMB concerned the need to authorize consultation on a broader scale than for each separate agency activity. Similar or identical activities that are being implemented within a given administrative unit, or in accordance with a comprehensive plan, can be expected to have similar effects upon listed species or their habitats. Thus the timber cutting practices adopted by the U.S. Forest Service as part of a conservation program for the red-cockaded woodpecker could be the same from timber lease to timber lease within a given National Forest. Consultation on every single timber lease in such a situation would be repetitive and inefficient.

The FWS and NMFS have, therefore, added a new provision in § 402.04(a) (3) (§ 17.93(a) (3)) which expressly acknowledges the possibility of "aggregate" consultation. The concurrence of the FWS or NMFS on the scope of "aggregate" consultation would be required, however, in order to guarantee that it does not render biological analysis inaccurate or impossible.

A fourth common objection to the proposed rulemaking concerned the procedure for designating "lead" agencies under § 402.04(b) (2) (§ 17.93(b) (2)). When an activity or program involves more than one Federal agency, the designation of a "lead" agency for consultation may prove to be advantageous. The proposed wording of § 402.04(b) (2) (§ 17.93(b) (2)) required the concurrence of the Director of the FWS or NMFS, as appropriate, for any such designations. It was pointed out that this was more restrictive than is required for the designation

of a "lead" agency under the National Environmental Policy Act (hereinafter NEPA). Accordingly, the FWS and NMFS have deleted the concurrence requirement from § 402.04(b)(2) (§ 17.93(b)(2)). As an alternative, additional language has been added to § 402.04(b)(2) (§ 17.93(b)(2)) which sets out the factors that agencies should consider in designating a lead agency for section 7 consultation.

A number of other comments were received concerning the need to include maps or geographical coordinates in rulemakings designating critical habitat. The two Services acknowledge the benefit to agency planning which would result from the incorporation of this suggestion and § 402.05(a) (§ 17.94(a)) has been modified accordingly.

A sixth area of common concern dealt with the retroactive application of section 7 to activities or programs that were substantially completed at the time of the listing of a species or the determination of its critical habitat. As proposed, § 402.03 (§ 17.92) stated that section 7 applied to all activities or programs wherein Federal involvement or control remains which in itself could jeopardize the continued existence of a listed species or modify or destroy its critical habitat. In discussing the application of § 402.03 (§ 17.92), the FWS and NMFS stated in the preamble for the proposed regulation that "Neither FWS nor NMFS intends that section 7 bring about the waste that can occur if an advanced project is halted. * * * The affected agency must decide whether the degree of completion and extent of public funding of particular projects justify an action that may be otherwise inconsistent with section 7." (42 FR 4868, 4869.)

This discussion in the preamble was based on an analysis of the case law on retroactivity under NEPA. It was originally believed that retroactive situations under NEPA and the Act were analogous enough to warrant the incorporation of the NEPA case law into the section 7 regulations.

The Sixth Circuit Court of Appeals in the recent case of *Hill v. TVA*, 549 F. 2d 1064, supra, specifically considered this analogy and rejected it. The Court concluded that the extinction of a species was too severe a consequence to warrant exempting a substantially completed activity solely on the basis of dollars already spent. The Court noted that as long as some Federal discretionary control or involvement remained that could avoid jeopardizing the listed species or adversely modifying or destroying its critical habitat, the degree of completion of a project was irrelevant. In light of the Sixth Circuit Court of Appeal's analysis, therefore, the FWS and NMFS now reject the analysis of retroactivity in the proposed rulemaking's preamble and adopt the rationale of the Sixth Circuit.

Seven comments were received from Federal, State and private entities which sought to expand the participation of outside parties in the consultation process. In particular, EPA suggested that the

regulations authorize the delegation of consultation responsibilities to the States, project grantees and permit applicants. In addition, the Department of HUD and the Federal Highway Administration both recommended that grant recipients be allowed to consult in place of the responsible Federal agency.

The FWS and NMFS acknowledge that outside parties directly connected with an activity or program should be accorded a greater role during the consultation process itself. This could be especially helpful for grant-in-aid programs of the Federal Government. Nonetheless, the clear language of section 7 cannot be ignored. Section 7 sets out the endangered species responsibilities for Federal departments and agencies, not for private citizens or State agencies. Thus it is the position of the FWS and NMFS that the ultimate responsibility for section 7 compliance remains with each Federal agency and cannot be delegated by it.

The FWS and NMFS believe that a compromise solution exists for this problem. Section 402.04(d) (§ 17.93(d)) has been reworded to indicate that non-Federal representatives may be authorized by a Federal agency in approved counterpart regulations to participate in the consultation process. Although the request for consultation must come from the responsible Federal agency, the actual consultation itself could take place with a State or private grantee or permit applicant. The final biological opinion of the FWS or NMFS would be sent to the responsible Federal agency, which then must decide in light of section 7 whether to authorize or fund the activity or program under review. The use of counterpart regulations could thus provide additional flexibility for Federal agencies, while leaving ultimate responsibility for section 7 compliance intact.

In a related series of comments, three private environmental organizations suggested that requests for consultation and final biological opinions be published in the FEDERAL REGISTER. In addition, it was suggested that the public be provided with a 60-day opportunity for comment on activities or programs that were in need of further consultation after a threshold examination. The FWS and NMFS believe that it would be administratively too burdensome to publish consultation requests and final biological opinions in the FEDERAL REGISTER, since it is estimated that requests for consultation could run from between 10,000 to 20,000 per year. The biological opinions rendered as a result of consultation, however, will be made available to the public upon request.

The FWS and NMFS also feel compelled to reject the suggested opportunity for public comment for two reasons. First, the time frame for consultation is long enough as it is without additional delays in the process. Federal agencies will be reluctant to initiate consultation unless they can be assured of receiving a prompt and efficient reply.

Secondly, the success of the entire consultation process may depend in large

part upon the ability of the parties engaged in consultation to avoid antagonistic positions and unnecessary defensiveness. Consultation discussions should be limited to the expected biological impacts of an activity or program upon a listed species or its critical habitat. Political considerations or the popularity of a particular proposal are irrelevant. Federal agencies may avoid the consultation process if they are given the impression that they are going to be subjected to protracted political battles under the guise of public comment and participation.

This is not to say that individual Federal agencies in their counterpart regulations could not voluntarily include a provision for public comment on their request for consultation. Rather, it merely reflects the belief of the FWS and NMFS that the consultation process would be best served if active participation were limited to those parties with a direct involvement in the proposed activity or program.

A ninth subject for comment concerned the inclusion of nonbiological factors into the critical habitat determination criteria. Two Federal agencies and a private commercial enterprise suggested that socioeconomic or cultural factors unrelated to the biological needs of a listed species be included within the criteria set forth in § 402.05 (§ 17.94). The FWS and NMFS strongly oppose this suggestion. Critical habitat is just that—habitat which is critical to the survival and recovery of the species. The focus is entirely on the biological and ecological needs of the listed species. The consideration of various socioeconomic factors is irrelevant in determining what those biological needs are. The inclusion of socioeconomic considerations would diminish the effectiveness of conservation programs for the recovery of a listed species by distorting the estimate of its true habitat needs. Therefore, the criteria in § 402.05 (§ 17.94) are limited to biological factors alone.

A tenth suggested modification concerned an agency's commitment of resources for an activity or program while consultation was in progress. Two private environmental groups suggested that a provision be included prohibiting the irrevocable or irreversible commitment of resources during consultation which would foreclose the consideration of alternatives or modifications to the identified activity or program.

The FWS and NMFS recognize the merit in this suggestion and have adopted appropriate language into § 402.04(a)(3) (§ 17.93(a)(3)). It is the position of the FWS and NMFS that Congress intended Federal agencies to consult in good faith under section 7. The ultimate goal of consultation is to identify conflicts with listed species and their habitats as early as possible in the planning process. This enables the responsible Federal agency to make any necessary modifications in the proposed activity or program which would eliminate the adverse effects upon a particular species.

The consultation process becomes a sham, however, if an agency can make

irreversible commitments of resources during consultation which foreclose the adoption of the very alternatives being discussed. Such a commitment could easily lead to the waste of millions of dollars if the activity or program is subsequently enjoined for noncompliance with section 7. This is especially true in light of the ruling in *Hill v. TVA*, 549 F.2d 1064, supra, that even substantially completed projects are not immune from the requirements of section 7. The adopted language in § 402.04(a)(3) (§ 17.93(a)(3)) is designed to prevent this needless waste. The two Services are confident that Federal agencies will recognize that this adopted language is a logical extension of the obligation to consult in good faith.

An eleventh area of concern dealt with the 60-day time frames proposed for the consultation process. Under the proposal, a 60-day limit was established for threshold examinations. Furthermore, an additional 60-day limit was set for further consultation, pending receipt of adequate biological information. Suggested changes in these time frames ranged from 30 to 45 days.

While recognizing the need for expediting the consultation process, the FWS and NMFS nonetheless believe that these proposed modifications would provide an inadequate opportunity for reviewing the potential impacts of an activity or program. In light of the expected volume of consultation requests, the complexity of the biological issues involved and the frequent lack of available information, as a general rule a 60-day limit appears to be the shortest time frame possible. It is anticipated that many requests for consultation will be processed before the expiration of 60 days. Nonetheless, the FWS and NMFS contend that a potential maximum of 60 days must be reserved for biological analysis.

Five Federal agencies and private commercial enterprises suggested that the proposed definitions contained in § 402.02 (§ 17.03) be expanded and made more specific. The FWS and NMFS disagree as to the need for, or the wisdom of, further delineation of those definitions. Definitions concerning jeopardy and the adverse modification or destruction of critical habitat must be flexible enough to deal with every possible consultation situation. In a similar fashion, the definition of critical habitat must be broad enough to cover the habitat needs of an endless variety of species. Overly specific and narrow definitions of these concepts would ultimately operate to the disadvantage of listed species by excluding them from coverage in unique situations. The definitions presently contain adequate criteria and guidelines to be utilized by the FWS and NMFS and provide a rational basis for the two Services to implement section 7.

A thirteenth area of concern dealt with the failure of the proposed rulemaking to set forth the procedure for modifying or withdrawing existing critical habitat determinations. Two Federal agencies and a private commercial enterprise requested that this process be

made more explicit. The FWS and NMFS had assumed that it was clear that alterations of critical habitat determinations would be governed by the regulation provisions in section 4 of the Act. In order to eliminate any confusion on this point, § 402.05 (§ 17.94) has been reworded to indicate that modifications or withdrawals of critical habitat will require proposed and final rulemaking with an opportunity for public comment.

A final subject for comment concerned the relationship between the Act and NEPA. Comments on this issue generally fell into two categories. First, it was suggested by some Federal agencies and private commercial enterprises that a separate consultation process under section 7 was unnecessary in light of the EIS review process under NEPA. Secondly, it was suggested that Environmental Impact Statements be prepared for all designations of critical habitat. The FWS and NMFS must reject both suggestions.

To begin with, it has always been the position of the FWS and NMFS that the Act and NEPA share common goals and must be implemented in a harmonious fashion. The two Services have consistently maintained that section 7 consultation should be closely linked to established procedures for interagency review of EIS's in order to avoid unnecessary paper work. Furthermore, the proposed regulations stated that where consultation has been coordinated with interagency cooperation required by other statutes such as NEPA or the Fish and Wildlife Coordination Act, the biological opinions resulting from section 7 consultation should be included within the documents required by those statutes. This approach has been specifically designed to integrate consultation into NEPA.

This does not mean, however, that procedural compliance with NEPA adequately satisfies an agency's consultation responsibilities under section 7. To begin with, there is no guarantee that every proposed activity or program that may affect a listed species will generate an Environmental Impact Statement. For probably the majority of Federal agency activities, Environmental Impact Assessments, and not Impact Statements, are prepared. Assessments are rarely circulated for interagency comment. This is clearly a situation where procedural compliance with NEPA fails to satisfy the consultation requirements under section 7.

Additional problems exist as well. It has already been noted that 60-day time frames are generally required for an adequate biological review under section 7. Yet agencies are required to circulate draft Environmental Impact Statements for only 45 days. Furthermore, the fact that a draft EIS has been sent to the FWS or NMFS does not guarantee that it will be reviewed within that agency by people with endangered species expertise. Within the Department of Interior, draft EIS's received from the Department's office of Environmental Project Review are routed through the FWS's branch of Environ-

mental Coordination and not the Office of Endangered Species. The latter Office is only brought into the draft EIS review process if someone else has spotted in the EIS a potential conflict with listed species or their habitat. By that time, a good part of the 45-day comment period has usually expired. The intensity of review would thus be diminished and become more haphazard without an independent consultation process under these regulations.

Finally, consultation is only going to be effective if undertaken as early as possible in an agency's planning process. Large amounts of money and manpower are invested in draft Environmental Impact Statements. By the time a draft EIS is circulated for comment, the proposed activity or program has usually generated a considerable degree of momentum within an agency. So much momentum is generated, in fact, that an agency might resist modifying or abandoning the activity, in spite of a conflict with section 7. The optimal time for consultation, therefore, is prior to completion of a draft EIS. That is the point in the planning process where the flexibility is the greatest and the commitment of resources the least. For the foregoing reasons, the FWS and NMFS contend that consultation cannot adequately take place through the NEPA interagency review process alone.

The two Services must also reject the second suggestion that EIS's be prepared for every single critical habitat determination. Critical habitat proposals must be reviewed on a case by case basis. An Environmental Impact Assessment will first be prepared for each proposal. Based upon a review of that Assessment and comments received on the proposal, it will subsequently be decided whether an EIS is required prior to final rulemaking. The automatic preparation of impact statements under these circumstances, therefore, must be rejected as being unwarranted, inflexible and not required by NEPA.

DESCRIPTION OF FINAL RULEMAKING

The purpose of this rulemaking is to establish joint rules and procedures for interagency cooperation pursuant to section 7 of the Act. This joint rulemaking is summarized below, with citation to the original section numbers contained in the FWS proposed rulemaking in parentheses:

Section 402.01 (§ 17.3) is established by defining the following terms which are used in section 7 and in this rulemaking: "Activities and programs," "Critical habitat," "Destruction or adverse modification," "Director or Regional Director," "Federal agency," "Jeopardize the continued existence of," "Listed species," and "Recovery."

Section 402.02 (§ 17.91) sets out the scope of section 7 under the Act. This section discusses the responsibilities of the Federal agencies under section 7 to carry out conservation programs for listed species, and to insure that their activities and programs do not jeopardize the continued existence of listed species or result in the destruction or

modification of critical habitat. The section affirms that the prohibition against causing "jeopardy" applies extraterritorially.

Section 402.03 (§ 17.92) describes the application of section 7 to previously initiated Federal agency actions.

Section 402.04 (§ 17.93) sets forth the procedures that Federal agencies shall follow in meeting the consultation and assistance requirements of section 7:

(a) *Initiation.* (1) The consultation process shall be initiated by Federal agencies after review and identification of activities or programs that may affect listed species.

(2) If the review indicates no effect on listed species or their habitat, consultation is not required unless requested by the FWS or NMFS.

(3) If a Federal agency identifies any activity or program that may affect listed species or their habitat, that agency shall initiate consultation by sending a written request to the appropriate FWS or NMFS official. If foreign countries or the high seas are involved, a copy of the request and all subsequent correspondence shall be sent to the Secretary of State as well. The request may with the approval of the appropriate FWS or NMFS official, encompass a number of similar, related activities.

(4) Consultation may also be requested by either the FWS or NMFS if they should become aware of a Federal activity or program that may affect listed species and has not received the benefit of section 7 consultation.

(5) Informal consultation at the field level may be initiated, but is not a substitute for formal consultation. Federal agencies may obtain assistance from any source so long as they retain ultimate responsibility for consultation.

(b) *Forms of consultation.* (1) Consultation may be coordinated with interagency review under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and other appropriate statutes. However, such coordination does not relieve the Federal agencies from compliance with the consultation procedures contained in this rulemaking.

(2) When several Federal agencies are involved in a common activity or program, they may, after notifying the FWS or NMFS, choose a lead agency to carry out consultation.

(c) *Assistance from the Service.* It is the responsibility of the affected Federal agencies to obtain the biological data necessary to evaluate the effect of an activity or program. The FWS or NMFS will assist with available data when requested, but are not obligated to fund the basic studies.

(d) *Assistance from other sources.* A Federal agency may seek biological information from any source and may authorize non-Federal representatives to participate in consultation pursuant to approved counterpart regulations; however, the agency remains ultimately responsible for compliance with the procedures of this section.

(e) *Threshold examination.* Upon receipt of a written request for consultation from a Federal agency, the FWS or NMFS will conduct a threshold examination. A threshold examination is a preliminary assessment to ascertain if an activity or program will adversely affect listed species or their habitat.

(1) If, in the Director's or Regional Director's opinion, the Federal activity or pro-

gram will promote the conservation of listed species or their habitat, the Federal agency will be notified within 60 days of initiation, and further consultation will not be required.

(2) If an activity or program is not specifically for the conservation of listed species and the threshold examination reveals that it is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat, the Federal agency shall be notified within 60 days after initiation and further consultation will not be required.

(3) If an activity or program is not specifically for the conservation of listed species and the threshold examination reveals that it is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat, the Federal agency shall be notified within 60 days after initiation and further consultation will not be required.

(4) All biological opinions issued after a threshold examination shall be accompanied by the facts and documentation on which they are based, and may include recommendations for modifications to the activity or program.

(f) *Further consultation.* If the threshold examination reveals that there is insufficient information to conclude that the activity or program is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat, the Federal agency will be notified within 60 days of initiation. The Federal agency then has the responsibility to gather sufficient information. The Service will issue a biological opinion and end consultation within 60 days of receipt of adequate information.

(g) *Responsibilities after consultation.* Upon receipt of the biological opinion from the FWS or NMFS, it will be the responsibility of the Federal agency to determine whether and how to proceed, in light of its section 7 obligations.

(h) *Reinitiation.* Consultation shall be reinitiated: (1) If new information reveals impacts that may hinder the survival or recovery of listed species;

(2) If the activity or programs is modified in a fashion not contemplated by the consultation process;

(3) If a new species is listed that may be affected by the activity or program;

(i) *Counterpart regulations.* The procedures in Section 402.04 (§ 17.93) may be superseded by counterpart regulations jointly drafted by individual Federal agencies and the FWS and NMFS.

Section 402.05 (§ 17.94) sets forth the procedures for determining critical habitat, states the criteria for making such determinations, and provides for emergency determinations.

Accordingly, Chapter IV of Title 50, Code of Federal Regulations, is amended as set forth below: 1. Amend the heading of Chapter IV by deleting the present language and substituting instead the following: "Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce).

2. Add an Index for new Part 402 to read as follows:

PART 402—INTERAGENCY COOPERATION—ENDANGERED SPECIES ACT OF 1973

Sec.	
402.01	Scope.
402.02	Definitions.
402.03	Applicability to previously initiated actions.
402.04	Consultation.
402.05	Determination of critical habitat.

AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

3. Add §§ 402.01 through 402.05 of Part 402, Chapter IV, to read as follows:

§ 402.01 Scope.

This Part interprets and implements section 7 of the Endangered Species Act of 1973 (hereinafter the Act). Section 7 (16 U.S.C. 1536) applies to all listed species of fish, wildlife, or plants and imposes three burdens upon the Federal agencies. First, it directs them to utilize their authorities to carry out conservation programs for listed species. Such affirmative conservation programs must comply with any applicable permit requirements of 50 CFR Parts 17, 220, 222 and 227 for listed species and should be fully coordinated with the appropriate Director. Second, it requires every Federal agency to insure that its activities or programs in the United States, upon the high seas, and in foreign countries will not jeopardize the continued existence of a listed species. And third, section 7 directs all Federal agencies to insure that their activities or programs do not result in the destruction or adverse modification of critical habitat. The United States Fish and Wildlife Service and the National Marine Fisheries Service share responsibilities for the Act. A Federal agency can determine which Service to initiate consultation with by scanning the list of species under the jurisdiction of the National Marine Fisheries Service located at 50 CFR 222.23(a) and 227.4. If the Federal agency's activity or program may affect a listed species which is cited in 50 CFR 222.23(a) or 227.4, then the agency shall initiate consultation with the National Marine Fisheries Service. If the listed species is not cited in 50 CFR 222.23(a) or 227.4, the Federal agency shall initiate consultation with the Fish and Wildlife Service.

§ 402.02 Definitions.

"Activities or programs" means all actions of any kind authorized, funded, or carried out by Federal agencies, in whole or in part, examples of which include, but are not limited to: (1) actions intended to conserve listed species or their habitat; (2) the promulgation of regulations; (3) the granting of licenses, contracts, leases, easements, rights-of-way, permits, or grants-in-aid; or (4) actions directly or indirectly causing modifications to the land, water, or air.

"Critical habitat" means any air, land, or water area (exclusive of those existing man-made structures or settlements which are not necessary to the survival and recovery of a listed species) and con-

stituent elements thereof, the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: physical structures and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion.

"Destruction or adverse modification" means a direct or indirect alteration of critical habitat which appreciably diminishes the value of that habitat for survival and recovery of a listed species. Such alterations include, but are not limited to those diminishing the requirements for survival and recovery listed in § 402.05(b). There may be many types of activities or programs which could be carried out in critical habitat without causing such diminution.

"Director or Regional Director" means the Director or one of the Regional Directors of the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate, for purposes of consultation.

"Federal agency" means each authority of the Government of the United States except for the Congress, the Courts of the United States, the Governments of the Territories, Commonwealths, or possessions of the United States, or the Government of the District of Columbia.

"Jeopardize the continued existence of" means to engage in an activity or program which reasonably would be expected to reduce the reproduction, numbers, or distribution of a listed species to such an extent as to appreciably reduce the likelihood of the survival and recovery of that species in the wild. The level of reduction necessary to constitute "jeopardy" would be expected to vary among listed species.

"Listed species" means any species of fish, wildlife, or plant which is designated as endangered or threatened under the Act.

"Recovery" means improvement in the status of listed species to the point at which listing is no longer required.

§ 402.03 Applicability to previously initiated actions.

Section 7 applies to all activities or programs where Federal involvement or control remains which in itself could jeopardize the continued existence of a listed species or modify or destroy its critical habitat.

§ 402.04 Consultation.

(a) *Initiation.* (1) It is the responsibility of each Federal agency to review its activities or programs and to identify any such activity or program that may affect listed species or their habitat. Reviewing Federal agencies may obtain advice from the Service, but this is supplemental to, and not a substitute for, the formal consultation process set forth in this Part. Where a Federal agency funds or authorizes an activity or pro-

gram to be carried out by a non-Federal entity, the Federal agency shall initiate the formal consultation process and not the non-Federal entity.

(2) If a Federal agency decides that its activities or programs will not affect listed species or their habitat, consultation shall not be initiated unless requested by the Service.

(3) When a Federal agency identifies activities or programs that may affect listed species or their habitat, the agency shall convey a written request for consultation with available information to: the Regional Director for the Region where the activity or program is or will be carried out; or to the Director or Regional Director for the Region where the Federal agency is headquartered, if more than one Region is involved; or to the Director if foreign countries or the high seas are involved. In addition, if foreign countries or the high seas are involved, a copy of the request for consultation and all subsequent correspondence shall be forwarded to the Secretary of State c/o the Director, Office of Environmental Affairs. Any request for consultation may encompass, subject to the approval of the Director or Regional Director, a number of similar individual activities within a given geographical area, administrative unit, or segment of a comprehensive plan. Until consultation has been completed and a biological opinion issued, good faith consultation shall preclude a Federal agency from making an irreversible or irretrievable commitment of resources which would foreclose the consideration of modifications or alternatives to the identified activity or program.

(4) In addition, the Director or Regional Director will request initiation of consultation if he identifies any activity or program of a Federal agency that has not received prior consultation and that may affect listed species or their habitat.

(5) Informal consultation may be initiated at the field level between the Service and the Federal agencies or their authorized representatives. Such informal consultation is supplemental to, and not a substitute for, the formal consultation process set forth in this part.

(b) *Form.* (1) Consultation under section 7 may be consolidated with inter-agency cooperation required by other statutes, such as the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The satisfaction of the requirements of these other statutes, however, does not in itself relieve a Federal agency of its obligation to comply with the consultation procedures set forth in this part.

(2) When particular programs or activities involve more than one Federal agency, these agencies may, upon notification of the Director or Regional Director, fulfill their consultation responsibilities through a single lead agency. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement and their relative ex-

pertise with respect to the environmental effects of the activity or program.

(c) *Assistance from the Service.* It is the primary responsibility of each Federal agency requesting consultation to conduct the appropriate studies and to provide the biological information necessary for an adequate review of the effect an identified activity or program has upon listed species or their habitat. To the extent it is available, the Service will upon request provide all relevant data and reports, personnel, and recommendations for additional studies or surveys, but the Service is not obligated to fund any such additional studies or surveys.

(d) *Assistance from other sources.* Federal agencies may seek assistance from any source to obtain the biological information necessary for a review of the effect an activity or program has upon listed species or their habitat. Such assistance may include, but is not limited to, that obtained by contract or required by regulations of the Federal agency. Although it may authorize a non-Federal representative to participate in the consultation process pursuant to approved counterpart regulations, the ultimate responsibility for compliance with the procedures of this section remains with the Federal agency and cannot be delegated by it.

(e) *Threshold examination.* Upon receipt of a written request for consultation, the Director or Regional Director will conduct a threshold examination of the identified activity or program. A threshold examination will include a review of available information and may include an on-site inspection of the area.

(1) If, in the opinion of the Director, an identified activity or program will promote the conservation of listed species, the appropriate Federal agency shall be notified in writing within 60 days after consultation is initiated, and additional section 7 consultation shall be unnecessary. The Service, to the extent feasible, will assist in carrying out such programs if requested by the Federal agency.

(2) If an identified activity or program is not specifically for the conservation of listed species, but the Director or Regional Director concludes from the threshold examination that the activity or program is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat, the appropriate Federal agency shall be notified in writing within 60 days after consultation is initiated and further section 7 consultation shall be unnecessary.

(3) If an identified activity or program is not specifically for the conservation of listed species and the Director or Regional Director concludes from the threshold examination that the activity or program is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat, the appropriate Federal agency shall be notified in writing within 60 days after

consultation is initiated and further section 7 consultation shall be unnecessary.

(4) The biological opinions issued pursuant to subparagraphs (1), (2) and (3) of this subsection shall be accompanied by a statement of the facts and documentation on which they are based and may include recommendations for modifications in the identified activity or program which would enhance the conservation and protection of a listed species or its critical habitat. Such opinions will be released pursuant to the Freedom of Information Act.

(f) *Further consultation.* If the Director or Regional Director determines as a result of the threshold examination that insufficient information exists to conclude that an identified activity or program is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat, the Federal agency will be so notified in writing within 60 days after formal consultation is initiated. The Federal agency, with assistance as feasible from the Service and other sources of expertise, shall then obtain additional information and conduct, as appropriate, biological surveys or studies to determine how the activity or program may affect listed species or their critical habitat. Within 60 days of receipt of adequate information and documentation, unless special circumstances require negotiation of a longer period, the Service will end consultation by issuing a biological opinion pursuant to the provisions of paragraphs (e) (1), (2), (3), and (4) of this section, as appropriate.

(g) *Responsibilities after consultation.* Upon receipt and consideration of the biological opinion and recommendations of the Service, it is the responsibility of the Federal agency to determine whether to proceed with the activity or program as planned in light of its section 7 obligations. Where the consultation process has been consolidated with interagency cooperation required by other statutes such as the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the final biological opinion and recommendations of the Service shall be stated in the documents required by those statutes.

(h) *Reinitiation.* Consultation shall be reinitiated by the Service or by the Fed-

eral agency if: (1) New information reveals impacts of the identified activity or program that may affect listed species or their habitats;

(2) The identified activity or program is subsequently modified, whether as a result of a biological opinion issued after consultation or not; or

(3) A new species is listed that may be affected by the identified activity or program.

(i) *Counterpart regulations.* The consultation procedures set forth in this section may be superseded for a particular Federal agency by joint counterpart regulations drafted by that agency and the Fish and Wildlife Service and the National Marine Fisheries Service. Such counterpart regulations shall be published in the FEDERAL REGISTER as proposed and final rulemakings and shall provide for a minimum 60-day period for public comment.

§ 402.05 Determination of critical habitat.

(a) *Procedure.* Whenever deemed necessary and appropriate, the Director shall determine critical habitat for a listed species. After exchange of biological information, as appropriate, with the affected States and Federal agencies with jurisdiction over the lands or waters under consideration, the Director shall publish proposed and final rulemakings, accompanied by maps and/or geographical descriptions in the FEDERAL REGISTER. Comments of the scientific community and other interested persons will also be considered in promulgating final rulemakings. The modification or revocation of a critical habitat determination shall also require the publication in the FEDERAL REGISTER of a proposed and final rulemaking with an opportunity for public comment.

(b) *Criteria.* The Director will consider the physiological, behavioral, ecological, and evolutionary requirements for the survival and recovery of listed species in determining what areas or parts of habitat (exclusive of those existing man-made structures or settlements which are not necessary to the survival and recovery of the species) are critical. These requirements include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing of offspring; and generally,

(5) Habitats that are protected from disturbances or are representative of the geographical distribution of listed species.

(c) *Emergency determination.* Paragraphs (a) and (b) of this section notwithstanding, the Director may make an emergency determination of critical habitat if he finds that an impending action poses a significant risk to the well-being of a listed species by the destruction or adverse modification of its habitat. Emergency determinations will be published in the FEDERAL REGISTER and will remain in effect for no more than 120 days.

This final rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) and the primary author is Donald Barry, Attorney Advisor, Solicitor's Office, Department of the Interior, 202-343-2174.

NOTE.—The United States Fish and Wildlife Service and the National Marine Fisheries Service have determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

It was previously noted that these regulations have been submitted to over two years of review and comment by Federal agencies. During this drafting period, however, agencies were still held accountable for compliance with their section 7 obligations. The limited consultation that took place often occurred in an ad-hoc and haphazard fashion. Because of the extensive familiarity of the Federal agencies with these regulations and the need to expeditiously initiate the formal consultation process, the FWS and NMFS find that "good cause" exists within the meaning of 5 U.S.C. § 553(d) of the Administrative Procedure Act, thereby warranting that these regulations become effective immediately upon publication.

Dated: October 21, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

JACK GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.78-6 Filed 1-3-78;8:45 am]

WEDNESDAY, JANUARY 4, 1978

PART V



**SECURITIES AND
EXCHANGE
COMMISSION**

■

**OIL AND GAS
PRODUCERS**

**Accounting Practices; Solicitation of
Comments**

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[8010-01]

SECURITIES AND EXCHANGE
COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5892, 34-14305, 35-20337;
File No. S7-715]ACCOUNTING PRACTICES—OIL AND
GAS PRODUCERS

Solicitation of Comments

AGENCY: Securities and Exchange
Commission.ACTION: Request for comments from
interested persons.

SUMMARY: The Energy Policy and Conservation Act of 1975, Pub. L. 94-163 (the "EPCA"), requires the Commission, for purposes of developing a reliable energy data base, to assure the development of accounting practices to be followed by persons, including those not subject to the filing requirements of the Federal securities laws, engaged in the production of crude oil or natural gas in the United States. The EPCA authorizes the Commission to prescribe rules with respect to such accounting practices or, alternatively, under certain circumstances, to recognize or otherwise rely on accounting practices developed by the Financial Accounting Standards Board (the "FASB"). The Commission has previously proposed for public comment rules relating to financial accounting measurement standards (Release No. 33-5861) and related disclosure standards (Release No. 33-5877). Both of these rulemaking proposals embodied the financial accounting and reporting standards published in July, 1977, by the FASB in an Exposure Draft of a proposed Statement on "Financial Accounting and Reporting by Oil and Gas Producing Companies." As anticipated in the Commission's rulemaking proposals, the FASB has recently finalized its standards which were published in Statement of Financial Accounting Standards No. 19. As a result, the Commission is soliciting further public comment on whether the Commission should rely on the determinations of the FASB in its Statement No. 19 as authorized by the EPCA and, furthermore, on whether the standards in FASB Statement No. 19, or some alternative accounting standards, would be appropriate for the preparation of financial statements to be included in filings pursuant to the Federal securities laws and in reports filed with the Department of Energy (the "DOE") pursuant to the EPCA. Information relating to public hearings on this matter, to be announced in the near future, is also provided.

DATE: Comments on or before February 24, 1978.

ADDRESS: Comments should refer to File S7-715 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection. Comments previously filed in these rulemak-

ing proceedings and with the FASB in its proceedings leading to the issuance of Statement No. 19 are available for public inspection and commentators may incorporate their previous comments by reference in submissions in response to this release.

FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1671.

SUPPLEMENTAL INFORMATION: In Release No. 33-5877 (42 FR 57661), the Commission described its longstanding concern about the diversity in the accounting and financial reporting practices followed by companies engaged in the oil and gas producing industry, and traced the history of a number of past undertakings by the Commission, the accounting profession, and the industry to address this issue. The lack of reliable financial and related operating data caused the Congress in 1975 to enact provisions in the EPCA which mandate the development of accounting practices to be followed by oil and gas producers for purposes of developing a reliable energy data base pertaining to the production of oil and gas.

In October, 1975, the FASB added to its technical agenda a project entitled "Financial Accounting and Reporting in the Extractive Industries." In accordance with its customary procedures, the FASB appointed a task force to advise it in preparing a Discussion Memorandum, a neutral document analyzing issues related to the project. The Discussion Memorandum, issued in December, 1976, provided the basis for the FASB's solicitation of written comments on the issues under consideration, and for related public hearings conducted on March 30 and 31 and April 1 and 4, 1977. The FASB received 140 written submissions and heard 39 oral presentations at the public hearings in response to the Discussion Memorandum. The Commission issued Release No. 33-5801 (42 FR 8237) in January, 1977, calling attention to the publication of the FASB Discussion Memorandum and encouraging interested persons to comment on the issues presented and to participate in the FASB's proceedings. The written submissions in response to the FASB Discussion Memorandum and a transcript of the FASB's public hearings have been made part of File S7-715.

In June, 1977, the Commission issued Release No. 33-5837 (42 FR 33135) to solicit comments on matters relating to the reporting of financial and operating data on oil and gas operations pursuant to the EPCA and also relating to the disclosure of data of this nature in filings pursuant to the Federal securities laws. The public file for that release, File S7-708, has been made a part of File S7-715.

On July 15, 1977, the FASB solicited public comment on an Exposure Draft of a proposed Statement on "Financial

Accounting and Reporting by Oil and Gas Producing Companies." In the Exposure Draft, the FASB proposed that oil and gas producing companies should follow a form of the successful efforts method of accounting and that, among other things, companies should disclose information on quantities of oil and gas reserves and certain related financial data in their financial statements. The 195 written submissions received by the FASB in response to its Exposure Draft have also been made part of File S7-715.

In August, 1977, the Commission proposed rules for public comment, pursuant to the EPCA and to the Federal securities laws, in Release No. 33-5861 (42 FR 44972). These proposed rules dealt only with financial accounting measurement standards and did not consider issues relating to the disclosure of financial and operating data in or supplemental to financial statements. In that release, the Commission noted that the FASB was expected to complete deliberations on its Exposure Draft and issue a final statement prior to December 22, 1977.

In Release No. 33-5861, the Commission encouraged interested persons to submit comments to the FASB in response to its Exposure Draft. In addition, the Commission solicited comments in response to its rulemaking proposals.

In October, 1977, the Commission in Release No. 33-5877 (42 FR 57661) proposed rules for public comment which supplemented the rules proposed in Release No. 33-5861 to provide for the disclosure in financial statements of certain operating and financial data relating to oil and gas producing activities. The rules proposed in Release No. 33-5877 were generally consistent with the disclosure standards proposed in the FASB's Exposure Draft, but did provide for the reporting of certain data in addition to those proposed by the FASB. Copies of the submissions are available for public inspection in File S7-715.

On December 5, 1977, the FASB issued Statement of Financial Accounting Standards No. 19, "Financial Accounting and Reporting by Oil and Gas Producing Companies."¹ Statement No. 19 affirms the FASB's tentative conclusion announced in its July, 1977, Exposure Draft that oil and gas producing companies should follow a form of the successful efforts method of accounting for costs incurred in exploring for and developing oil and gas reserves. Although the FASB's conclusions in Statement No. 19 generally reflect the reasoning set forth in the Exposure Draft, certain modifications to the proposed statement were adopted. Statement No. 19 would become effective for financial statements for fiscal years beginning after December 15, 1978; accordingly, no company is required to apply the standards reflected in Statement

¹FASB Statement No. 19 is available for public inspection in File S7-715. Copies may also be obtained from: Publications Department, Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06006.

No. 19 until 1979. The Commission expects to conclude its proceedings described in this release prior to that time.

PURPOSES OF THE COMMISSION'S PROCEEDINGS

Pursuant to Section 503 of the EPCA, the Commission is required to afford interested persons an opportunity to submit written comment with respect to whether the Commission, in fulfilling its responsibilities under that Act, should exercise its discretion to recognize or otherwise rely on accounting practices developed by the FASB in lieu of prescribing such practices by rule. The Commission hereby solicits written comments on this issue.

The accounting practices were to be developed no later than December 22, 1977, 24 months after enactment of the EPCA; however, pursuant to Section 503, the Commission is authorized to extend this 24-month period to allow for a meaningful comment period with respect to the determination of whether to rely on the FASB's standards as described in the preceding paragraph. The Commission hereby extends the 24-month period to provide sufficient time for such determination. In addition, the Commission, because of the importance of this matter and in response to a number of requests, has decided to hold public hearings.

The objective of soliciting written comments and conducting public hearings is to determine whether the Commission should adopt, with any appropriate revisions, the rules proposed in Release Nos. 33-5861 and 33-5877. Specifically, in light of the issuance of FASB Statement No. 19, these proceedings are expected to provide information to the Commission concerning the following questions:

1. What are the most appropriate financial accounting and reporting standards for oil and gas producing activities for purposes of reporting to the DOE pursuant to the EPCA?
2. What are the most appropriate such standards for purposes of the preparation of financial statements to be included in filings with the Commission under the Federal securities laws?

REPORTING TO THE DEPARTMENT OF ENERGY

One of the purposes of the EPCA, as stated in Section 2 of the Act, is " * * * to provide a means for verification of energy data to assure the reliability of energy data." The accounting practices to be developed pursuant to the EPCA are "(f) or purposes of developing a reliable energy data base related to the production of crude oil and natural gas." Such accounting practices must, to the greatest extent practicable, permit the compilation of an energy data base consisting of financial and operating data to facilitate an evaluation of financial effort and result and to facilitate correlation of financial information with oil and gas reserves and operating statistics.

The Commission has previously indicated that it considers its responsibilities under the EPCA to be divided between two related areas: (1) financial reporting standards applicable to financial

statements of entities involved in oil and gas production and (2) accounting practices necessary for oil and gas producers to report the financial and operating data required by the EPCA to the DOE (see Release Nos. 33-5837 and 33-5877). DOE is developing a petroleum company financial reporting system which will require the filing of financial statements and other data with DOE. The accounting practices developed pursuant to the EPCA will govern the preparation of financial statements included in such filings.

Based on the provisions of the EPCA and on the intent of the DOE to collect financial statement data from oil and gas producers, the Commission requests comments on whether the financial accounting and reporting standards promulgated by the FASB in Statement No. 19, or some other alternative standards, are appropriate for purposes of reporting to the DOE.

REPORTING UNDER THE FEDERAL SECURITIES LAWS

Under the Federal securities laws, the Commission has the responsibility and is given broad authority to prescribe accounting practices to be applied in the preparation and presentation of financial statements and other financial data to be included in filings with the Commission pursuant to such laws. In 1938, the Commission, in Accounting Series Release ("ASR") No. 4 (11 FR 10913), stated its administrative policy with respect to financial statements included in these filings. ASR No. 4 provides that the Commission would presume that financial statements which were prepared in accordance with accounting principles for which there was no substantial authoritative support were misleading notwithstanding disclosure of those principles. If there was a difference of view with the Commission, the Commission would accept disclosure in lieu of a change in the financial statements only when there was substantial authoritative support for the proposed accounting principle and the Commission had not expressed a contrary view in an official release. Thus, rather than exercise its extensive authority to adopt specific accounting principles and methods, the Commission elected, in large part, to accept, in the first instance, principles which already had substantial precedent—accounting principles which were generally accepted in the private sector.

The FASB was created in 1973 as the first independent, full-time body designated by the accounting profession to formulate and issue financial accounting and reporting standards. Previously, accounting principles were established by standard-setting bodies within the American Institute of Certified Public Accountants.

With the establishment of the FASB, which it had supported, the Commission believed that it was appropriate to reaffirm publicly its policy of looking, in the first instance, to the private sector to establish generally accepted accounting principles. On December 20, 1973, therefore, the Commission issued ASR

150 (39 FR 1260), in which it reaffirmed its policy of relying, in the first instance, on the private sector for the establishment of accounting principles, and recognized that the FASB was the entity designated by the private sector to have that responsibility. That release states in part:

For purposes of this policy, principles, standards and practices promulgated by the FASB in its Statements and Interpretations (footnote omitted) will be considered by the Commission as having substantial authoritative support, and those contrary to such FASB promulgations will be considered (footnote omitted) to have no such support.

The Commission's policy recognizes that the FASB operates to establish accounting standards, but it does not involve a delegation of the Commission's substantive rulemaking authority to the FASB. In all cases, the Commission may issue rules on accounting matters which would govern the preparation and presentation of financial statements included in filings by registrants under the Federal securities laws.

In light of the Commission's proceedings under the EPCA and the issuance of Statement No. 19 by the FASB, the Commission is also soliciting comments on whether the financial accounting and reporting standards reflected in FASB Statement No. 19, or alternative standards, are appropriate for purposes of preparing financial statements to be included in filings under the Federal securities laws by registrants engaged in oil and gas producing activities.

ECONOMIC IMPACT OF ESTABLISHING AN OIL AND GAS ACCOUNTING STANDARD

It has been asserted by some commentators that the adoption of the successful efforts method of accounting, as required by FASB Statement No. 19, would have a substantial adverse economic impact. Companies which presently follow the full cost method of accounting would, if required to apply the successful efforts method, report lower shareholders' equity and, in many cases, lower and more volatile earnings. A number of commentators have contended that such reporting would not reflect the economics of companies' operations and would hamper their ability to raise capital to finance their operations.

Adverse economic consequences which have been mentioned or discussed by those commentators include the following:

1. New competitors will be discouraged and, in some cases, prevented from undertaking oil and gas exploration activities;
2. Presently successful independent exploration companies will face a barrier to an expansion of their operations and will be encouraged to reduce the scope or alter the nature or timing of their existing exploration programs;
3. As a result of these factors, an increased concentration will occur in the oil and gas industry, where serious ques-

tions have already been raised about the extent of competition; and

4. Exploration for oil and gas, particularly domestic exploration, will be reduced because of decreased availability of capital for many of the smaller independent companies which now follow full cost accounting and which conduct substantial exploration programs.

Some of those commentators advocating this view have contended that the solution lies in permitting companies to continue to use either of the accepted accounting methods—full cost or successful efforts—for financial reporting to investors and to provide separately the uniform information needed by the DOE to compile a national energy data base.

Other commentators have emphasized, however, that an important goal of accounting should be the reporting of data that are uniform to the extent practicable so that comparisons of companies' financial statements are facilitated. For example, an analyst group in a submission to the FASB stated that " * * * the multiplicity of accounting methods employed by companies which operate in (the extractive) industries works a serious hardship on investors. Given current standards of accounting and disclosure, it is virtually impossible to make meaningful comparisons of the financial position or operating results of these companies."

This position was also reflected in the November, 1977, report of the Subcommittee on Reports, Accounting and Management of the Senate Committee on Governmental Affairs. That report indicated that "(b) he subcommittee strongly believes that the clarity and comparability of corporate financial statements will be substantially improved if uniform accounting standards are used to report the same type of business transactions."

As discussed above, a number of commentators have expressed the view that many companies which now follow the full cost accounting method would have difficulties in raising capital if they were required to adopt successful efforts accounting. This view involves the general issue of the relationship between reported financial data and the market prices of companies' securities, an issue which has been the subject of a number of research studies in recent years. The FASB discussed these studies in Statement No. 19, and quoted Stanford University Professor William H. Beaver from a 1973 summary of the findings of these research studies. Professor Beaver stated that " * * * the formal research in this area is remarkably consistent in finding that the market, at least as manifested in the way in which security prices react, is quite sophisticated in dealing with financial statement data."

The FASB acknowledged that not all empirical evidence supports the view that the securities markets are entirely able to take into account the differences in accounting methods used by different

companies. However, it stated that research undertaken at the Board's request to examine the effect of its Exposure Draft on the market prices of the common stock of certain companies "corroborates that the securities markets are generally able to assimilate financial information and to understand the underlying economics of the oil and gas exploration and production industry."³

The FASB concluded that the arguments advanced in its proceedings that companies will be prevented from raising capital as a result of applying the successful efforts method of accounting were not persuasive. The FASB stated in Statement No. 19:

In a free enterprise economy in which capital is allocated among enterprises largely on the basis of individual investors' decisions, if a company is an economically successful enterprise, it will continue to attract capital. Its financial statements should provide those who supply capital with information that assists them in determining whether the expected returns on that capital are commensurate with the risks involved. In the Board's judgment, financial statements that are prepared in conformity with the provisions of this Statement will provide investors and creditors with that type of information. Many small oil and gas producing companies use the successful efforts method, not full costing; have done so for many years; and have generally been able to obtain capital to finance their exploration activities.⁴

With regard specifically to competition, the FASB stated its view that " * * * far from inhibiting competition, the removal of one of two significantly different optional alternative methods of accounting in similar situations will facilitate competition. The weight of the evidence before the Board is that independent oil and gas producing companies using successful efforts accounting do compete successfully and conduct effective exploration and production programs that they are able to finance through a variety of capital sources."⁵

The FASB also stated:

Any national economic or policy goal that involves the use of data reported in or derived from financial statements can, in the Board's judgment, be best pursued if the relevant financial statements are prepared on a common basis, so that lenders, investors, government regulators, and others involved directly or indirectly in allocating capital can analyze and reach informed decisions on the basis of consistent and comparable financial data. To the extent that furtherance of competition in oil and gas exploration and production and the availability of increased capital resources to finance those efforts are perceived as national economic or policy goals and in the interest of the general public, those goals can best be fostered—and the likelihood of their attainment substantially increased—if all competitors disclose financial data in a marketplace free from the burdens of inconsistency, noncomparability, and misunderstanding, a marketplace in which risks and rewards are reported as objectively and as evenhandedly as possible.⁶

In Release No. 33-5861, the Commission indicated that it had reviewed the submissions to the FASB concerning the potential impact on competition resulting from the proposed selection of a method of accounting and solicited additional comments on this matter. Comments were again solicited in Release No. 33-5877.

A number of comments received in response to these releases and by the FASB presented views, as discussed above, on the related issues of the impact on competition in the oil and gas producing industry and on the level of domestic exploration for oil and gas which would result from requiring the use of the successful efforts method of accounting. The Commission solicits additional comments on this matter. Commentators are encouraged to address the views previously presented by other commentators in previous submissions to the Commission and to the FASB and the position expressed by the FASB in its Statement No. 19.

Comments are also solicited on other issues, if any, relating to the impact on competition which might result from adoption of the Commission's proposed rules, with any appropriate revisions, appearing in Release Nos. 33-5861 and 33-5877.

RULEMAKING UNDER THE EPCA

Section 503(b)(2) states that the Commission shall—

* * * have authority to prescribe rules applicable to persons engaged in the production of crude oil or natural gas, or make effective by recognition, or by other appropriate means indicating a determination to rely on, accounting practices developed by the Financial Accounting Standards Board, if the Securities and Exchange Commission is assured that such practice will be observed by persons engaged in the production of crude oil or natural gas to the same extent as would result if the Securities and Exchange Commission had prescribed such practices by rule.

This provision was in recognition of the relationship between the FASB and the Commission in developing accounting standards applicable to financial statements included in filings under the Federal securities laws. Such financial statements are required to be accompanied by an auditors' report issued by an independent public accountant conforming with Article 2 of Regulation S-X (17 CFR 210.2-01 to 2-05). This requirement, together with the ethical standards of the independent public accounting profession, assures that financial statements filed with the Commission conform with standards issued by the FASB, absent Commission rules covering particular matters.

This mechanism will not be available to ensure that the FASB's standards will be observed with respect to financial statements filed with the DOE. Even if the Commission concludes as a result of these deliberations to support FASB Statement No. 19, it may nevertheless be required to adopt rules governing financial data to be filed with DOE pursuant to the Commission's authority under the EPCA.

² Beaver, William H., "What Should Be the FASB's Objectives?", *The Journal of Accountancy*, August 1973, pp. 49-56.

³ FASB Statement No. 19, pars. 169-171.

⁴ FASB Statement No. 19, par. 158.

⁵ *Ibid.*, par. 174.

⁶ *Ibid.*, par. 172.

Comments are solicited on this question as well.

STAFF ACCOUNTING BULLETIN No. 16

On September 1, 1977, the staff of the Commission issued an interpretive release, Staff Accounting Bulletin ("SAB") No. 16 (42 FR 44983), which described the staff's view of appropriate disclosure by registrants relating to the issuance of the July 15, 1977, FASB Exposure Draft. In SAB No. 16, the Commission's staff indicated that registrants whose financial statements would be substantially changed if the FASB's proposals were required to be applied should disclose certain information about the relationship between their existing accounting policies and the FASB's proposal. Such disclosures, according to SAB No. 16, should include an indication of the general magnitude of the potential impact on earnings and shareholders' equity and a discussion of any significant implications that adoption of the FASB's proposed standards might have concerning the registrant's dividend policy and its ability to comply with covenants in its debt or other agreements.

The view of the Commission's staff on appropriate disclosure in this instance was published in response to requests for guidance by interested persons. The staff has indicated that its action is based on the fact that the authoritative body responsible for establishing financial accounting standards in the private sector reached conclusions after extended deliberations on the appropriate accounting standards in this area. The staff noted that the quantitative disclosures discussed in SAB No. 16 need not be presented in precise amounts, but rather in terms of broad ranges, percentages or otherwise, if desired, and that the attendant circumstances involved in this matter, including the Commission's proceedings, may be discussed in whatever manner registrants consider appropriate.

In the staff's view, the varying impact of applying the FASB's standards on dif-

ferent companies requires that the disclosure provide some indication of the magnitude of the potential impact on the financial statements of individual registrants. The staff believes that these disclosures are required so that investors are informed of all pertinent information relating to the current considerations involving oil and gas accounting. Thus, the staff has concluded that communication of the impact of the FASB's determinations together with a discussion of the uncertainty of the outcome of the Commission's deliberations will assist investors in assessing the significance of these matters.

The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission, nor are they published as bearing the Commission's approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws. While the Commission takes no view on the ultimate outcome of the issues presently pending before it, the staff's belief that investors should be informed of the FASB's determinations in Statement No. 19, in connection with their reviews of financial statements of oil and gas producing companies which would be substantially affected by application of those determinations, appears reasonable notwithstanding the contingencies described in this release.

In expressing these views, the Commission reaches no conclusions with respect to either the substantive merits of the actions taken by the FASB or the issues upon which the Commission seeks public comment and intends to hold public hearings. Moreover, not only will the disclosures suggested by SAB No. 16 enable investors to assess the significance of FASB Statement No. 19 on the financial statements of oil and gas producing companies, they may also provide information which could be useful in connection with the resolution of the issues which are now before the Commission.

ADMINISTRATIVE MATTERS

WRITTEN COMMENTS

Public File S7-715 for these deliberations will contain all submissions and other related data pertaining to previous Commission releases on this project (Release Nos. 33-5801 (42 FR 8237), 33-5837 (42 FR 33135), 33-5861 (42 FR 44972), and 33-5877 (42 FR 57661)). In addition, written submissions to the FASB and transcripts of oral presentations at the public hearing conducted by the FASB during the course of its deliberations leading to the issuance of Statement No. 19 have been made part of Public File S7-715. In providing comments in response to this release, interested persons may assume that the Commission has available all previous submissions to the FASB and the Commission on this issue.

PUBLIC HEARINGS

A formal announcement of the public hearings discussed previously will be issued by the Commission in a separate release. Tentatively, the Commission plans to conduct the hearings beginning approximately March 27, 1978, in Washington, D.C., and Houston, Tex.

To assist the Commission in scheduling these hearings, the Commission requests that persons desiring to make oral presentations at one of these locations contact by January 13, 1978:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, 202-755-1671.

The Commission expects to include in its formal notice of public hearings a requirement that participating persons submit any prepared testimony to be presented at the hearings by February 24, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 22, 1977.

[FR Doc.78-10 Filed 1-3-78;8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE CATEGORY SYSTEM EFFECTIVE JANUARY 1, 1978

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Publication of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated.

SUMMARY: A notice, published in the FEDERAL REGISTER on August 10, 1977, announced the adoption of a new Textile

Category System to be effective January 1, 1978. This system is used in the bilateral textile agreements negotiated with other countries under the Arrangement Regarding International Trade in Textiles. It is based on the existing system but streamlines and consolidates that system and is designed to improve the implementation of the bilateral agreements by strengthening category uniformity among fibers and reducing the incidence of category classification problems. This system is based on the Tariff Schedules of the United States Annotated (TSUSA) numbers effective 1978 and full descriptions of the com-

position of the categories are available in the TSUSA.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-4212.

ARTHUR GAREL,

Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.



CORRELATION:

CORRELATION: TEXTILE AND APPAREL CATEGORIES WITH TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

U.S. DEPARTMENT OF COMMERCE Industry and Trade Administration
Office of Textiles

JANUARY 1978

TEXTILE AND APPAREL CATEGORIES WITH TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED

Cotton
Wool
Man-Made Fibers



U.S. Department of Commerce
Juanita M. Kreps, Secretary

Prepared by: Malton V. Evans
Commodity Specialist
Under the Supervision of:
Leonard A. Mobley
Director
Trade Analysis Division

Arthur Garol,
Director, Office of Textiles

Revised

JANUARY 1978

This publication presents the Tariff Schedules of the United States Annotated numbers as revised through January 1, 1978, under each of the Cotton, Wool and Man-Made Fiber categories (or groupings) used by the United States in monitoring import shipments of these textile products and to administer the United States textile trade agreements programs. In order to facilitate the use of this publication, the descriptions of the Tariff Schedules of the United States Annotated numbers have been simplified. The simplified descriptions, however, are not intended to modify, change, or contradict in any way the substance or meaning of the descriptions presented in the Tariff Schedules of the United States Annotated. In any case where the descriptions in this publication conflict with those in the Tariff Schedules of the United States Annotated, the descriptions in the latter document shall prevail.

Also presented are certain Tariff Schedules of the United States Annotated numbers, as Annex I, which are used to cover imports of specified handloomed and folklore products from specific agreement countries. Imports of products under these numbers are exempted from restraint levels. Imports of items identical to those covered by Annex I which are not specifically exempted under the individual agreements are entered under appropriate CORRELATION numbers and are subject to the restraint levels.

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
SECTION 1 - YARN:				
300	Cotton	4.6	Lb.	1
301	Carded	4.6	Lb.	1
	Combed			
400	Wool	2.0	Lb.	1
	Tops & Yarn			
Man-Made Fiber				
600	Textured	3.5	Lb.	2
601	Cont. Cell.	5.2	Lb.	3
602	Cont. non-cell.	11.6	Lb.	4
603	Non-cont. cell	3.4	Lb.	5
604	Non-cont. non-cell.	4.1	Lb.	5
605	Other yarns	3.5	Lb.	5
SECTION 2 - FABRIC:				
Cotton				
310	Gingham	1.0	Syd.	7
311	Velveteen	1.0	Syd.	7
312	Carduroy	1.0	Syd.	7
313	Sheeting	1.0	Syd.	8
314	Poplin & broadcloth	1.0	Syd.	9
315	Printcloth	1.0	Syd.	10
316	Shirting	1.0	Syd.	11
317	Twill & saten	1.0	Syd.	12
318	Yarn-dyed, n.o.s.	1.0	Syd.	16
319	Duck	1.0	Syd.	17
320	Woven fabrics, n.o.s.	1.0	Syd.	20
Wool				
410	Woolen & Worsted	1.0	Syd.	31
411	Tapestry & Upholstery	1.0	Syd.	34
425	Knit	2.0	Lb.	34
429	Other fabrics, n.o.s.	1.0	Syd.	35
Man-Made Fiber				
610	Cont. cell., woven	1.0	Syd.	37
611	Spun cell., woven	1.0	Syd.	37
612	Cont. non-cell., woven	1.0	Syd.	37
613	Spun non-cell., woven	1.0	Syd.	38
614	Woven fabrics, n.o.s.	1.0	Syd.	38
625	Knit	7.8	Lb.	40
626	Pile & tufted	1.0	Syd.	41
627	Specialty	7.8	Lb.	41

V.

INDEX AND CONVERSION TABLE

INDEX AND CONVERSION TABLE

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE	CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
SECTION 3 - APPAREL:									
<u>Non-Made Fibres</u>									
330	Options				630	Non-Made Fibres			
331	Handkerchiefs	1.7	Dz.	43	631	Gloves	1.7	Dz.	76
332	Gloves	3.5	Dpr.	44	632	Hosiery	3.5	Dpr.	76
333	Hosiery	4.6	Dpr.	45	633	Suit-type coats, M&B	36.2	Dz.	77
334	Suit-type coats, M&B	36.2	Dz.	46	634	Other coats, M&B	41.3	Dz.	77
335	Other coats, M&B	41.3	Dz.	47	635	Coats, W.G.I.	41.3	Dz.	78
336	Coats, W.G.I.	41.3	Dz.	48	636	Dresses	45.3	Dz.	79
337	Dresses	45.3	Dz.	49	637	Play suits	21.3	Dz.	80
338	Play suits	25.0	Dz.	50	638	Knit shirts, M&B	18.0	Dz.	80
339	Knit shirts, M&B	7.2	Dz.	51	639	Knit shirts & blouses, W.G.I.	15.0	Dz.	81
340	Knit shirts & blouses, W.G.I.	7.2	Dz.	52	640	Shirts, not knit, M&B	24.0	Dz.	82
341	Shirts, not knit, M&B	24.0	Dz.	52	641	Blouses, not knit, W.G.I.	14.5	Dz.	82
342	Blouses, not knit, W.G.I.	14.5	Dz.	52	642	Skirts	17.8	Dz.	83
343	Skirts	17.8	Dz.	53	643	Suits, M&B	4.5	No.	84
344	Suits, M&B	36.8	Dz.	54	644	Suits, W.G.I.	4.5	No.	84
345	Suits, W.G.I.	17.8	Dz.	54	645	Sweaters, M&B	36.8	Dz.	85
346	Sweaters, M&B	17.8	Dz.	55	646	Sweaters, W.G.I.	36.8	Dz.	85
347	Sweaters, W.G.I.	4.8	Dz.	56	647	Trousers, M&B	17.8	Dz.	85
348	Trousers, M&B	4.8	Dz.	56	648	Trousers, W.G.I.	17.8	Dz.	86
349	Blouses, etc.	51.0	Dz.	57	649	Blouses, etc.	4.8	Dz.	87
350	Dressing gowns	52.0	Dz.	58	650	Dressing gowns	51.0	Dz.	87
351	Dressing gowns	52.0	Dz.	58	651	Nightwear	52.0	Dz.	88
352	Nightwear	11.0	Dz.	59	652	Underwear	16.0	Dz.	89
353	Underwear	11.0	Dz.	59	653	Other apparel	7.8	Lb.	89
354	Other apparel	4.6	Lb.	59					
<u>Wool</u>									
431	Gloves	2.1	Dpr.	63	360	Pillowcases	1.1	No.	93
432	Hosiery	2.8	Dpr.	63	361	Sheets	6.2	No.	93
433	Suit-type coats, M&B	3.0	No.	64	362	Bedspreads & quilts	6.9	No.	93
434	Other coats, M&B	4.5	No.	64	363	Terry & other pile towels	0.5	No.	93
435	Other coats, W.G.I.	4.5	No.	65	369	Other cotton manufactures	4.6	Lb.	94
436	Dresses	4.1	No.	65					
437	Knit shirts & blouses	15.0	Dz.	66					
438	Shirts & blouses, not knit	24.0	Dz.	66					
439	Shirts & blouses, not knit	24.0	Dz.	66					
440	Skirts	1.5	No.	67					
441	Suits, M&B	4.5	No.	68					
442	Suits, W.G.I.	4.5	No.	68					
443	Sweaters, M&B	36.8	Dz.	69	464	Blankets	1.3	Lb.	103
444	Sweaters, W.G.I.	36.8	Dz.	69	465	Floor coverings	0.1	Sft.	103
445	Trousers, M&B	36.8	Dz.	69	469	Other wool manufactures	2.0	Lb.	104
446	Trousers, W.G.I.	36.8	Dz.	70					
447	Trousers, M&B	1.5	No.	70					
448	Trousers, W.G.I.	1.5	No.	70					
449	Other Wool Apparel	2.0	Lb.	71					
SECTION 4 - MAKE-UPS & HISC.:									
<u>Cotton</u>									
<u>Wool</u>									
<u>Blankets</u>									
<u>Floor coverings</u>									
<u>Other wool manufactures</u>									
VII.									

CATEGORY NUMBER	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	PAGE
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SECTION 4 - MADE-UPS & MISG.: cont'd

665	Man-Made Fiber	0.1	Sft.	108
666	Floor coverings	7.8	Lb.	108
669	Other man-made manufactures	7.8	Lb.	110

SECTION 5 - CROSS REFERENCE:

Correlation of Tariff Schedules of the United States Annotated Numbers in Numerical Sequence by Textile and Apparel Category

ANNEX - CERTIFIED HANDLOOMED AND FOLKLORE PRODUCTS

112
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A- FIBER: COVERAGE

- 1.- Cotton: includes all yarns, fabrics, apparel and articles wholly or in chief value cotton.
- 2.- Wool: includes all yarns, fabrics, apparel and articles wholly or in chief value wool or hair and textile manufactures containing wool as defined below.

The term "Hair" is limited to the hair of the Camel and to hair of the Alpaca, Cashmere goat, Ancora goat and the hair of other animals including llama, and the Vicuna and the Angora rabbit.

The term "Containing wool" refers to articles, not in chief value cotton, wool or man-made fiber, in which the wool component equals or exceeds by weight the man-made fiber component provided that such articles contain 5 percent or more but not over 17 percent of wool by weight; or articles containing over 17 percent of wool by weight, regardless of the weight of all other textile components.
- 3.- Man-Made fibers: includes all yarns, fabrics, apparel and articles wholly or in chief value of the filaments, strips and fibers covered in sub-part E-2A of the Tariff Schedules of the United States Annotated (TSUSA).

Subject to the limitations set forth in TSUSA, the respective provisions in this publication for filaments, strips and fibers cover such articles whether they are formed by extrusion or by other processes, of substances derived by man from cellulosic or non-cellulosic materials by chemical processes.

The provisions of this publication include grouped glass filaments and glass fibers suitable for the manufacture of textile manufactures only if they have been made into yarns or cordage or if they are present in fabrics or other articles in the form of yarns or cordage.

The term "Containing man-made fiber" refers to articles not in chief value cotton, wool or man-made fibers and not described under the term "Containing wool" in which the man-made fiber component is 5 percent or more by weight.

B- YARNS:

The fourth and fifth digits of TSUSA classifications for cotton yarns represent yarn number or yarn number groupings. To simplify and shorten the listing of many such items, we have here omitted these two digits and have shown only the first three plus the sixth and seventh digits. Any TSUSA with these digits, regardless of the fourth and fifth digits, appears in the category indicated.

The terms used in defining the various types of man-made fiber yarns are defined fully in the TSUSA.

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VIII.

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

YARNS - COTTON AND WOOL Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
300		YARNS:			
		COTTON:			
		SANDED:		3.1	lb.
		IN CHEF VALUE, BUT NOT WHOLLY OF COTTON:			
		SINGLES:			
		Not Bleached or Colored			
	300.6020				
	300.6022				
	300.6024				
		OTHER, OF COTTON:			
	SINGLES:				
	Not Bleached or Colored:				
	Not Mercerized				
301.--00					
302.--20					
302.--22					
	PLAID:				
	Other Piled Carded Yarns				
302.--54					
301		WOOL:			
		COMBED:		2.0	lb.
		IN CHEF VALUE, BUT NOT WHOLLY COTTON:			
		Singles			
	300.6026				
	300.6028				
		OTHER, OF COTTON:			
		Singles			
	302.--56				
	302.--58				
400		WOOL			
		TOPS & YARNS:			
		WOOL TOPS AND WOOL ADVANCED:			
		PROCESSED METHOD BLEND, SCOURED OR CLERORIZED CONDITION:			
		Toys			
	307.5000				
	307.5300				
	307.6300				
		OTHER YARNS OF WOOL AND HAIR:			
		Maddamitting and Fancy			
307.6403					

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X.

EXPLANATORY NOTES

C- FABRICS:

The fourth and fifth digits of "TSUSA classes for cotton fabrics represent the average yarn number of such fabrics and are not pertinent to the assignment of these classes to categories. As in the case of the cotton yarns, we have omitted these segments of the numbers in this publication.

The term "Fancy or Figured" means fabrics which have been woven with two or more colors or kinds of filling; with eight or more harnesses; with jacquard, lappet or swivel attachments, or by any combination of these weaving methods.

D- APPAREL AND ARTICLES:

Definitive headnotes covering such items as "Entireties", "Ornamented", etc. are to be found in the TSUSA. For the purpose of this publication, such descriptions are abbreviated in order to help identify the classes for category assignment. Users should refer to the TSUSA for full descriptions.

E- CONVERSION FACTOR:

"Conversion factors" as used in this publication, denotes the factor specified to convert the "Unit of measure" to square yard equivalent. Thus, the "Conversion factor" times the "Unit of measure" equals the "square yard equivalent" for the category.

Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

YARNS - WOOL AND MIX-MADE
Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
500 cont'd		YARNS cont'd RAM-MADE FIBER cont'd TEXTURED YARNS cont'd WHOLLY OF NON-CONTINUOUS FILAMENT: TEXTURED YARNS: SINGLES: Of Cellulosic Of Non-Cellulosic PAIRED: Of Cellulosic Of Non-Cellulosic OTHER: Of Cellulosic Of Non-Cellulosic YARN WHOLLY OF CONTINUOUS FILAMENT, VERMICULAR CELLULOSE: SINGLES: WITH TWIST NOT OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound WITH TWIST OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound PAIRED: WITH TWIST NOT OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound WITH TWIST OVER 20 TURNS PER INCH: Not Over \$1 Per Pound Over \$1 Per Pound	3.5	Lb.
501			5.2	Lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

YARNS - WOOL AND MIX-MADE
Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
500 cont'd		YARNS cont'd WOOL cont'd TOPS & YARNS cont'd OTHER YARNS OF WOOL AND HAIR: cont'd OTHER: Measuring Over 22,399 Yards Per Pound Measuring Over 11,199 Yards But Not Over 22,399 Measuring Over 5,599 Yards But Not Over 11,199 Measuring Not Over 5,599 Yards Per Pound RAM-MADE FIBER TEXTURED YARNS WHOLLY OF CONTINUOUS FILAMENT: WITH TWIST NOT OVER 20 TURNS PER INCH: SINGLES: Not Over \$1 Per Pound: Cellulosic Nylon Polyester Other, Non-Cellulosic Over \$1 Per Pound: Cellulosic Nylon Polyester Other, Non-Cellulosic PAIRED: Not Over \$1 Per Pound Over \$1 Per Pound: Cellulosic Nylon Polyester Other, Non-Cellulosic	2.0	Lb.
500			3.5	Lb.
	310.0106			
	310.0109			
	310.0110			
	310.0114			
	310.0206			
	310.0209			
	310.0210			
	310.0214			
	310.1105			
	310.1106			
	310.1109			
	310.1110			
	310.1114			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

YARNS - MAN-MADE
Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
602		YARNS, cont'd MAN-MADE FIBER, cont'd YARN WHOLELY OF CONTINUOUS FILAMENT, OTHER, cont'd PLIED; cont'd WITH TWIST OVER 20 TURNS PER INCH; NOT OVER \$1 PER POUND; Of Non-Cellulosic Other	5.1	Lb.	
		310.2030			
		310.2060			
		310.2130			
603		OTHER \$1 PER POUND; Of Non-Cellulosic Other	3.8	Lb.	
		310.2150			
604		YARN WHOLELY OF NON-CONTINUOUS FILAMENT, OF CELLULOSIC Singles Plied	5.1	Lb.	
		310.4030			
605		YARN WHOLELY OF NON-CONTINUOUS FILAMENT, OTHER SINGLES; Of Nylon Of Polyester Other	3.1	Lb.	
		310.4046			
		310.4047			
		310.4048			
606		PLIED YARN, OTHER VEGETAL OF MAN-MADE FIBERS AND NON-CONTINUOUS SILK FIBERS; SINGLES; Not Bleached and Not Colored BLEACHED OR COLORED; Not Colored, Measuring Over 50,800 Yds. Per Pound Other	3.1	Lb.	
		308.6000			
		308.6500			
		308.6600			
607		PLIED; Not Colored, Measuring Over 59,400 Yds. Per Pound Other Other	3.1	Lb.	
		308.7000			
		308.7100			
		308.7500			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

YARNS - MAN-MADE
Section I

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
602		YARNS, cont'd MAN-MADE FIBER, cont'd YARN WHOLELY OF CONTINUOUS FILAMENT, OTHER SINGLES; WITH TWIST NOT OVER 20 TURNS PER INCH; NOT OVER \$1 PER POUND; WHOLELY NON-CELLULOSIC; Nylon Polyester Other	5.1	Lb.
		310.0149		
		310.0150		
		310.0170		
		OTHER \$1 PER POUND; WHOLELY NON-CELLULOSIC; Nylon Polyester Other		
		310.0249		
		310.0250		
		310.0270		
		WITH TWIST OVER 20 TURNS PER INCH; NOT OVER \$1 PER POUND; Of Non-Cellulosic Other		
		310.0530		
		310.0550		
		OTHER \$1 PER POUND; Non-Cellulosic Other		
	310.0630			
	310.0650			
605		PLIED; WITH TWIST NOT OVER 20 TURNS PER INCH; NOT OVER \$1 PER POUND; Of Non-Cellulosic Of Other	3.1	Lb.
		310.1050		
		310.1070		
		OTHER \$1 PER POUND; OF NON-CELLULOSIC; Of Nylon Of Polyester Other Non-Cellulosic		
	310.1150			
	310.1155			
	310.1170			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

FABRICS
COTTON, WOOL AND MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
310		FABRICS: COTTON:	1.0	Sds.
		GINGHAM:		
		CAKED:		
		COLOR, WHETHER OR NOT BLEACHED: WHOLLY COTTON:		
		Not Fancy or Figured		
		Fancy or Figured		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		Not Fancy or Figured		
		Fancy or Figured		
		COMBED:		
	COLOR, WHETHER OR NOT BLEACHED: WHOLLY OF COTTON:			
	Not Fancy or Figured			
	Fancy or Figured			
	CHIEF, VALUED, BUT NOT WHOLLY COTTON:			
	Not Fancy or Figured			
	Fancy or Figured			
311		VELVETS:	1.0	Sds.
		Plain Back		
		OTHER, INCLUDING TWILL BACK:		
		Valued Not Over 85¢ Per Syd.		
		Valued Over 85¢ But Not Over \$1.10 Per Syd.		
		Valued Over \$1.10 Per Syd.		
312		CORDUROY:	1.0	Sds.
		5¢ or More In Width and Valued 5¢ Or More Per Syd.		
		Other		

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

YARNS - MAN-MADE
Section 1

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
602		YARNS - cont'd	3.5	Lbs.
		MAN-MADE FIBER: cont'd		
		YARN - OTHER: cont'd		
		WHOLE OF MAN-MADE FIBERS AND NON-CONTINUOUS SILK FIBERS: cont'd		
		WLEN: cont'd		
		OF CLASS:		
		Not Colored		
		Colored		
		Other (Not Elsewhere Specified)		
		Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
		Chemille Yarns of Man-Made Fiber		
		FOR HANDBOOK AND SEWING THREADS:		
		Valued Not Over 90¢ Per Pound:		
		VALUED OVER 90¢ PER POUND:		
		Yarns Up For Handwork		
		Sewing Thread		
		CORDELS OF MAN-MADE FIBER:		
	Measuring Under 3/16" In Diameter			
	Other			
	Elastic Yarns, Cordage, and Tubular Braids With Rubber Core			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS
COTTON, WOOL, AND MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
113		FABRICS: cont'd COTTON: cont'd SHEETING: cont'd COMBED: cont'd WHOLEY OF COTTON: cont'd BLEACHED: Other Combed Sheeting PRINTED, DIED, OR COLORED: Other Combed Sheeting CHIEF VALUE, BUT NOT WHOLLY COTTON: BLEACHED: Combed Bad Sheeting Other Combed Sheeting BLEACHED: Other Combed Sheeting PRINTED, DIED, OR COLORED WHETHER OR NOT BLEACHED: Other Combed Sheeting KUZAN AND ENKANTATI CLOTH: NOT PAINT OR FIGURED: VELVET OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached CHIEF VALUE BUT NOT WHOLLY COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached	1.0	Syd.
	321-46			
	322-46			
	326-42			
	326-46			
	327-46			
	328-46			
	329-36			
	321-36			
	322-36			
	326-36			
327-36				
328-36				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS
COTTON, WOOL, AND MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
113		FABRICS: cont'd COTTON: cont'd SHEETING: COMBED: WHOLEY OF COTTON: UNBLEACHED: Oranberg Classes A, B, C Soft Filled Sheeting Other Carded Sheeting BLEACHED: Other Sheeting PRINTED, DIED OR COLORED: Whether or Not Bleached CHIEF VALUE, BUT NOT WHOLLY COTTON: UNBLEACHED: Oranberg Classes A, B, C Soft Filled Sheeting Other Carded Sheeting BLEACHED: Other Sheeting PRINTED, DIED, OR COLORED: Whether or Not Bleached COMBED: WHOLEY OF COTTON: UNBLEACHED: Combed Bad Sheeting Other Combed Sheeting	1.0	Syd.
	320-36			
	320-38			
	320-40			
	320-44			
	321-44			
	322-44			
	326-36			
	326-38			
	326-40			
	326-44			
327-44				
328-44				
329-42				
329-46				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS
COTTON, WOOL AND MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE			
315 cont'd		FABRICS: cont'd COTTON: cont'd POPLIN AND BROUCCLOTH: cont'd CARBEE: cont'd	1.0	Ski.			
	320.--28	NOT FANCY OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored					
	321.--28	Bleached But Not Colored					
	322.--28	Colored, Whether or Not Bleached					
	326.--28	CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored					
	327.--28	Bleached But Not Colored					
	328.--28	Colored Whether or Not Bleached					
	316				PRINCICLOTH: CARBEE: NOT FANCY OR FIGURED: WHOLLY OF COTTON: NOT BLEACHED OR COLORED: SHIRTING Type 80x80 Other Shirting BLEACHED BUT NOT COLORED: SHIRTING Type 80x80 Other Shirting COLORED, WHETHER OR NOT BLEACHED: SHIRTING Type 80x80 Other Shirting CHIEF VALUE BUT NOT WHOLLY COTTON: NOT BLEACHED OR COLORED: SHIRTING Type 80x80 Other Shirting BLEACHED BUT NOT COLORED: SHIRTING Type 80x80 Other Shirting	1.0	Ski.
		320.--30			SHIRTING Type 80x80		
		320.--34			Other Shirting		
		321.--30			SHIRTING Type 80x80		
		321.--34			Other Shirting		
322.--30		SHIRTING Type 80x80					
322.--34		Other Shirting					
326.--30		SHIRTING Type 80x80					
326.--34		Other Shirting					
327.--30		SHIRTING Type 80x80					
327.--34		Other Shirting					

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS
COTTON, WOOL AND MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE			
315 cont'd		FABRICS: cont'd COTTON: cont'd PRINCICLOTH: cont'd CARBEE: cont'd NOT FANCY OR FIGURED: cont'd CHIEF VALUE BUT NOT WHOLLY OF COTTON: cont'd COLORED, WHETHER OR NOT BLEACHED: SHIRTING Type 80x80 Other Shirting OTHER THAN SHIRTING: NOT FANCY OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached	1.0	Ski.			
	320.--30	SHIRTING Type 80x80					
	320.--34	Other Shirting					
	320.--32	Not Bleached or Colored					
	321.--32	Bleached But Not Colored					
	322.--32	Colored, Whether or Not Bleached					
	326.--32	CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored					
	327.--32	Bleached But Not Colored					
	328.--32	Colored, Whether or Not Bleached					
	316				SHIRTING: JACQUARD OR DOBBY: CARBEE: FANCY OR FIGURED: WHOLLY OF COTTON: Not Bleached or Colored Bleached But Not Colored Colored, Whether or Not Bleached CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored Bleached But Not Colored Colored Whether or Not Bleached	1.0	Ski.
		323.--48			Not Bleached or Colored		
		324.--48			Bleached But Not Colored		
325.--48		Colored, Whether or Not Bleached					
329.--48		CHIEF VALUE, BUT NOT WHOLLY COTTON: Not Bleached or Colored					
330.--48		Bleached But Not Colored					
331.--48		Colored Whether or Not Bleached					

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
317 cont'd		FABRICS: cont'd COTTON: cont'd TWILLS AND SATENS: cont'd COTTON: cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd COLORED, WHETHER OR NOT BLEACHED:	1.0	SqY
	331--54	Sateen		
	331--56	Denim		
	331--58	Twills		
		COLORED:		
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	330--60	Sateen		
	330--64	Twills		
		BLEACHED BUT NOT COLORED:		
	331--60	Sateen		
	331--64	Twills		
		COLORED, WHETHER OR NOT BLEACHED:		
	332--60	Sateen		
	332--62	Denim		
	332--64	Twills		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	333--60	Sateen		
	333--64	Twills		
		BLEACHED BUT NOT COLORED:		
	334--60	Sateen		
	334--64	Twills		
		COLORED, WHETHER OR NOT BLEACHED:		
	335--60	Sateen		
	335--62	Denim		
	335--64	Twills		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
317 cont'd		FABRICS: cont'd COTTON: cont'd TWILLS AND SATENS: cont'd COTTON: cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED:	1.0	SqY
	336--60	Sateen		
	336--64	Twills		
		BLEACHED BUT NOT COLORED:		
	337--60	Sateen		
	337--64	Twills		
		COLORED, WHETHER OR NOT BLEACHED:		
	338--60	Sateen		
	338--62	Denim		
	338--64	Twills		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	339--60	Sateen		
	339--64	Twills		
		BLEACHED, BUT NOT COLORED:		
	330--60	Sateen		
	330--64	Twills		
		COLORED, WHETHER OR NOT BLEACHED:		
	331--60	Sateen		
	331--62	Denim		
	331--64	Twills		

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Textile and Apparel Categories by Tariff Schedules
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FABRICS - COTTON
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
318 cont'd		FABRICS: cont'd COTTON: cont'd OTHER YARN DYED FABRICS: cont'd COMBED: cont'd	1.0	Yd.
		COLOR, WHETHER OR NOT BLEACHED; cont'd WHOLLY OF COTTON; cont'd FANCY OR FIGURED:		
	325--74	Yarn-Dyed Mapped Fabrics		
	325--82	Yarn-Dyed Fabrics, M.E.G., 8 os. or Over Per Sq. Yd. and 52" or Over Wide		
	325--86	Other Yarn-Dyed Fabrics, M.E.G.		
	328--74	Yarn-Dyed Mapped Fabrics		
	328--82	Yarn-Dyed Fabrics, M.E.G., 8 os. or Over Per Sq. Yd. and 52" or Over Wide		
	328--86	Other Yarn-Dyed Fabrics, M.E.G.		
	331--74	Yarn-Dyed Mapped Fabrics		
	331--82	Yarn-Dyed Fabrics, M.E.G., 8 os. or Over Per Sq. Yd. and 52" or Over Wide		
319		FABRICS: cont'd WEEKLY COTTON: NOT FANCY OR FIGURED; NOT BLEACHED OR COLORED; COTTON: cont'd OTHER YARN DYED FABRICS: cont'd COMBED: cont'd	1.0	Yd.
		CHEST VALVE, BUT NOT WHOLLY COTTON; NOT FANCY OR FIGURED:		
	329--01	Under 7 1/2 os. Per Square Yard		
	329--02	7 1/2 or Over Per Square Yard		
	329--03	Under 7 1/2 os. Per Square Yard		
	329--04	7 1/2 or Over Per Square Yard		
		NOT BLEACHED OR COLORED; COTTON: cont'd OTHER YARN DYED FABRICS: cont'd COMBED: cont'd		
		CHEST VALVE, SINGLE FILLING; Under 7 1/2 os. Per Square Yard		
		SINGLE VALVE, FLY FILLING; Under 7 1/2 os. Per Square Yard		
		7 1/2 or Over Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules
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FABRICS - COTTON
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
318		FABRICS: cont'd COTTON: cont'd OTHER YARN DYED FABRICS: COMBED:	1.0	Yd.
		COLOR, WHETHER OR NOT BLEACHED; WHOLLY OF COTTON; NOT FANCY OR FIGURED:		
	322--72	Yarn-Dyed Mapped Fabrics		
	322--80	Yarn-Dyed Fabrics, M.E.G., 8 os. or Over and 52" or Over Wide		
	322--84	Other Yarn-Dyed Fabrics, M.E.G.		
	325--72	Yarn-Dyed Mapped Fabrics		
	325--80	Yarn-Dyed Fabrics, M.E.G., 8 os. or Over and 52" or Over Wide		
	325--84	Other Yarn-Dyed Fabrics, M.E.G.		
	328--72	Yarn-Dyed Mapped Fabrics		
	328--80	Yarn-Dyed Fabrics, M.E.G., 8 os. or Over and 52" or Over Wide		
319		FABRICS: cont'd WEEKLY COTTON: NOT FANCY OR FIGURED; NOT BLEACHED OR COLORED; COTTON: cont'd OTHER YARN DYED FABRICS: cont'd COMBED: cont'd	1.0	Yd.
		CHEST VALVE, BUT NOT WHOLLY COTTON; NOT FANCY OR FIGURED:		
	329--01	Under 7 1/2 os. Per Square Yard		
	329--02	7 1/2 or Over Per Square Yard		
	329--03	Under 7 1/2 os. Per Square Yard		
	329--04	7 1/2 or Over Per Square Yard		
		NOT BLEACHED OR COLORED; COTTON: cont'd OTHER YARN DYED FABRICS: cont'd COMBED: cont'd		
		CHEST VALVE, SINGLE FILLING; Under 7 1/2 os. Per Square Yard		
		SINGLE VALVE, FLY FILLING; Under 7 1/2 os. Per Square Yard		
		7 1/2 or Over Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
310 cont'd		FABRICS: cont'd COTTON: cont'd WICK-SARDED: cont'd IN CHEEFS VALUED, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: NOT FANCY OR FIGURED: NOT BLEACHED OR COLORED: SINGLE WARP, SINGLE FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard SINGLE WARP, FLY FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard FLY WARP: Single Filling Fly Filling BLEACHED, BUT NOT COLORED: SINGLE WARP, SINGLE FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard SINGLE WARP, FLY FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard FLY WARP: Single Filling Fly Filling COLORED, WHETHER OR NOT BLEACHED: SINGLE WARP, SINGLE FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard SINGLE WARP, FLY FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard	1.0	Sq.
	326--01			
	326--02			
	326--03			
	326--04			
	326--06			
	326--08			
	327--01			
	327--02			
	327--03			
	327--04			
	327--06			
	327--08			
	328--01			
	328--02			
	328--03			
	328--04			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
319 cont'd		FABRICS: cont'd COTTON: cont'd WICK-SARDED: cont'd WHOLLY COTTON: cont'd NOT FANCY OR FIGURED: cont'd NOT BLEACHED OR COLORED: cont'd FLY WARP: Single Filling Fly Filling BLEACHED, BUT NOT COLORED: SINGLE WARP, SINGLE FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard SINGLE WARP, FLY FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard FLY WARP: Single Filling Fly Filling COLORED, WHETHER OR NOT BLEACHED: SINGLE WARP, SINGLE FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard SINGLE WARP, FLY FILLING: Under 7/8 os. Per Square Yard 7/8 os. or Over Per Square Yard FLY WARP: Single Filling Fly Filling	1.0	Sq.
	320--06			
	320--08			
	321--01			
	321--02			
	321--03			
	321--04			
	321--06			
	321--08			
	322--01			
	322--02			
	322--03			
	322--04			
	322--06			
	322--08			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

FABRICS - COTTON
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
312 cont'd		FABRICS: cont'd	1.0	Sqm.
		COTTON: cont'd		
		WEEK. SHIRTS: cont'd		
		IN CHEF VENTS, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: cont'd		
		NOT FANCY OR FIGURED: cont'd		
		COLORS, WHETHER OR NOT BLEACHED:		
		PLY WARP:		
		Single Filling		
		Ply Filling		
		OTHER UNWEI FABRICS, N.E.S.I.		
320		WHOLLY OF COTTON:	1.0	Sqm.
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
		TYPEWRITER RIBBON CLOTH:		
		OF AVERAGE YARN NUMBER:		
		51-59		
		60-79		
		80-110		
		LANE:		
		Carded		
	Coated			
	YULE:			
	Carded			
	Coated			
	NAFTED FABRICS, OTHER THAN YARN-DIE:			
	Carded			
	Coated			
	OTHER FABRICS:			
	8 OZ. OR OVER PER SQ. YD. AND 52" OR OVER VISE:			
	Carded			
	Coated			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

FABRICS - COTTON
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
322 cont'd		FABRICS: cont'd	1.0	Sqm.
		COTTON: cont'd		
		OTHER UNWEI FABRICS, N.E.S.I. cont'd		
		WHOLLY OF COTTON: cont'd		
		NOT FANCY OR FIGURED: cont'd		
		NOT BLEACHED OR COLORED: cont'd		
		OTHER FABRICS: cont'd		
		NOT 8 OZ. OR OVER AND NOT 52" OR OVER VISE:		
		Carded		
		Coated		
	320--92			
	320--94			
	319, 2700			
	321--22			
	321--24			
	321--63			
	321--70			
	NAFTED FABRICS OTHER THAN YARN-DIE:			
	Carded			
	Coated			
	OTHER FABRICS:			
	8 OZ. OR OVER PER SQ. YD. AND 52" OR OVER VISE:			
	OTHER FABRICS:			
	Carded			
	Coated			
	321--63			
	321--90			
	321--92			
	321--94			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd WHOLLY OF COTTON: cont'd FANCY OR FIGURED: cont'd NOT BLEACHED OR COLORED: cont'd NAILED FABRIC, OTHER THAN YARN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OTHER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed NOT 8 OZ. OR OVER AND NOT 52" OR MORE WIDE: Carded Combed BLEACHED, BUT NOT COLORED: LAWN: Carded Combed VOILE: Carded Combed NAILED FABRIC, OTHER THAN YARN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OTHER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed	1.0	Syd.
	323--76			
	323--78			
	323--68			
	323--90			
	323--92			
	323--94			
	324--22			
	324--24			
	324--68			
	324--70			
	324--76			
	324--78			
	324--68			
	324--90			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd WHOLLY OF COTTON: cont'd NOT FANCY OR FIGURED: cont'd COLORED, WHETHER OR NOT BLEACHED: Typewriter Ribbon Cloth LAWN: Carded Combed VOILE: Carded Combed NAILED FABRIC, OTHER THAN YARN-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OTHER PER SQ. YD. AND 52" OR OVER WIDE: Carded Combed NOT 8 OZ. OR OTHER AND NOT 52" OR OVER WIDE: Carded Combed FANCY OR FIGURED: NOT BLEACHED OR COLORED: LAWN: Carded Combed VOILE: Carded Combed	1.0	Syd.
	319-2900			
	322--22			
	322--24			
	322--68			
	322--70			
	322--76			
	322--78			
	322--88			
	322--90			
	322--92			
	322--94			
	323--22			
	323--24			
	323--68			
	323--70			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS: N.E.B.: cont'd WHOLELY OF COTTON: cont'd YANGI OR FIGURED: cont'd BLEACHED, BUT NOT COLORED: cont'd OTHER FABRICS: cont'd NOT 8 OZ. OR OVER AND NOT 52" OR MORE WIDE: Carded Combed COLORED, WHETHER OR NOT BLEACHED: LAW: Carded Combed VOILE: Carded Combed MAPPED FABRIC, OTHER THAN YAM-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR MORE PER SQ. YD. AND 52" OR MORE WIDE: Carded Combed NOT 8 OZ. OR OVER AND NOT 52" OR MORE WIDE: Carded Combed	1.0	Yd.
	324--92			
	324--94			
	325--22			
	325--24			
	325--68			
	325--70			
	325--76			
	325--78			
	325--88			
	325--92			
	325--94			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS: N.E.B.: cont'd CHECK-YALE...BUT NOT WHOLLY COTTON: NOT YANGI OR FIGURED: NOT BLEACHED OR COLORED: LAW: Carded Combed VOILE: Carded Combed MAPPED FABRIC, OTHER THAN YAM-DIED: Carded Combed OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded Combed NOT 8 OZ. OR MORE AND NOT 52" OR MORE WIDE: Carded Combed BLEACHED, BUT NOT COLORED: LAW: Carded Combed VOILE: Carded Combed	1.0	Yd.
	326--22			
	326--24			
	326--68			
	326--70			
	326--76			
	326--78			
	326--88			
	326--90			
	326--92			
	326--94			
	327--22			
	327--24			
	327--68			
	327--70			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: NOT BLEACHED OR COLORED: LAWN: Carded 329.--22 Combed 329.--24 VOILE: Carded 329.--68 Combed 329.--70 MAFFED FABRIC, OTHER THAN YARN-DIED: Carded 329.--76 Combed 329.--78 OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded 329.--88 Combed 329.--90 NOT 8 OZ. OR MORE AND NOT 52" OR MORE WIDE: Carded 329.--92 Combed 329.--94 BLEACHED, BUT NOT COLORED: LAWN: Carded 330.--22 Combed 330.--24 VOILE: Carded 330.--68 Combed 330.--70 MAFFED FABRIC, OTHER THAN YARN-DIED: Carded 330.--76 Combed 330.--78	1.0	Syd.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: cont'd COTTON: cont'd OTHER FABRICS, N.E.S.: cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: cont'd NOT FANCY OR FIGURED: cont'd BLEACHED, BUT NOT COLORED: cont'd MAFFED FABRIC, OTHER THAN YARN-DIED: Carded 327.--76 Combed 327.--78 OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded 327.--88 Combed 327.--90 NOT 8 OZ. OR OVER AND NOT 52" OR MORE WIDE: Carded 327.--92 Combed 327.--94 COLORED, WHETHER OR NOT BLEACHED: LAWN: Carded 328.--22 Combed 328.--24 VOILE: Carded 328.--68 Combed 328.--70 MAFFED FABRIC, OTHER THAN YARN-DIED: Carded 328.--76 Combed 328.--78 OTHER FABRICS: 8 OZ. OR OVER PER SQ. YD. AND 52" OR MORE WIDE: Carded 328.--88 Combed 328.--90 NOT 8 OZ. OR OVER PER SQ. YD. AND NOT 52" OR MORE WIDE: Carded 328.--92 Combed 328.--94	1.0	Syd.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS cont'd COTTON cont'd OTHER FABRICS, N.E.S., cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd COLORED, WHETHER OR NOT BLEACHED: cont'd OTHER FABRICS, N.E.S.: Woven Fabrics, In Chief Value, But Not Wholly Of Cotton, Containing Wool, Whether Or Not Containing Silk Or Yarn-Made Fibers Or Hair, But Not Containing Other Fibers: Carded Combed OTHER WOVEN FABRICS, CHIEF VALUE BUT NOT WHOLLY COTTON: Carded Combed Terry Fabrics Valued Not Over \$1.25 Per Pound Terry Fabrics Valued Over \$1.25 Per Pound VELVET PILE AND VELVET: EXCEPT AS IN WOVEN, WITH GTS WSP PILE WEIGHTS LESS THAN 8 OZ. PER SQ. YD. Carded Combed COTTON Carded Combed Chaille Other Pile Fabrics, Not Felt OTHER CUMERI Tufted Fabrics In Which The Pile Or Tufting Is Made Of Cotton Or Other Natural Fibers, With The Pile Or Tufting Attached To The Back Surface Or Tuft Covering The Entire Surface	1.0	Sq. Yd.
	332.1000	Carded		
	332.1040	Combed		
	332.4000	Carded		
	332.4040	Combed		
	346.3000	Terry Fabrics Valued Not Over \$1.25 Per Pound		
	346.3000	Terry Fabrics Valued Over \$1.25 Per Pound		
	346.3525	Carded		
	346.3545	Combed		
	346.3520	Carded		
	346.3550	Combed		
	346.4500	Chaille		
	346.4510	Other Pile Fabrics, Not Felt		
	346.7000	OTHER CUMERI		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS cont'd COTTON cont'd OTHER FABRICS, N.E.S., cont'd CHIEF VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd BLEACHED BUT NOT COLORED: cont'd OTHER FABRICS: 8 OZ. OR MORE PER SQ. YD. AND 52" OR MORE WIDE: Carded Combed NOT 8 OZ. OR MORE AND NOT 52" OR MORE WIDE: Carded Combed COLORED, WHETHER OR NOT BLEACHED: LAIN: Carded Combed TULZE: Carded Combed MATTED FABRIC OTHER THAN YARN-DIEN: Carded Combed OTHER FABRICS: 8 OZ. OR MORE PER SQ. YD. AND 52" OR MORE WIDE: Carded Combed NOT 8 OZ. OR MORE AND NOT 52" OR MORE WIDE: Carded Combed	1.0	Sq. Yd.
	330.0080	Carded		
	330.0090	Combed		
	330.0092	Carded		
	330.0094	Combed		
	331.0022	Carded		
	331.0024	Combed		
	331.0060	Carded		
	331.0070	Combed		
	331.0076	Carded		
	331.0070	Combed		
	331.0088	Carded		
	331.0090	Combed		
	331.0092	Carded		
	331.0094	Combed		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - WOOL Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
340		FABRICS: comb'd WOOL WOOLENS AND WORSTEDS WETA FABRICS OF WOOL (INCLUDING BLANKETS, CARPETS, RUGS, AND ROLLS AND BEAVER HUSK) OVER 3 YARDS IN LENGTH WOVEN FABRICS OF VEGETABLE FIBER, CONTAINING OVER 17% OF WOOL BY WEIGHT OTHER FABRICS: FABRICS, HEMMOTEN, WITH A LOOM WIDTH OF LESS THAN 30 INCHES: Weighing Not Over 4 Ounces Per Square Yard With Warp Of Vegetable Fiber OTHER: Not Over 10 Ounces Per Square Yard Over 10 Ounces Per Square Yard SERGES, WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD AND OTHER FABRICS WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD NOT INCLUDING HEMMOTEN FABRICS WITH A LOOM WIDTH OF LESS THAN 30" OF SHEEP'S WOOL, VALUED OVER \$4 PER POUND, IN SOLID COLORS, IMPORTED TO BE USED IN THE MANUFACTURE OF APPAREL FOR MEMBERS OF RELIGIOUS ORDERS: Weighing Not Over 4 Ounces Per Square Yard With Warp Of Vegetable Fiber Other OTHER: WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD WITH WARP OF VEGETABLE FIBER: Valued Not Over \$1.26 2/3 Per Pound Valued Over \$1.26 2/3 But Not Over \$2 Per Pound Valued Over \$2 Per Pound OTHER: Valued Not Over \$1.26 2/3 Per Pound Valued Over \$1.26 2/3 But Not Over \$2 Per Pound	1.0	Syd.
	335-5500			
	336-1000			
	336-1250			
	336-1540			
	336-2000			
	336-2500			
	336-3000			
	336-3500			
	336-4000			
	336-5000			
	336-5500			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - COTTON Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		FABRICS: comb'd COTTON: cont'd OTHER FABRICS, N.E.S., comb'd CHEEP VALUE, BUT NOT WHOLLY COTTON: cont'd FANCY OR FIGURED: cont'd COLORED, WHETHER OR NOT BLEACHED: cont'd OTHER CARDED: cont'd WOVEN OR MIT FABRICS, MIT TUP FIBRE OR IN UNITS: Combed, Filled or Otherwise Prepared For Use As Artists Canvas OTHER: TAPESTRY FABRIC, JACQUARD-FIGURED: Carded Combed DUPONETEX FABRIC, JACQUARD-FIGURED, EXCEPT FILLS: Carded Combed Tapestries, etc., Except Gobelin, Jacquard-figured, Not Fills	1.0	Syd.
	355-5000			
	357-0512			
	357-0514			
	357-0516			
	357-0518			
	364-0700			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

FABRICS - WOOL
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
510 cont'd		FABRICS cont'd WOOL cont'd WOOLENS AND WORSTEDS cont'd WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARTRIDGE BAGS, LAP ROBES AND STRAW BROS) OVER 3 YARDS IN LENGTH cont'd	1.0	Sq. Yd.
		OTHER: cont'd VALUED OVER \$4 BUT NOT OVER \$6 PER POUND; cont'd OTHER: Not Over 6 Ounces Per Square Yard OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD;		
	336.6046	Worsted		
	336.6048	Woolens		
	336.6050	Over 8 But Not Over 10 Ounces Per Syd.		
	336.6052	Over 10 But Not Over 12 Ounces Per Syd.		
	336.6054	Over 12 Ounces Per Square Yard		
	336.6056	VALUED OVER \$6 PER POUND; OTHER: Woolen OR IN PART OF HAIR SIMILAR TO WOOL OF CHEEP; Not Over 6 Ounces Per Square Yard Over 6 But Not Over 8 Ounces Per Syd. Over 8 But Not Over 10 Ounces Per Syd. Over 10 But Not Over 12 Ounces Per Syd. Over 12 Ounces Per Square Yard		
	336.6058	Worsted		
	336.6060	Woolens		
	336.6062	Over 8 But Not Over 10 Ounces Per Syd.		
	336.6064	Over 10 But Not Over 12 Ounces Per Syd.		
	336.6066	Over 12 Ounces Per Square Yard		
	336.6068	OTHER: Not Over 6 Ounces Per Square Yard OVER 6 BUT NOT OVER 8 OUNCES PER SYD;		
	336.6070	Worsted		
	336.6072	Woolens		
	336.6074	Over 8 But Not Over 10 Ounces Per Syd.		
	336.6076	Over 10 But Not Over 12 Ounces Per Syd. Over 12 Ounces Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

FABRICS - WOOL
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
510 cont'd		FABRICS cont'd WOOL cont'd WOOLENS AND WORSTEDS cont'd WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARTRIDGE BAGS, LAP ROBES AND STRAW BROS) OVER 3 YARDS IN LENGTH cont'd	1.0	Sq. Yd.
		OTHER: cont'd VALUED OVER \$2 PER POUND; VALUED OVER \$2 BUT NOT OVER \$4 PER POUND; Woolen OR IN PART OF HAIR SIMILAR TO WOOL OF CHEEP; Not Over 10 Ounces Per Square Yard Over 10 Ounces Per Square Yard		
	336.6041	Worsted		
	336.6043	Woolens		
	336.6047	Over 8 But Not Over 10 Ounces Per Syd.		
	336.6049	Over 10 But Not Over 12 Ounces Per Syd.		
	336.6051	Over 12 Ounces Per Square Yard		
	336.6053	VALUED OVER \$4 BUT NOT OVER \$6 PER POUND; OTHER: Woolen OR IN PART OF HAIR SIMILAR TO WOOL OF CHEEP; Not Over 6 Ounces Per Square Yard Over 6 But Not Over 8 Ounces Per Syd. Over 8 But Not Over 10 Ounces Per Syd. Over 10 But Not Over 12 Ounces Per Syd. Over 12 Ounces Per Square Yard		
	336.6055	Worsted		
	336.6057	Woolens		
	336.6059	Over 8 But Not Over 10 Ounces Per Syd.		
	336.6061	Over 10 But Not Over 12 Ounces Per Syd.		
	336.6063	Over 12 Ounces Per Square Yard		
	336.6065	VALUED OVER \$4 BUT NOT OVER \$6 PER POUND; OTHER: Woolen OR IN PART OF HAIR SIMILAR TO WOOL OF CHEEP; Not Over 6 Ounces Per Square Yard Over 6 But Not Over 8 Ounces Per Syd. Over 8 But Not Over 10 Ounces Per Syd. Over 10 But Not Over 12 Ounces Per Syd. Over 12 Ounces Per Square Yard		
	336.6067	Worsted		
	336.6069	Woolens		
	336.6071	Over 8 But Not Over 10 Ounces Per Syd.		
	336.6073	Over 10 But Not Over 12 Ounces Per Syd.		
	336.6075	Over 12 Ounces Per Square Yard		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - WOOL
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
432		FABRICS cont'd	1.0	Sqd.
		WOOL cont'd		
		OTHER FABRICS, N.E.S.		
		PILE AND TUFTED FABRICS:		
		PILE FABRICS: Of Vegetable Fiber, Except Cotton, Containing Wool.		
	346.5015	Of Wool, In Which the Pile Was Inserted Or Knitted During the Weaving Or Knitting, Whether or Not The Pile Covers The Entire Surface		
	346.5200	OF SILK, Containing Wool		
	346.5615	TUFTED FABRICS: In Which The Pile Or Tuft Was Inserted Or Knitted Into A Preexisting Base, With The Pile Or Tuft Covering The Entire Surface		
	346.8200	BILLIARD CLOTH: Woven, Green Billiard Cloth, Weighing Over 11 But Not Over 15 Ounces Per Square Yard		
	357.2000			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - WOOL
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
431		FABRICS cont'd	1.0	Sqd.
		WOOL cont'd		
		WOOLENS & WORSTENS cont'd		
		WOVEN FABRICS OF SILK, CONTAINING OVER 17% OF WOOL BY WEIGHT:		
		NOT JACQUARD FIGURED: Valued Not Over \$2 Per Pound		
		Valued Over \$2 Per Pound		
		JACQUARD FIGURED		
		OTHER WOVEN FABRICS, N.S.P.F.:		
		Containing Over 17% of Wool By Weight		
		BLANKETS, OVER 3 YARDS IN LENGTH: Ornamented		
		Not Ornamented		
	432				TAPESTRY AND UPHOLSTERY FABRICS: WOVEN, JACQUARD FIGURED (EXCLUDING BED TICKING AND PILE FABRICS):	1.0	Sqd.
		Valued Not Over \$2 Per Pound		
		Valued Over \$2 Per Pound		
		HANDWOVEN, POINT-POINT AND OTHER NEEDLE-POINT TAPESTRIES:		
		Valued Not Over \$2 Per Pound		
		Valued Over \$2 Per Pound		
		KNIT FABRICS, IN THE PIECE		
		Of Vegetable Fiber, Containing Wool		
		OF WOOL:		
		Circular Knit		
		Other, Including Warp Knit		
		Of silk, Containing Wool		
	345.1075		2.0	Lb.
	345.3020			
	345.3040			
	345.3515			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
611		FABRICS cont'd		
		MAN-MADE FIBER, cont'd		
		WOVEN FABRICS, OTHER, WHOLLY OF NON-CONTINUOUS FIBERS - NOT BLEACHED AND NOT COLORED:	1.0	Syd.
		Nylon		
		Polyester		
		Acrylic		
		Other		
		OTHER:		
		Nylon		
		Polyester		
	Acrylic			
	Other			
	338.3067			
	338.3068			
	338.3070			
	338.3071			
	338.3087			
	338.3088			
	338.3090			
	338.3091			
	338.6000	OTHER WOVEN FABRICS, M.F.E.O.	1.0	Syd.
		WOVEN FABRICS, OTHER, OF MAN-MADE FIBER (INCLUDING WOVEN FABRICS OF MIXED FIBER) OF WHOLLY OF WOOL, GLASS FIBERS AND OTHER YARN FABRICS:		
		Fabrics Containing Over 50 Percent By Weight of Yarns Which Are Composed Wholly or Almost Wholly of Fiber Not Exceeding 5 Inches In Length and Contain Not Less Than 50 Percent By Weight of Man-Made Fiber or of Man-Made Fiber and Cotton		
		OF OILS, CONTAINING MAN-MADE FIBER:		
		NOT JACQUARD WOVEN:		
		Not Degummed, Not Bleached and Not Colored		
		Degummed, Bleached or Colored		
		JACQUARD WOVEN:		
		Not Degummed, Not Bleached and Not Colored		
		Degummed, Bleached or Colored		
		OF MAN-MADE FIBER CONTAINING OVER 17% BY WEIGHT OF WOOL		
		Valued Not Over \$2 Per Pound		
		VALUED OVER \$2 PER POUND:		
		WHOLLY OF SPUN YARN:		
		Of Nylon or Acetate		
		Of Nylon		
		Of Polyester		
		Other		
	337.6003			
	337.7003			
	337.8003			
	337.9003			
	338.1000			
	338.1515			
	338.1520			
	338.1530			
	338.1540			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
611		FABRICS cont'd		
		MAN-MADE FIBER:		
		WOVEN FABRICS, CELLULOSIC, WHOLLY OF CONTINUOUS MAN-MADE FIBER:	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
		Acetate		
		Nylon		
		OTHER:		
		Knit Fabric		
		OTHER:		
		Acetate		
	Nylon			
	338.3022			
	338.3023			
	338.3040			
	338.3051			
	338.3052			
	338.3062			
	338.3063			
	338.3082			
	338.3083			
	338.3077			
	338.3083			
	338.3090			
	338.3091			
	338.3097			
	338.3098			
	338.3096			
	338.3097			
	338.3098			
	338.3060			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
645		FABRICS cont'd MAN-MADE FIBER cont'd WHT FABRICS	7.8	Yd.
	345-1085	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	345-3925	Of Silk, Containing Man-Made Fiber		
	345-5011	Of Man-Made Fiber, Not Containing Over 17% By Weight Of Wool		
		OTHER MAN-MADE FIBER WHT FABRICS: WHOLLY CONTINUOUS: NOT BLEACHED AND NOT COLORED: Acetate		
	345-5015	Rayon		
	345-5018	Acrylic		
	345-5031	Nylon		
	345-5033	Polyester		
	345-5035	Other		
	345-5037	OTHER:		
	345-5051	Acetate		
	345-5053	Rayon		
	345-5055	Acrylic		
	345-5057	Nylon		
345-5071	Polyester			
345-5073	Other			
	OTHER: NOT BLEACHED AND NOT COLORED: Acetate			
345-5075	Rayon			
345-5077	Acetate			
345-5084	Rayon			
345-5085	Acrylic			
345-5086	Nylon			
345-5087	Polyester			
345-5088	Other			
345-5090				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
644 cont'd		FABRICS cont'd MAN-MADE FIBER cont'd OTHER WOVEN FABRICS, N.E.S. cont'd WOVEN FABRICS, OTHER, OF MAN-MADE FIBER (INCLUDING FABRIC CONTAINING MORE THAN 17% BY WEIGHT OF WOOL OR SILK) (EXCEPT FABRICS OF MAN-MADE FIBER CONTAINING OVER 17% BY WEIGHT OF WOOL) cont'd VALUED OVER \$2 PER POUND: cont'd OTHER: Of Rayon Or Acetate	1.0	Srd.
	338-1550	Of Nylon		
	338-1560	Of Polyester		
	338-1570	Other		
	338-1580	Not Colored		
	338-2500	Colored		
	338-2700	OTHER: SUITABLE FOR MAKING TIPS/SHIRT RIBBON CLOTH: Silk, With Fast Edges		
	338-3014	Other		
	338-3016	OTHER: NOT BLEACHED AND NOT COLORED: Acetate		
	338-3072	Rayon		
	338-3073	Nylon		
	338-3077	Polyester		
	338-3078	Acrylic		
	338-3080	Other		
	338-3081	OTHER: Acetate		
338-3092	Rayon			
338-3093	Nylon			
338-3094	Polyester			
338-3095	Acrylic			
338-3096	Other			
338-3098				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
627 cont'd		FABRICS cont'd		
		MAN-MADE FIBER cont'd		
		SPECIALTY FABRICS cont'd		7.0
		MARSH FABRICS cont'd		
		LACE AND NETTING WHETHER OR NOT ORNAMENTED, AND ORNAMENTED FABRICS IN THE PIECE AND IN MOTIFS, ETC.:		
		HAND-MADE LACE, WHETHER OR NOT ORNAMENTED:		
		Valued Not Over \$50 Per Pound, In the Piece or Motifs		
		Valued Over \$50 Per Pound, In the Piece or Motifs		
		MADE ON A LEAVERS MACHINE:		
		12 Points Or Finer In the Piece Or Motifs		
		Not 12 Points Or Finer In the Piece Or Motifs		
		Made On A Robbinette-Jacquard Machine, In the Piece or Motifs		
		Made On A Nottingham Lace-Curtain Machine		
		Made On Any Other Machine		
		Other		
	NETTING IN THE PIECE, MADE ON A LACE, NET OR EMBROID MACHINES:			
	Ornamented			
	Not Ornamented			
	ORNAMENTED FABRICS, IN THE PIECE AND IN MOTIFS			
	M.S.P. OF MAN-MADE FIBER BY WEIGHT:			
	Woven			
	Knit			
	Other			
	Woven Or Knit Fabrics, In the Piece Or Unit Coated, Filled, Or Otherwise Prepared For Use As Artists Canvas			
	Other			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
626		FABRICS cont'd		
		MAN-MADE FIBER cont'd		
		PILE AND TUFTED FABRICS		1.0
		PILE:		
		Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
		VELVETS:		
		Velvets, Under 48" In Width, With Cut Very Pile Weighing Less Than 8 oz. Per Sqd.		
		Other		
		OTHER:		
		Corduroy		
		Velvetinas		
		Terry Fabrics		
		Other		
	Tufted Fabrics			
627		SPECIALTY FABRICS		7.0
		FABRIC FABRICS:		
		Pile Ribbons		
		Typewriter and Machine Ribbons		
		Other Ribbons		
		Seamless Fabrics		
		OTHER:		
		OF GLASS:		
		Not Colored		
		Colored		
		Other		
		Fabrics Not Braided, Elastic		
		Other, Elastic		
		Yelling Made On A Lace Machine Or On A Net Machine, Whether Or Not Ornamented		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
330		<p>APAREL</p> <p>COTTON</p> <p>HANDKERCHIEFS, WHETHER OR NOT IN THE PIECE</p> <p>LACE HANDKERCHIEFS, WHETHER OR NOT ORNAMENTED;</p> <p>NOT CONTAINING ANY HAIRFAKE LACE OR NOT ORNAMENTED IN ANY PART BY HAND;</p> <p>Valued Not Over \$1.50 Per Dozen</p> <p>Valued Over \$1.50 Per Dozen</p> <p>Containing Handmade Laces Or Ornamented In Part By Hand</p> <p>HANDKERCHIEFS, NOT HEMMED, NOT ORNAMENTED;</p> <p>NOT FANCY OR FIGURED OR COLORED;</p> <p>Not Over 50s Average Yarn Number</p> <p>Over 50s But Not Over 70s Average Yarn Number</p> <p>Over 70s Average Yarn Number</p> <p>FANCY OR FIGURED, COLORED OR BOTH;</p> <p>Not Over 50s Average Yarn Number</p> <p>Over 50s But Not Over 70s Average Yarn Number</p> <p>Over 70s Average Yarn Number</p> <p>HANDKERCHIEFS, HEMMED OR REHEMSTITCHED, NOT ORNAMENTED;</p> <p>NOT FANCY OR FIGURED OR COLORED;</p> <p>Not Over 50s Average Yarn Number</p> <p>Over 50s But Not Over 70s Average Yarn Number</p> <p>Over 70s Average Yarn Number</p> <p>FANCY, FIGURED, COLORED OR BOTH;</p> <p>NOT OVER 50s AVERAGE YARN NUMBER:</p> <p>Colored</p> <p>Not Colored</p> <p>OVER 50s BUT NOT OVER 70s AVERAGE YARN NUMBER:</p> <p>Colored</p> <p>Not Colored</p> <p>OVER 70s AVERAGE YARN NUMBER:</p> <p>Colored</p> <p>Not Colored</p>	1.1	Yds.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

FABRICS - MAN-MADE
Section 2

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
627 cont'd		<p>FABRICS, cont'd.</p> <p>MAN-MADE FIBER, cont'd</p> <p>SPECIALTY FABRICS, cont'd</p> <p>WOVEN OR KNIT FABRICS (EXCEPT FILM OR TUBED FABRICS) COATED OR FILLED WITH RUBBER OR PLASTICS, OR LAMINATED WITH SHEET RUBBER OR PLASTICS;</p> <p>WOVEN OR KNIT FABRICS (EXCEPT FILM OR TUBED) COATED OR FILLED, N.S.P.F.;</p> <p>Woven Baking Cloth</p> <p>Woven Fabrics Chiefly Used For Stencilling Purposes In Screen Process Printing</p> <p>Fabrics With Tucks In Parallel Rows Formed In The Weaving Or Knitting Process Or By Folding And Sewing</p> <p>Fabrics For Use In Pneumatic Wires</p> <p>TEXTILE FABRICS, INCLUDING LAMINATED FABRICS, N.S.P.F.;</p> <p>Of Man-Made Fiber</p>	7.8	Yds.
	357.3500			
	357.4500			
	357.6660			
	357.8660			
	359.5000			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON
Section 3

TEXTILE Category	TUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
331 cont'd		APPAREL cont'd GOWN; cont'd	3.5	DOL
		GLOVES AND MITTENS cont'd GLOVES AND GLOVE LININGS: cont'd NOT ORNAMENTED; cont'd MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC; cont'd NOT WOVEN; cont'd WITH TONGUETTES OR SIDEFOLDS; cont'd Other Of Other, Containing Cotton OTHER THAN MADE FROM A PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC Of Cotton Of Other, Containing Cotton KURT AND PAPE LINE. FRAGMENT, LACE, NET OR ORNAMENTED; FEMORATED Valued Not Over \$5 Per Dos Pair Valued Over \$5 Per Dos Pair Not Reinforced OTHER PRODUCT NOT OTHERWISE Not Made Or Cut From Pre-Existing Fabric Made Or Cut From Pre-Existing Fabric CURTAIN, COAT, JACKET AND SUIT; CURTAIN COAT, SUIT-TYPE COAT, AND SUIT-TYPE JACKET; NOT KNIT; Ornamented NOT ORNAMENTED; VALUED NOT OVER \$4 EACH SUIT-TYPE COATS EQUIPPED WITH SUITS; Conduity Other		
332	704-4526		3.5	DOL
	704-4555			
333	704-5015		3.5	DOL
	704-5055			
334	374-6500		3.5	DOL
	374-1000			
335	374-1200		3.5	DOL
	374-4000			
336	374-4500		3.5	DOL
	350-0043			
337	350-0940		3.5	DOL
	350-0960			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON
Section 3

TEXTILE Category	TUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
331		APPAREL cont'd GOWN; cont'd	3.5	DOL
		GLOVES AND MITTENS; cont'd GLOVES AND GLOVE LININGS; ORNAMENTED; MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC; WOVEN; Of Cotton Of Other, Containing Cotton NOT WOVEN; Of Cotton Of Other, Containing Cotton OTHER THAN MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC; Of Cotton Of Other, Containing Cotton NOT ORNAMENTED; MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC; WOVEN; Without Tonguettes Or Sidefolds OTHER; Of Cotton Of Other, Containing Cotton NOT WOVEN; WITHOUT TONGUETTES OR SIDEFOLDS; Terry Cloth Type, Looped Pile Fabric Jersey Type, Brushed or Mapped Fabric Kiaia Type, No Pile, Not Brushed or Mapped Other WITH TONGUETTES OR SIDEFOLDS; Jersey Type, Brushed or Mapped Fabric Kiaia Type, No Pile, Not Brushed Or Mapped		
332	704-0520		3.5	DOL
	704-0555			
333	704-1000		3.5	DOL
	704-1055			
334	704-1500		3.5	DOL
	704-1555			
335	704-4010		3.5	DOL
	704-4025			
336	704-4505		3.5	DOL
	704-4522			
337	704-4524		3.5	DOL
	704-4526			
338	704-4528		3.5	DOL
	704-4522			
339	704-4524		3.5	DOL
	704-4524			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
333 cont'd		APPAREL, cont'd	11.3	Doz.	
		COTTON, cont'd			
		SUIT-TYPE COATS, MEN'S AND BOYS', cont'd			
		OTHER COATS, 3/4 LENGTH OR LONGER			
		NOT KNIT: cont'd			
		ORNAMENTED:			
		NOT ORNAMENTED:			
		VALUED NOT OVER \$4 EACH:			
		RAINCOATS, 3/4 LENGTH OR LONGER:			
		Other			
	380.0045	OTHER COATS, 3/4 LENGTH OR LONGER: Corduroy			
	380.0910	Other			
	380.0920	OTHER COATS, 3/4 LENGTH OR LONGER: Corduroy			
	380.0980	Other			
	380.0990	VALUED OVER \$4 EACH: RAINCOATS, 3/4 LENGTH OR LONGER: Corduroy			
	380.1210	Other			
	380.1220	OTHER COATS, 3/4 LENGTH OR LONGER: Corduroy			
	380.1280	Other			
	380.1290	Other Coats, Of Vegetable Fiber Containing Cotton			
	380.5108	Other Coats of Leather, Containing Cotton			
	791.7413	COATS, WOMEN'S, GIRLS' AND INFANTS':			
335		KNIT:	11.3	Doz.	
		Ornamented			
		Not Ornamented			
		NOT KNIT:			
		ORNAMENTED:			
		OTHER COATS:			
		3/4 Length or Longer			
		Other			
		382.0007			Other Coats, 3/4 Length or Longer
		382.0614			Other
	382.0094	OTHER COATS: 3/4 Length or Longer			
	382.0955	Other			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
334		APPAREL, cont'd	11.3	Doz.
		COTTON, cont'd		
		SUIT-TYPE COATS, MEN'S AND BOYS', cont'd		
		SUIT-TYPE COATS, SUIT-TYPE SPORT COATS AND SUIT-TYPE JACKETS: cont'd		
		NOT KNIT: cont'd		
		NOT ORNAMENTED: cont'd		
		VALUED OVER \$4 EACH:		
		Suit-Type Coats Imports With Suits		
		OTHER:		
		SUIT-TYPE COATS & JACKETS: Of Corduroy		
	380.1235	Of Other		
	380.1255	Other, Of Vegetable Fiber		
	380.5104	OTHER, OF LEATHER: COATS AND JACKETS: MEN'S AND BOYS':		
	791.7412	Suit-Type Coats and Jackets		
	376.5410	OTHER COATS, MEN'S AND BOYS': Coats, Jackets, Etc., Designed For Rainwear, Hunting Fishing and Similar Uses		
	380.0002	OTHER COATS: 3/4 Length or Longer		
	380.0501	Other Coats of Other Fiber, Containing Cotton		
	380.0611	NOT ORNAMENTED: 3/4 Length Or Longer		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
335 cont'd		APPAREL cont'd		
		COTTON cont'd		
		OTHER COATS, JACKETES, OTHERS' AND INFANTS' cont'd	54.3	Doz.
		NOT ENIT: cont'd		
		NOT ORNAMENTED:		
	382.0993	Valued Not Over \$4 Each		
		VALUED OVER \$4 EACH:		
		RAINCOATS, 3/4 LENGTH OR LONGER:		
		WOMEN'S:		
	382.1202	Of Corduroy		
	382.1204	Of Velveteen		
	382.1206	Of Other		
		GIRLS' AND INFANTS':		
	382.1208	Of Corduroy		
	382.1210	Of Velveteen		
	382.1212	Of Other		
		OTHER COATS, 3/4 LENGTH OR LONGER:		
	382.1214	Corduroy		
	382.1216	Velveteen		
		OTHER:		
	382.1217	Women's		
	382.1219	Girls' and Infants'		
		OTHER THAN 3/4 LENGTH OR LONGER:		
	382.1220	Corduroy		
	382.1222	Velveteen		
		OTHER:		
	382.1223	Women's		
	382.1225	Girls' and Infants'		
		OTHER:		
	382.3313	Coats and Jackets		
	382.4208	Of Vegetable Fiber, Containing Cotton		
	791.7415	Of Leather, Containing Cotton		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
336		APPAREL cont'd		
		COTTON cont'd		
		WEAVERS	54.3	Doz.
		ENIT:		
		ORNAMENTED:		
	382.0012	Women's		
	382.0014	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.0635	Women's		
	382.0640	Girls' and Infants'		
		OTHER WOMEN'S, GIRLS' AND INFANTS':		
	382.3908	Of Vegetable Fiber Containing Cotton		
	382.6908	Of Silk, Containing Cotton		
		NOT ENIT:		
		ORNAMENTED:		
	382.0057	Women's		
	382.0063	Girls' and Infants'		
		NOT ORNAMENTED:		
		VELVETTES:		
	382.3314	Women's		
	382.3316	Girls' and Infants'		
		CONCRETE:		
	382.3318	Women's		
	382.3320	Girls' and Infants'		
		OTHER THAN CONCRETE OR VELVETTES:		
	382.3322	Women's		
	382.3324	Girls' and Infants'		
		OTHER:		
	382.4212	Of Vegetable Fiber Containing Cotton		
	382.7258	Of Silk, Containing Cotton		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
337		APPAREL cont'd COTTON cont'd FLANNELETTE EMIT:	25.0	Doz.
		MEN'S AND BOYS': Ornamented		
		Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS': Ornamented		
		Not Ornamented		
		NOT EMIT:		
		MEN'S AND BOYS': Ornamented		
		Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS': Lace, Net or Ornamented		
		NOT ORNAMENTED:		
		Corduroy		
		Other		
		EMIT SHIRTS, MEN'S & BOYS': ORNAMENTED:		
		All White T-Shirts		
	Other T-Shirts			
	Sweatshirts			
	OTHER:			
	Tank Tops			
	Other			
	NOT ORNAMENTED:			
	T-Shirts, Other Than All White			
	Sweatshirts			
	OTHER:			
	Tank Tops			
	Other			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
339		APPAREL cont'd COTTON cont'd EMIT SHIRTS AND BLOUSES, W.G. & J., ORNAMENTED:	7.2	Doz.
		BLOUSES:		
		TANK TOPS:		
		Women's		
		Girls' & Infants'		
		OTHER:		
		Women's		
		Girls' & Infants'		
		T-Shirts		
		Sweatshirts		
		Other		
		NOT ORNAMENTED:		
		BLOUSES:		
		TANK TOPS:		
	Women's			
	Girls' & Infants'			
	OTHER:			
	Women's			
	Girls' and Infants			
	T-Shirts			
	Sweatshirts			
	OTHER:			
	Women's			
	Girls' and Infants'			
	OTHER BLOUSES, WAIST AND SHIRTS: Of Vegetable Fiber Containing Cotton Of Silk, Containing Cotton			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
312		APPAREL cont'd			
		COTTON; cont'd			
		WOMEN'S, GIRLS' & INFANTS' DRESSES, NOT KNIT, cont'd	11.5	Doz.	
		NOT ORNAMENTED; cont'd			
		DIRTYHAIK;			
		Women's			
		Girls' and Infants'			
		OTHER THAN POPLINS AND BROUCCLOTH OR OINGHANSI;			
		Women's			
		Girls' and Infants'			
		OTHER:			
		Of Vegetable Fiber, Containing Cotton			
		Of Silk, Containing Cotton			
313		SKIRTS;			
		WOMEN'S, GIRLS' & INFANTS' SKIRTS, NOT KNIT, cont'd			
		ORNAMENTED;			
		Women's			
		Girls' and Infants'			
		NOT ORNAMENTED;			
		Of Cotton			
		Of Vegetable Fiber, Containing Cotton			
		NOT KNIT;			
		ORNAMENTED;			
		Women's			
		Girls' and Infants'			
	314		COORDEY SKIRTS;		
		Women's			
		Girls' and Infants'			
		VELVETTES;			
		Women's			
		Girls' and Infants'			
		OTHER SKIRTS;			
		Women's			
		Girls' and Infants'			
		Other, Of Vegetable Fiber Containing Cotton			
		382.3306			
		382.3308			
		382.3310			
	382.3312				
	382.4204				
	382.7204				
	382.0028				
	382.0675				
	382.3712				
	382.0080				
	382.0082				
	382.3134				
	382.3136				
	382.3138				
	382.3140				
	382.3142				
	382.3144				
	382.4216				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
310		APPAREL cont'd			
		COTTON; cont'd			
		MEN'S & BOYS' SHIRTS, NOT KNIT, cont'd	24.0	Doz.	
		ORNAMENTED;			
		Men's & Boys'			
		NOT ORNAMENTED;			
		DRESS SHIRTS;			
		Men's			
		Boys'			
		WORK SHIRTS;			
		Men's and Boys'			
		SPORT SHIRTS;			
		Men's;			
311		Of Corduroy, Not Ornamented			
		Of Other			
		BOYS';			
		Of Corduroy, Not Ornamented			
		Of Other			
		Other Of Vegetable Fiber, Containing Cotton			
		OTHER SHIRTS;			
		INFANTS';			
		ORNAMENTED			
		NOT ORNAMENTED;			
		Sport			
		Other			
	312		WOMEN'S, GIRLS' AND INFANTS' DRESSES, NOT KNIT, cont'd	11.5	Doz.
		ORNAMENTED;			
		Women's			
		Girls' and Infants'			
		NOT ORNAMENTED;			
		POPLIN AND BROUCCLOTH;			
		Women's			
		Girls' and Infants'			
		Other, Of Vegetable Fiber Containing Cotton			
		380.0060			
		380.2750			
		380.2760			
		380.2770			
	380.2782				
	380.2788				
	380.2792				
	380.2798				
	380.5112				
	382.0077				
	382.3148				
	382.3170				
	382.0039				
	382.0045				
	382.3180				
	382.3184				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT MEASURE
347	cont'd	APPAREL, cont'd	17.8	Doz.
		COTTON, cont'd		
		TRUSERS, MEN'S AND BOYS'; cont'd		
		NOT KNIT; cont'd		
		NOT ORNAMENTED; cont'd		
		BOYS'; cont'd		
		Of Other		
		Other, Of Vegetable Fiber, Containing Cotton		
		Other, Trussers, Slacks & Shorts Of Leather		
		TRUSERS, WOMEN'S, GIRLS' AND INFANTS'		
348		KNIT:	17.8	Doz.
		Ornamented		
		NOT ORNAMENTED:		
		Shorts		
		TRUSERS & SLACKS:		
		Women's		
		Girls' and Infants'		
		OTHER:		
		Of Vegetable Fiber, Containing Cotton		
		Of Silk, Containing Cotton		
349		NOT KNIT:	17.8	Doz.
		ORNAMENTED:		
		Shorts		
		TRUSERS & SLACKS:		
		Women's		
		Girls' and Infants'		
		NOT ORNAMENTED:		
		Shorts		
		TRUSERS & SLACKS:		
		Denim, Including Brushed Denim		
350		Women's	17.8	Doz.
		Girls' and Infants'		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT MEASURE
345		APPAREL, cont'd	16.8	Doz.
		COTTON, cont'd		
		SWEATERS		
		KNIT:		
		ORNAMENTED:		
		Men's & Boys'		
		Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
		SWEATERS:		
		Men's		
347		Boys'	17.8	Doz.
		WOMEN'S, GIRLS' AND INFANTS':		
		OF COTTON:		
		Women's		
		Girls' and Infants'		
		Of Vegetable Fiber, Containing Cotton		
		TRUSERS, MEN'S AND BOYS'		
		KNIT:		
		Ornamented		
		Not Ornamented		
349		NOT KNIT:	17.8	Doz.
		ORNAMENTED:		
		Shorts		
		Trousers and Slacks		
		NOT ORNAMENTED:		
		MEN'S AND BOYS':		
		Shorts		
		TRUSERS AND SLACKS:		
		Denim, Including Brushed Denim		
		Of Corduroy		
350		Of Other	17.8	Doz.
		BOYS':		
350		Of Denim, Including Brushed Denim	17.8	Doz.
		Of Corduroy		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
318 cont'd		APPAREL cont'd COTTON cont'd TROUSERS, WOMEN'S, GIRLS' AND INFANTS' cont'd	17.8	Doz.
	382.3353	NOT KNIT; cont'd CORDUROY; Women's		
	382.3355	Girls' and Infants'		
	382.3357	VELVETINE; Women's		
	382.3359	Girls' and Infants'		
	382.3361	OF OTHER THAN YARN-DIED FABRICS, N.E.G., TWILL, CORDUROY OR VELVETINE;		
	382.3363	Women's		
	382.3366	Girls' and Infants'		
	382.3368	OTHER; Of Vegetable Fiber Containing Cotton		
	382.3370	Of Silk, Containing Cotton		
319	791.7000	Of Leather, Containing Cotton	1.8	Doz.
	376.2529	PAJAMAS, ETC. LACE, NET OR ORNAMENTED; Bridalwear		
	376.2536	Body Supporting Garments, (Except Brasieres)		
	376.2538	NOT ORNAMENTED; Brasieres		
	376.2536	Body Supporting Garments, Except Brasieres		
320		APPAREL cont'd KITS; MEN'S AND BOYS'; Ornamented Women's, Girls' and Infants'; Ornamented Not Ornamented	51.0	Doz.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
320 cont'd		APPAREL cont'd COTTON cont'd DRESSING SWEATERS cont'd	51.0	Doz.
	380.0049	NOT KNIT; MEN'S AND BOYS'; Lace, Net Or Ornamented NOT ORNAMENTED; VALUED NOT OVER \$2.50 EACH; Of Corduroy Of Other		
	380.1200	VALUED OVER \$2.50 EACH; Of Corduroy Of Other		
	380.1204	Women's, Girls' and Infants'; Lace, Net, Or Ornamented Valued Not Over \$2.50 Each Valued Over \$2.50 Each; Of Corduroy Of Other		
	382.0070	Other Of Silk, Containing Cotton		
	382.1230	Valued Not Over \$2.50 Each Valued Over \$2.50 Each; Of Corduroy Of Other		
	382.1270	Other Of Silk, Containing Cotton		
	382.7212	Other Of Silk, Containing Cotton		
321		EVERYDAY KITS; MEN'S AND BOYS'; Ornamented Not Ornamented Women's, Girls' and Infants'; Ornamented Not Ornamented	51.0	Doz.
	380.0011	NOT KNIT; MEN'S AND BOYS'; Ornamented Not Ornamented		
	380.0025	Women's, Girls' and Infants'; Ornamented Not Ornamented		
	382.0018	NOT KNIT; MEN'S AND BOYS'; Ornamented Not Ornamented		
	382.0050	Women's, Girls' and Infants'; Ornamented Not Ornamented		
	380.0090	NOT KNIT; MEN'S AND BOYS'; Ornamented Not Ornamented; PAJAMAS; Valued Not Over \$1.50 Per Suit		
	380.2100	Valued Not Over \$1.50 Per Suit		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
352 cont'd		APPAREL cont'd	11.0	Yds.
		COTTON cont'd		
		UNDERWEAR cont'd		
		KNIT: cont'd		
		LACE OR NET: cont'd		
		NOT ORNAMENTED: cont'd		
		OTHER:		
		Men's & Boys' ALL White T-Shirts		
		NOT KNIT:		
		ORNAMENTED:		
		Men's & Boys'		
		Women's, Girls' and Infants'		
	NOT ORNAMENTED:			
	VALUED NOT OVER 75¢ PER SEPARATE PIECE:			
	Men's & Boys'			
	Women's, Girls' & Infants'			
	VALUED OVER 75¢ PER SEPARATE PIECE:			
	Men's & Boys'			
	Women's, Girls' & Infants'			
	OTHER APPAREL:			
	KNIT:			
	ORNAMENTED:			
	Mufflers, Scarves, Shawls			
	MEN'S & BOYS':			
	Neckties			
	Other			
	WOMEN'S, GIRLS' & INFANTS':			
	Infants' Sets Up To and Including 24 Months			
	Other			
	Of Other Fiber Containing Cotton			
	NOT ORNAMENTED:			
	Mufflers, Scarves, Shawls			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
351 cont'd		APPAREL cont'd	52.0	Yds.
		COTTON cont'd		
		RIGHTWEAR cont'd		
		NOT KNIT: cont'd		
		MEN'S AND BOYS': cont'd		
		NOT ORNAMENTED: cont'd		
		PAJAMAS: cont'd		
		Valued Over \$1.50 Per Suit		
		Other Nightwear		
		WOMEN'S, GIRLS' AND INFANTS':		
		Ornamented		
		NOT ORNAMENTED:		
	PAJAMAS:			
	Valued Not Over \$1.50 Per Suit			
	Valued Over \$1.50 Per Suit			
	Other Nightwear			
	Other Of Silk, Containing Cotton			
	UNDERWEAR			
	KNIT:			
	LACE OR NET:			
	ORNAMENTED:			
	Men's & Boys'			
	Women's, Girls' and Infants'			
	NOT ORNAMENTED:			
	VALUED NOT OVER 4¢ EACH:			
	Men's & Boys'			
	Women's, Girls' and Infants'			
	VALUED OVER 4¢ EACH:			
	MEN'S & BOYS':			
	Briefs and Undershorts			
	Other			
	WOMEN'S, GIRLS' AND INFANTS':			
	Briefs and Undershorts			
	Other			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEASUREMENT
352 cont'd		APPAREL cont'd COTTON cont'd OTHER APPAREL cont'd EMIT: cont'd NOT ORNAMENTED: cont'd MEN'S & BOYS': Neckties Suits Other OTHER: Of Vegetable Fiber Containing Cotton Of Silk Containing Cotton WOMEN'S, GIRLS' AND INFANTS': Infants' Cots Up To And Including 24 Months Other OTHER: Variable Fiber Containing Cotton Of Silk Containing Cotton Footwear of Cotton, Flax Or Both Other, Of Leather Containing Cotton NOT EMIT: MATERIALS Ornamented NOT ORNAMENTED: Fanned Not Fanned MATERIALS: Ornamented CUSTOMERS DESIGNED FOR RIBBONS, KNITTING, FINISHING OR OTHER USES, WHETHER OR NOT OF FABRIC WHICH ARE COATED OR FILLED, OR LAMINATED WITH RUBBER OR PLASTICS Other Than Coats And Jackets, Etc.	1.6	Lb.
	373.1000			
	380.0654			
	380.0695			
	380.4505			
	380.7205			
	382.0656			
	382.0698			
	382.3926			
	382.6222			
	703.0600			
	703.7422			
	373.1040			
	373.1510			
	373.1560			
	373.0510			
	376.2450			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVER- SION FACTOR	UNIT OF MEASUREMENT
352 cont'd		APPAREL cont'd COTTON cont'd OTHER APPAREL cont'd NOT EMIT: cont'd ORNAMENTED: cont'd MEN'S & BOYS': Vest Judo, Karate & Other Martial Art Uniforms Other Of Other Fiber, Containing Cotton WOMEN'S, GIRLS' & INFANTS': Vest Judo, Karate & Other Martial Art Uniforms Infants' Cots Up To And Including 24 Months Other Of Other Fiber Containing Cotton NOT ORNAMENTED: MEN'S & BOYS': Shirt Collars and Cuffs VEZTO: Valued Not Over \$2 Each Valued Over \$2 Each Cape Toppers OTHER UNFINISHED APPAREL: Judo, Karate and Other Martial Art Uniforms Other OTHER: OF VEGETABLE FIBER, CONTAINING COTTON: Suits Other Of Silk, Containing Cotton Of Other, Containing Cotton	1.6	Lb.
	380.0073			
	380.0078			
	380.0080			
	380.0531			
	382.0088			
	382.0092			
	382.0095			
	382.0096			
	382.0554			
	390.3000			
	390.3120			
	390.3120			
	390.3280			
	390.3752			
	390.3754			
	390.3116			
	390.3128			
	390.7395			
	390.9095			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
111		APPAREL cont'd WOOL COATS AND JUMPERS ORNAMENTED, LACE OR NET OF WOOL: Embroidered NOT EMBROIDERED: Not Appliqued Appliqued NOT ORNAMENTED, NOT OF LACE OR NET: OF WOOL: VALUED NOT OVER \$1.75 PER DOZEN PAIR: Knit Not Knit Valued Over \$1.75 But Not Over \$4 Per Dozen Pair Valued Over \$4 Per Dozen Pair Glove Linings	2.1	DZL
112		HOSIERY ORNAMENTED: LACE OR NET: EMBROIDERED: Valued Not Over \$3.50 Per Dozen Pair Valued Over \$3.50 Per Dozen Pair Not Embroidered NOT ORNAMENTED: ALL OTHER HOSIERY: Women's, Girls' & Infants' Full and Knee Length Other	2.8	DZL

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - COTTON Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
352 cont'd		APPAREL cont'd COTTON: cont'd OTHER APPAREL cont'd NOT KNIT: cont'd NOT ORNAMENTED: cont'd WOMEN'S, GIRLS' & INFANTS': VESTS: Valued Not Over \$2 Each Valued Over \$2 Each Shoe Uppers Judo, Karate & Other Martial Art Uniforms Infants' Sets Up To And Including 24 Months Other SUITS, WOMEN'S, GIRLS' & INFANTS': Of Vegetable Fibers, Containing Cotton OTHER: Of Vegetable Fiber, Containing Cotton Of Silk Containing Cotton Of Other, Containing Cotton Headwear, Of Cotton, Flax Or Both Other, Of Leather Containing Cotton	4.6	Lb.
	382.2730			
	382.3030			
	382.3380			
	382.3383			
	382.3388			
	382.3391			
	382.4222			
	382.4232			
	382.7222			
	382.8705			
	702.1220			
	791.7426			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
433		APPAREL, cont'd	3.0	No.
		WOOL, cont'd		
		SUIT-TYPE COATS, MEN'S & BOYS'		
		NOT KNIT:		
		ORNAMENTED:		
		OF Wool		
		NOT ORNAMENTED:		
		OF Vegetable Fiber, Containing Wool		
		OF WOOL:		
		Valued Not Over 44 Per Pound		
	VALUED OVER 44 PER POUND:			
	Men's			
	Boys'			
434		OTHER COATS, MEN'S AND BOYS'	1.5	No.
		NOT KNIT:		
		ORNAMENTED:		
		OF Wool		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER CONTAINING WOOL:		
		Overcoats, Topcoats, Carcoats		
		Other Separate Coats		
		OF WOOL:		
		Valued Not Over 44 Per Pound		
	VALUED OVER 44 PER POUND:			
	Overcoats, Topcoats, Carcoats			
	Other Separate Coats			
	NOT KNIT:			
	NOT ORNAMENTED:			
	Valued Not Over 45 Pound			
	Valued Over 45 Per Pound			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
435		APPAREL, cont'd	1.5	No.
		WOOL, cont'd		
		COATS, WOMEN'S, GIRLS' AND INFANTS'		
		KNIT:		
		NOT ORNAMENTED:		
		Valued Over 45 Per Pound		
		NOT KNIT:		
		ORNAMENTED:		
		NOT ORNAMENTED:		
		OF Vegetable Fiber Containing Wool		
	OF WOOL:			
	Valued Not Over 44 Per Pound			
	VALUED OVER 44 PER POUND:			
	3/4 Length or Longer			
	Other			
436		NECKERS, MANSIONS, SHIRTS AND BLOUSES,	1.1	No.
		KNIT:		
		VALUED NOT OVER 45 PER POUND:		
		Not Ornamented		
		VALUED OVER 45 PER POUND:		
		ORNAMENTED:		
		NOT ORNAMENTED:		
		OF Vegetable Fiber Containing Wool		
		OF Wool		
		OF SILK		
	NOT KNIT:			
	NOT ORNAMENTED:			
	OF Vegetable Fiber Containing Wool			
	OF WOOL:			
	Valued Not Over 44 Per Pound			
	Valued Over 44 Per Pound			
	OF SILK, Containing Wool			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
445		APPAREL cont'd WOOL cont'd SWEATERS, MEN'S AND BOYS' VALUED NOT OVER \$5 PER POUND; NOT ORNAMENTED; OF WOOL: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep Other VALUED OVER \$5 PER POUND; ORNAMENTED: Of Wool NOT ORNAMENTED: Wholly Cashmere, Valued Over \$18 Per Pound OTHER: Wholly Or In Part Of Cashmere Wholly Or In Part Of Hair Similar To Wool Of Sheep OTHER: Men's Boys'	36.8	Doz.
	380-5730			
	380-5740			
	380-5750			
	380-0009			
	380-5900			
	380-6130			
	380-6140			
	380-6145			
	380-6155			
446		APPAREL cont'd WOOL cont'd CAPS, HATS, GLOVES, MITTENS AND INFANTS' VALUED NOT OVER \$5 PER POUND; NOT ORNAMENTED; OF WOOL VALUED OVER \$5 PER POUND; ORNAMENTED: NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool Of Wool: Wholly Cashmere, Valued Over \$18 Per Pound	36.8	Doz.
	382-5431			
	382-0219			
	382-3746			
	382-5600			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE			
443		APPAREL cont'd WOOL cont'd SWEATERS, MEN'S AND BOYS' NOT KNIT: ORNAMENTED: Of Wool Of Vegetable Fiber, Except Cotton Containing Wool NOT ORNAMENTED: Valued Not Over \$4 Per Pound VALUED OVER \$4 PER POUND; KNITWEAR: Men's Boys' OTHER: Men's Boys'	4.5	Doz.			
	380-0260						
	380-5146						
	380-6350						
	380-6651						
	380-6652						
	380-6653						
	380-6654						
	444				APPAREL cont'd WOOL cont'd CAPS, HATS, GLOVES, MITTENS AND INFANTS' NOT KNIT: VALUED OVER \$5 PER POUND; ORNAMENTED: Knit Not Knit NOT ORNAMENTED: Women's Girls' and Infants' NOT KNIT: NOT ORNAMENTED: Of Vegetable Fiber Containing Wool Of Wool: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	4.5	Doz.
		382-0235					
382-0266							
382-5346							
382-5347							
382-4252							
382-6040							
382-6340							

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
448 cont'd		APPAREL cont'd	1.5	No.
		WOOL cont'd		
452		TRUSERS, WOMEN'S, GIRLS' AND INFANTS' Cont'd	2.0	Lb.
		NOT KNIT; cont'd		
		NOT ORNAMENTED; cont'd		
		OF WOOL; cont'd		
		Valued Over \$4 Per Pound		
		Of Silk, Containing Wool		
		OTHER APPAREL		
		KNIT:		
		NOZZLES, SCARVES OR SHAWLS:		
		Lace Or Net		
		For Infants'		
		OTHER:		
	Valued Not Over \$5 Per Pound			
	Valued Over \$5 Per Pound			
	NECKTIES:			
	MEN'S & BOYS':			
	Ornamented			
	Not Ornamented			
	UNDERWEAR:			
	NOT ORNAMENTED:			
	Men's & Boys'			
	Women's, Girls' & Infants':			
	OTHER:			
	MEN'S AND BOYS':			
	ORNAMENTED:			
	Of Other Fiber			
	NOT ORNAMENTED:			
	Of Vegetable Fiber Containing Wool			
	OF WOOL:			
	Valued Not Over \$5 Per Pound			
	Valued Over \$5 Per Pound			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
446 cont'd		APPAREL cont'd	36.8	Nos.
		WOOL cont'd		
		SEPARATES, WOMEN'S, GIRLS' AND INFANTS' cont'd		
		VALUED OVER \$5 PER POUND; cont'd		
		NOT ORNAMENTED; cont'd		
		OTHER:		
		Woolly Or In Part Of Cashmere		
		Woolly Or In Part Of Hair Similar To Wool		
		Of Sheep		
		OTHER:		
		Women's		
		Girls' and Infants'		
	Of Silk, Containing Wool			
447		TRUSERS, MEN'S AND BOYS'	1.5	No.
		NOT KNIT:		
		Ornamented		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Wool		
		OF WOOL:		
		Valued Not Over \$4 Per Pound		
		Valued Over \$4 Per Pound		
		TRUSERS, WOMEN'S, GIRLS' AND INFANTS'		
		KNIT:		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Wool		
	OF WOOL			
	Of Silk, Containing Wool			
	NOT KNIT:			
	NOT ORNAMENTED:			
	Of Vegetable Fiber, Containing Wool			
	OF WOOL:			
	VALUED NOT OVER \$4 PER POUND:			
	Shorts			
	Trousers And Slacks			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL

Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
352 cont'd		APPAREL cont'd WOOL cont'd OTHER APPAREL cont'd KNITS cont'd OTHER cont'd MEN'S AND BOYS' WEAR: cont'd NOT ORNAMENTED: cont'd OF WOOL: cont'd OF SILK, Containing Wool WOMEN'S, GIRLS' & INFANTS': ORNAMENTED: Of Wool Of Other Fiber, Containing Wool NOT ORNAMENTED: Of Vegetable Fiber, Containing Wool OTHER OF WOOL: Articles For Infants: OTHER: Valued Not Over \$5 Per Pound VALUED OVER \$5 PER POUND: Of Wool Other Of Silk, Containing Wool Other Of Leather, Containing Wool NOT KNITS: Hats, Scarves, Shawls, Other Than Yells OTHER ARTICLES: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound	2.0	Lb.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL

Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
352 cont'd		APPAREL cont'd WOOL cont'd OTHER APPAREL cont'd NOT KNITS: cont'd MEN'S AND BOYS' WEAR: cont'd ORNAMENTED OTHER UNDERGAR, NOT ORNAMENTED: Valued Not Over \$4 Per Pound Valued Over \$4 Per Pound OTHER MEN'S AND BOYS' WEARING APPAREL: ORNAMENTED: OF WOOL: Dressing Gowns, Including Bathrobes, Beachrobes, Etc. Other Of Vegetable Fiber Except Cotton, Containing Wool NOT ORNAMENTED: OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL: Other OF WOOL: VALUED NOT OVER \$4 PER POUND: Dressing Gowns, Including Bathrobes, Beachrobes, Etc. Other VALUED OVER \$4 PER POUND: Dressing Gowns, Including Bathrobes, Beachrobes, Etc. Other OF SILK, Containing Wool Of Other, Containing Wool	2.0	Lb.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
552 cont'd		APPAREL cont'd	2.0	Lb.
		WOOL cont'd		
		OTHER APPAREL cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' & INFANTS': cont'd		
		NOT ORNAMENTED: cont'd		
		KNIT PANTS AND SIMILAR ITEMS		
		Valued Not Over \$2 Per Pound		
		Valued Over \$2 Per Pound		
		PANTS, CAPS, NOT BLOTTED		
		PANTS, CAPS, BLOTTED, FINISHED		
		PULLED, STAMPED, BLOTTED OR TRIPAGED:		
	Valued Not Over \$12 Per Dozen			
	Valued Over \$12 Per Dozen			
	OTHER HEADWEAR OF WOOL:			
	Valued Not Over \$4 Per Pound			
	Valued Over \$4 Per Pound			
	Other, Of Leather Containing Wool			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - WOOL
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
552 cont'd		APPAREL cont'd	2.0	Lb.
		WOOL cont'd		
		OTHER APPAREL cont'd		
		NOT KNIT: cont'd		
		WOMEN'S, GIRLS' & INFANTS':		
		ORNAMENTED:		
		Dressing Gowns, Bathrobes, Beachrobes, etc.		
		Other		
		Of Other		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
		Other		
	OF WOOL:			
	VALUED NOT OVER \$4 PER POUND:			
	Dressing Gowns, Including Bathrobes, Beachrobes, etc.			
	Other			
	VALUED OVER \$4 PER POUND:			
	Dressing Gowns, Including, Bathrobes, Beachrobes, etc.			
	Other			
	OF SILK, CONTAINING WOOL:			
	Dressing Gowns, Including Bathrobes, Beachrobes, Etc.			
	Pajamas and Other Nightwear			
	Other			
	Of Other Containing Wool			
	OTHER:			
	Soles and Uppers Of Wool Felt:			
	For Men			
	For Youths And Boys'			
	For Women			
	For Misses			
	For Children			
	For Infants'			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
632	382.0425	APPAREL cont'd MAN-MADE cont'd ROBESIES cont'd PANTS ROSES; WOMEN'S, GIRLS' AND INFANTS'; Ornamented	1.6	Yds.
	382.7827	Not Ornamented		
631	380.0402	SWIT-TYPE COATS, WIND-UP AND DOWN; KNIT; Ornamented NOT ORNAMENTED; SWIT-TYPE STROKE COATS; Men's Boys' OTHER OF LEATHER CONTAINING MAN-MADE FIBER; Men's And Boys' NOT KNIT; Ornamented NOT ORNAMENTED; OF Vegetable Fiber, Containing Man-Made OF MAN-MADE FIBER; CUT-TYPE STROKE COATS AND JACKETS; Men's Boys' Of Leather Containing Man-Made Fiber OTHER COATS, KNITS KNIT; Ornamented NOT ORNAMENTED; Pajamas, 3/4 Length or Longer	36.2	Yds.
	380.8104	Men's		
	380.8105	Boys'		
	771.7459	Men's And Boys'		
	380.0443	Ornamented		
	380.5104	NOT ORNAMENTED; OF Vegetable Fiber, Containing Man-Made OF MAN-MADE FIBER; CUT-TYPE STROKE COATS AND JACKETS;		
	380.6411	Men's		
	380.6412	Boys'		
	771.7470	Of Leather Containing Man-Made Fiber OTHER COATS, KNITS		
	380.6405	Ornamented NOT ORNAMENTED; Pajamas, 3/4 Length or Longer		
380.8101	Ornamented NOT ORNAMENTED; Pajamas, 3/4 Length or Longer			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
632	370.2100	APPAREL cont'd MAN-MADE HANDKERCHIEFS; Lace Handkerchiefs, Ornamented; LACE HANDKERCHIEFS, NOT ORNAMENTED; Home4 Not Home4	1.7	Yds.
	370.6820	GLAZES AND INTERIERS, WHETHER OR NOT ORNAMENTED; GLOVES AND GLOVE LININGS; LACE ON NET WHETHER OR NOT ORNAMENTED; OF MAN-MADE FIBERS; Made From A Pre-Existing Fabric Other		
	370.6840	NOT OF LACE OR NET AND NOT ORNAMENTED; OF MAN-MADE FIBER; KNIT; Made Or Cut From A Pre-Existing Knit Fabric Other		
	704.3220	Other		
	704.3240	NOT OF LACE OR NET AND NOT ORNAMENTED; OF MAN-MADE FIBER; KNIT; Made Or Cut From A Pre-Existing Knit Fabric Other		
	704.6520	Other		
	704.6550	Other		
	704.6580	Other		
	374.3330	NOT ORNAMENTED; WOMEN'S, GIRLS' AND INFANTS' PULL AND KNOE Length Other		
	374.3350	NOT ORNAMENTED; WOMEN'S, GIRLS' AND INFANTS' PULL AND KNOE Length Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
651 cont'd		APPAREL cont'd	41.3	Doz.
		MAN-MADE FIBER cont'd		
		COATS, MEN'S, GIRLS' AND INFANTS' cont'd		
		NOT KNIT		
		ORNAMENTED:		
		Raincoats, 3/4 Length or Longer		
		Other		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Man-Made Fiber OF MAN-MADE FIBER:		
		3/4 LENGTH OR LONGER:		
656		RAINCOATS:	45.1	Doz.
		Women's		
		Girls' & Infants'		
		OTHER:		
		Women's		
		Girls' & Infants'		
		OTHER:		
		Women's		
		Girls' & Infants'		
		Other, Of Leather		
656		PRESSES	45.1	Doz.
		KNIT:		
		ORNAMENTED:		
		OF MAN-MADE FIBER:		
		Women's		
		Girls' and Infants'		
		Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF SILK, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
		Women's		
	Girls' and Infants'			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
651 cont'd		APPAREL cont'd	41.3	Doz.
		MAN-MADE FIBER cont'd		
		OTHER COATS, MEN'S AND BOYS' cont'd		
		KNIT: cont'd		
		NOT ORNAMENTED: cont'd		
		OTHER:		
		Overcoats, Topcoats, Carcoats		
		Other		
		Other Men's and Boys' Coats Of Leather Containing Man-Made		
		NOT KNIT:		
651		Coats, Jackets Designed For Hunting, Fishing And Similar Uses	41.3	Doz.
		OTHER COATS:		
		Ornamented		
		NOT ORNAMENTED:		
		Of Vegetable Fiber Containing Man-Made OF MAN-MADE FIBER:		
		Raincoats, 3/4 Length or Longer		
		OTHER:		
		Overcoats, Topcoats, Carcoats		
		Other		
		Other Men's and Boys' Coats Of Leather Containing Man-Made		
651		COATS, WOMEN'S, GIRLS' AND INFANTS'	41.3	Doz.
		KNIT:		
		ORNAMENTED:		
		Raincoats, 3/4 Length Or Longer		
		Other		
		NOT ORNAMENTED:		
		Raincoats, 3/4 Length Or Longer		
		OTHER:		
		Women's		
		Girls' & Infants'		
	Other, Of Leather Containing Man-Made			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
632 cont'd		APPAREL, cont'd	18.0	DOLL.
		MAN-MADE FIBER, cont'd		
		KNIT-SHIRTS, T-SHIRTS AND BODIES, cont'd		
		NOT ORNAMENTED:		
		T-SHIRTS:		
		All White		
		390.8133		
		Other		
		390.8135		
		OTHER THAN T-SHIRTS:		
	Tank Tops			
	390.8138			
	Other			
	390.8139			
632		KNIT-SHIRTS & BODIES, WOMEN'S, GIRLS' AND INFANTS', cont'd	15.0	DOLL.
		ORNAMENTED:		
		BLOUSES:		
		TANK TOPS:		
		Women's		
		392.0402		
		Girls' and Infants'		
		392.0403		
		OTHER:		
		Women's		
	392.0404			
	Girls' and Infants'			
	392.0405			
	T-SHIRTS			
	392.0439			
	OTHER SHIRTS:			
	Women's			
	392.0441			
	Girls' and Infants'			
	392.0442			
	Tops and Tails			
	392.0455			
	OTHER:			
	Of Vegetable Fiber Containing Man-Made			
	392.3964			
	Of Silk Containing Man-Made			
	392.6944			
	NOT ORNAMENTED:			
	BLOUSES:			
	TANK TOPS:			
	Women's			
	392.7002			
	Girls' and Infants'			
	392.7003			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
636 cont'd		APPAREL, cont'd	15.3	DOLL.
		MAN-MADE FIBER, cont'd		
		KNIT-SHIRTS, cont'd		
		NOT KNIT:		
		ORNAMENTED:		
		Women's		
		392.0466		
		Girls' and Infants'		
		392.0468		
		NOT ORNAMENTED:		
	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber			
	392.4272			
	Of Silk, Containing Man-Made Fiber			
	392.7048			
	OF MAN-MADE FIBER:			
	Women's			
	392.8119			
	Girls' and Infants'			
	392.8121			
637		PLAINWEAVE	21.1	DOLL.
		KNIT:		
		TOPS & BODIES:		
		Ornamented		
		390.0414		
		Not Ornamented		
		390.0427		
		WOMEN'S, GIRLS' & INFANTS':		
		Ornamented		
		392.0437		
	Not Ornamented			
	392.7041			
	NOT KNIT:			
	WOMEN'S, GIRLS' & INFANTS':			
	Ornamented			
	392.0474			
	Not Ornamented			
	392.6127			
639		KNIT-SHIRTS, T-SHIRTS AND BODIES, cont'd	18.0	DOLL.
		ORNAMENTED:		
		T-SHIRTS:		
		All White		
		390.0416		
		Other		
		390.0417		
		OTHER THAN T-SHIRTS:		
		Tank Tops		
		390.0418		
	Other			
	390.0419			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
612 cont'd		APPAREL, cont'd		
		MAN-MADE FIBER, cont'd		
		BLOUSES, NOT KNIT, cont'd	14.5	Pcs.
		BLOUSES, WAISTS AND SHIRTS, cont'd		
		NOT ORNAMENTED, cont'd		
		OF MAN-MADE FIBER:		
		Women's	382.8102	
		Girls and Infants'	382.8104	
		SKIRTS		
		KNIT:		
	ORNAMENTED:			
	SKIRTS & CULOTTES	382.0446		
	NOT ORNAMENTED:			
	Of Vegetable Fiber, Containing Man-Made Fiber	382.3972		
	OF MAN-MADE FIBER:			
	Culottes	382.7815		
	SKIRTS:			
	Women's	382.7861		
	Girls' & Infants'	382.7863		
	NOT KNIT:			
	ORNAMENTED:			
	Women's, Girls' and Infants'	382.0476		
	NOT ORNAMENTED:			
	Of Vegetable Fiber Except Cotton Containing Man-Made Fiber	382.4276		
	OF MAN-MADE FIBER:			
	Women's	382.8130		
	Girls' and Infants'	382.8132		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
612 cont'd		APPAREL, cont'd		
		MAN-MADE FIBER, cont'd		
		KNIT SHIRTS & BLOUSES, WOMEN'S, GIRLS' & INFANTS', cont'd	15.0	Pcs.
		NOT ORNAMENTED, cont'd		
		BLOUSES, cont'd		
		OTHER:		
		Women's	382.7804	
		Girls' and Infants'	382.7805	
		T-Shirts	382.7851	
		OTHER SHIRTS:		
	Women's	382.7853		
	Girls' and Infants'	382.7855		
	Tops and Vests	382.7879		
612		SHIRTS, NOT KNIT	24.0	Pcs.
		ORNAMENTED:		
		Dress	380.0455	
		Work	380.0458	
		Sport	380.0461	
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Man-Made Fiber	380.3172	
		OF MAN-MADE FIBER:		
		Dress	380.8435	
		Work	380.8440	
	Sport	380.8445		
612		BLOUSES, NOT KNIT	14.5	Pcs.
		BLOUSES, WAISTS AND SHIRTS:		
		ORNAMENTED:		
		Women's	382.0459	
		Girls' and Infants'	382.0461	
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton Containing Man-Made Fiber	382.4264	
		OF SILK, Containing Man-Made Fiber	382.7244	

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
641		APPAREL, cont'd	4.5	No.
		MAN-MADE FIBER, cont'd		
		KNIT: MEN'S, WOMEN'S, GIRLS' AND INFANTS'		
		ORNAMENTED:		
		Leisure		
		Other		
		Not Ornamented		
		NOT KNIT:		
		Ornamented		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	Leisure			
	Other			
641		KNIT: MEN'S, WOMEN'S, GIRLS' AND INFANTS'	4.5	No.
		NOT KNIT:		
		Ornamented		
		NOT ORNAMENTED:		
		Women's		
		Girls' & Infants'		
		NOT KNIT:		
		Ornamented		
		NOT ORNAMENTED:		
		Of Vegetable Fiber		
		Of Man-Made		
	641			
		NOT KNIT:		
		Ornamented		
		Men's		
		Boys'		
		NOT ORNAMENTED:		
	Men's			
	Boys'			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
645		APPAREL, cont'd	36.8	Doz.
		MAN-MADE FIBER, cont'd		
		KNIT: MEN'S, WOMEN'S, GIRLS' AND INFANTS'		
		NOT ORNAMENTED, cont'd		
		Other Of Leather, Containing Man-Made		
		ORNAMENTED:		
		Infants'		
		Other		
		NOT ORNAMENTED:		
		Of Vegetable Fiber		
		Of Silk		
		OF MAN-MADE FIBER:		
	Infants'			
	Other			
	Of Leather Containing Man-Made			
645		KNIT: MEN'S, WOMEN'S, GIRLS' AND INFANTS'	36.8	Doz.
		NOT KNIT:		
		Ornamented		
		Coats		
		Trousers & Slacks		
		NOT ORNAMENTED:		
		Coats		
		TRICUED & SLACKS:		
		Men's		
		Boys'		
		NOT KNIT:		
		Ornamented		
	Coats			
	Trousers & Slacks			
	NOT ORNAMENTED:			
	Of Vegetable Fiber Containing Man-Made			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
648 cont'd		APPAREL, cont'd			
		MAN-MADE FIBER, cont'd			
		TROUSERS, MEN'S, GIRLS' AND INFANTS', cont'd	17.8	Doz.	
		NOT KNIT, cont'd			
		NOT ORNAMENTED:			
		Of Vegetable Fiber Containing Man-Made			
		Of Silk			
		OF MAN-MADE FIBER:			
		Shorts			
		382-1486	382-1486		
	382-7558	382-7558			
	382-8129	382-8129			
	382-8136	382-8136			
	382-8138	382-8138			
	791-7481	791-7481			
649		Other, Of Leather Containing Man-Made			
		BRASSIERS, ETC.	4.8	Doz.	
		BODY SUPPORTING GARMENTS:			
		Garters, Garter Belts and Suspenders Of Man-Made			
		Fibers Or Of Such Fiber and Rubber Or Plastics			
		CONNECTS, GIRDLES, BRASSIERS AND SIMILAR FOOT			
		SUPPORTING GARMENTS FOR MEN AND BOYS', WOMEN,			
		GIRLS' AND INFANTS':			
		ORNAMENTED, LACE OR NET:			
		Brassiers, Women's and Girls'			
	376-2530	376-2530			
	376-2470	376-2470			
	Body Supporting Garments, Except Brassierons				
	NOT ORNAMENTED:				
	Brassiers				
	376-2830	376-2830			
	376-2866	376-2866			
	Body Supporting Garments, Except Brassierons				
650		BRASSIERS, ETC.	51.0	Doz.	
		WESSING GONES			
		KNIT:			
		MEN'S & BOYS':			
		Ornamented			
		380-0408	380-0408		
		380-8117	380-8117		
		Not Ornamented			
		382-0417	382-0417		
		382-7621	382-7621		
	WOMEN'S, GIRLS' & INFANTS':				
	Ornamented				
	Not Ornamented				

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APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
647 cont'd		APPAREL, cont'd			
		MAN-MADE FIBER, cont'd			
		TROUSERS, MEN'S & BOYS', cont'd	17.8	Doz.	
		NOT KNIT, cont'd			
		NOT ORNAMENTED, cont'd			
		OF MAN-MADE FIBER, cont'd			
		Shorts			
		380-8449	380-8449		
		380-8456	380-8456		
		380-8457	380-8457		
	791-7480	791-7480			
648		Other, Of Leather Containing Man-Made			
		TROUSERS, MEN'S, GIRLS' AND INFANTS'	17.8	Doz.	
		KNIT:			
		ORNAMENTED:			
		Shorts			
		382-0444	382-0444		
		382-0450	382-0450		
		382-0452	382-0452		
		Women's			
		Girls' & Infants'			
	NOT ORNAMENTED:				
	Of Vegetable Fiber Containing Man-Made				
	Of Silk				
	382-3982	382-3982			
	382-6956	382-6956			
	OF MAN-MADE FIBER:				
	Shorts				
	382-7657	382-7657			
	382-7681	382-7681			
	382-7683	382-7683			
	791-7458	791-7458			
	Of Leather Containing Man-Made				
	NOT KNIT:				
	ORNAMENTED:				
	Shorts				
	382-0475	382-0475			
	382-0481	382-0481			
	382-0483	382-0483			
	WOMEN'S				
	GIRLS' & INFANTS'				

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
532		APPAREL, cont'd MAN-MADE FIBER: cont'd UNDERWEAR: EMITS: LACE OR NET UNDERWEAR, WHETHER OR NOT ORNAMENTED; ORNAMENTED: Men's & Boys' Women's, Girls' & Infants' NOT ORNAMENTED: MEN'S & BOYS': Briefs Other Women's, Girls' & Infants' NOT EMITS: ORNAMENTED: Men's & Boys' Women's, Girls' and Infants' NOT ORNAMENTED: Men's & Boys' Women's, Girls' and Infants' OTHER VARIETIES APPAREL: EMITS: NETTING, CLOUTES AND CLOUTES; ORNAMENTED KNITTED, MEN'S AND BOYS': ORNAMENTED Not Ornamented OTHER VARIETIES APPAREL: MEN'S & BOYS': ORNAMENTED: Overalls, Coveralls, Jumpsuits Swimming Trunks & Other Swimwear Other	16.0	Yds.
		378.0515		
		378.0553		
		378.6015		
		378.6000		
		378.6030		
		378.0565		
		378.0576		
		378.6511		
		378.6530		
532		APPAREL, cont'd MAN-MADE FIBER: cont'd DRESSING ROOMS, cont'd NOT EMITS: MEN'S AND BOYS': ORNAMENTED Not Ornamented WOMEN'S, GIRLS' & INFANTS': ORNAMENTED NOT ORNAMENTED: Of Silk, Containing Man-Made Fiber Of Man-Made Fiber MISCELLANEOUS: EMITS: PAJAMAS AND OTHER NIGHTWEAR: MEN'S OR BOYS': ORNAMENTED Not Ornamented WOMEN'S, GIRLS' & INFANTS': ORNAMENTED Not Ornamented NOT EMITS: MEN'S & BOYS': ORNAMENTED Not Ornamented WOMEN'S, GIRLS' & INFANTS': ORNAMENTED NOT ORNAMENTED: Of Silk, Containing Man-Made Fiber Of Man-Made Fiber	51.0	Yds.
		380.0449		
		380.0425		
		380.0470		
		380.7252		
		380.8123		
		380.0411		
		380.8123		
		380.0423		
		380.7255		
	380.0432			
	380.0439			
	380.0472			
	380.7254			
	380.8125			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

APPAREL - MAN-MADE
Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
531		APPAREL, cont'd MAN-MADE FIBER: cont'd DRESSING ROOMS, cont'd NOT EMITS: MEN'S AND BOYS': ORNAMENTED Not Ornamented WOMEN'S, GIRLS' & INFANTS': ORNAMENTED NOT ORNAMENTED: Of Silk, Containing Man-Made Fiber Of Man-Made Fiber MISCELLANEOUS: EMITS: PAJAMAS AND OTHER NIGHTWEAR: MEN'S OR BOYS': ORNAMENTED Not Ornamented WOMEN'S, GIRLS' & INFANTS': ORNAMENTED Not Ornamented NOT EMITS: MEN'S & BOYS': ORNAMENTED Not Ornamented WOMEN'S, GIRLS' & INFANTS': ORNAMENTED NOT ORNAMENTED: Of Silk, Containing Man-Made Fiber Of Man-Made Fiber	51.0	Yds.
		380.0449		
		380.0425		
		380.0470		
		380.7252		
		380.8123		
		380.0411		
		380.8123		
		380.0423		
		380.7255		
	380.0432			
	380.0439			
	380.0472			
	380.7254			
	380.8125			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

APPAREL - MAN-MADE

Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
652 cont'd		APPAREL cont'd MAN-MADE FIBER cont'd OTHER WEARING APPAREL cont'd KNIT: cont'd OTHER WEARING APPAREL: cont'd MEN'S AND BOYS': cont'd NOT ORNAMENTED: OF Vegetable Fiber Containing Man-Made OF Silk, Containing Man-Made OF MAN-MADE FIBER: Coveralls, Overall, Jumpsuits Swimming Trunks & Other Swimwear Other WOMEN'S, GIRLS' & INFANTS': ORNAMENTED: Bodyshirts & Bodyunits Coveralls, Overall, Jumpsuits Swimsuits, Other Swimwear Infants' Sets Up To And Including 24 Months Other OF Other Fiber Containing Man-Made NOT ORNAMENTED: OF Vegetable Fiber Containing Man-Made OF Silk Containing Man-Made OF MAN-MADE: Coveralls, Overall, Jumpsuits Bodyshirts and Bodyunits Swimming Suits and Other Swimwear Infants' Sets Up To And Including 24 Months Other Headwear, Not In Part Of Braids, Knit Other, Of Leather Containing Man-Made	7.8	Lb.

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
652 cont'd		APPAREL cont'd MAN-MADE FIBER cont'd OTHER WEARING APPAREL cont'd NOT KNIT: MUFFLERS, SCARVES, SHAWLS; ORNAMENTED MEN'S & BOYS': NECKTIES: ORNAMENTED Not Ornamented GIRLBOYS DESIGNED FOR MAINWEAR, COATED, FILLED OR LAMINATED WITH RUBBER OR PLASTICS; Other Than Coats, Jackets, Etc. LACE OR NET WEARING APPAREL, OTHER: MEN'S AND BOYS': ORNAMENTED: OF MAN-MADE FIBER: Swimming Trunks and Other Swimwear Judo, Karate and Other Martial Arts Uniforms Other OF Silk, Containing Man-Made NOT ORNAMENTED: OF Vegetable Fiber, Except Cotton, Containing Man-Made Fiber OF Silk, Containing Man-Made Fiber OF MAN-MADE FIBER: Swimming Trunks and Other Swimwear Judo, Karate and Other Martial Arts Uniforms Other Wearing Apparel OF Other, Containing Man-Made Fiber	7.8	Lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

APPAREL - MAN-MADE

Section 3

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
552 cont'd		APPAREL cont'd MAN-MADE FIBER cont'd OTHER WEARING APPAREL cont'd NOT KNIT; cont'd MENS', GIRLS' AND INFANTS'; ORNAMENTED; OF MAN-MADE FIBER: Swimsuits and Other Swimwear Judo, Karate and Other Martial Arts Uniforms OTHER WEARING APPAREL: Incoats; Coats Up To And Including 24 Months Other Of Other Fiber Containing Man-Made NOT ORNAMENTED; Of Vegetable Fiber, Except Cotton Containing Man-Made Fiber Of Silk, Containing Man-Made Fiber OF MAN-MADE FIBER: Swimsuits and Other swimwear Judo, Karate and Other Martial Arts Uniforms OTHER WEARING APPAREL: Incoats; Coats Up To And Including 24 Months Other Of Other Fiber Containing Man-Made FIBERS: Wholly Or In Part Of Knit Not In Part Of Knit Other, Of Leather Containing Man-Made	7.6	Lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

MADE-UP AND MISCELLANEOUS

COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
350	353-0120	MADE-UPS & MISC. COTTON ORNAMENTED PILLOWCASES, MICHIGANO, POLYESTER CUBES ORNAMENTED NOT ORNAMENTED; Carded Combed	1.1	No.
351	353-3020 353-3040 353-0140 353-3010 353-3030	SHEETS ORNAMENTED NOT ORNAMENTED; Carded Combed REVEALED & CUBES LACE OR NET DESIGN, WHETHER DOB NOT ORNAMENTED; LACE, NET OR ORNAMENTED; Bedspreads Coverlets, Quilts and Comforters NOT ORNAMENTED; ELOC-PRINTED BY HAND: Bedspreads Other NOT BLOCK-PRINTED BY HAND: Bedspreads Other JACQUED-PICTED; Bedspreads Other OTHER: Quilt Covers Other	5.2	No.
352	353-0515 353-0520	REVEALED & CUBES LACE OR NET DESIGN, WHETHER DOB NOT ORNAMENTED; LACE, NET OR ORNAMENTED; Bedspreads Coverlets, Quilts and Comforters NOT ORNAMENTED; ELOC-PRINTED BY HAND: Bedspreads Other NOT BLOCK-PRINTED BY HAND: Bedspreads Other JACQUED-PICTED; Bedspreads Other OTHER: Quilt Covers Other	5.2	No.
353	353-5515 353-5530 353-6015 353-6030 356-1860 356-1880	TERRY & OTHER PILE TOWELS NOT ORNAMENTED; VALUED NOT OVER 45¢ EACH; Terry Towels, Other Than Dish Towels Towels of Pile or Tuft Construction, Other Than Dish Towels	0.1	No.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UP AND MISCELLANEOUS
COTTON
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
359 cont'd		MADE-UPS & MESG. cont'd	4.6	Lb.
		COTTON: cont'd		
		OTHER COTTON FIB. cont'd		
		TABLE DAMASK AND MANUFACTURED cont'd		
		TABLE DAMASK, FANCY OR FIGURED: cont'd		
		CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
		Not Bleached Or Colored		
		Bleached But Not Colored		
		Colored, Whether Or Not Bleached		
		FABRICS:		
		KNIT:		
		Circular Knit Fabrics		
		Other Knit Fabrics		
		OTHER:		
		Of Vegetable Fiber Containing Cotton		
	Of Silk, Containing Cotton			
	PILE FABRICS:			
	Knit, (except Terry, Velvets, Plushes, Velours and Chenilles)			
	OTHER:			
	Of Vegetable Fiber, Containing Cotton			
	Of Silk, Containing Cotton			
	Pile Ribbons			
	Seamless Tubing, Except Wicking			
	Wicking			
	Typewriting Machine Ribbons			
	Zipper Tapes			
	Other Narrow Fabrics, Other Than Pile Ribbons, Seamless Tubing, Wicking, Typewriter and Machine Ribbons and Zipper Tapes			
	Other Braids			
	Other			
	BRAIDED AND WOVEN PLASTIC.			
	Elastic Fabrics, Not Braided			
	Other			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UP AND MISCELLANEOUS
COTTON
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
363 cont'd		MADE-UPS & MESG. cont'd	0.5	No.
		COTTON: cont'd		
		TERRY & OTHER PILE TOWELS, cont'd		
		NOT ORNAMENTED: cont'd		
		VALUED OVER 45¢ EACH BUT NOT OVER \$1.45 PER POUND:		
		Terry Towels, Other Than Dish Towels		
		Towels of Pile or Tuft Construction, Other Than Dish Towels		
		VALUED OVER 45¢ EACH AND OVER \$1.45 PER POUND:		
		Terry Towels, Other Than Dish Towels		
		Towels of Pile or Tuft Construction, Other Than Dish Towels		
		OTHER TOWELS, NOT ORNAMENTED:		
		Jacquard-Figured, Not Pile		
		OTHER COTTON FIB.		
		YARNS:		
		Chemille Yarns		
	Sewing Threads			
	Knitting, Darning, Embroidery and Tatting Yarns For Handwork in Length Not Over 640 Yards			
	COTTON CORDAGE:			
	Not of Stranded Construction			
	OF STRANDED CONSTRUCTION:			
	Under 3/16 Inch In Diameter			
	3/16 Inch Or Over In Diameter			
	TABLE DAMASK AND MANUFACTURES			
	TABLE DAMASK, FANCY OR FIGURED:			
	WHOLLY OF COTTON:			
	Not Bleached or Colored			
	Bleached But Not Colored			
	Colored, Whether Or Not Bleached			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UP AND MISCELLANEOUS
COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
352 cont'd		MADE-UPS & MISG. cont'd COTTON cont'd OTHER COTTON_HRS. cont'd NETTING: cont'd IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE: cont'd ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.P. IN THE PIECE: cont'd Eagles, Inserting, Galloons, Fringes, Etc., Whether In The Piece Or Otherwise Textile Fabrics For Use In Pneumatic Tires Rolling and Belts For Machinery, Not In Part Of Rubber Or Plastic Rolling and Belts For Machinery In Part Of Rubber Or Plastic Textile Fabrics, Including Laminated Fabrics, N.S.P.P. FLOOR COVERINGS: Carpet Imitation Oriental, With Pile Not Hand-Inserted And Not Hand-Knotted Of Pile Or Tuft Construction, Other Than Chenille Or Imitation Oriental, Pile Not Hand-Inserted And Not Hand-Knotted Of Pile Or Tuft, Hand-Knotted, In Which Pile Or Tuft Were Inserted Or Knotted Into A Pre-Existing Base Of Pile Or Tuft, Not Hand-Knotted, In Which The Pile Or Tuft Were Inserted Or Knotted Into A Pre-Existing Base Woolly Or In Part Of Braids, Except Tubular Braids With A Core OTHER: With Over 50% By Weight Of The Fibers, Residuals Of Jute Cores, Being Cotton, Man-Made Fiber Or Both "Rit-and-Rite" Rag Floor Coverings OTHER FLOOR COVERINGS, N.S.P.P.: Woven But Not Made On A Power-Driven Loom Other	h.c.	lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UP AND MISCELLANEOUS
COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
352 cont'd		MADE-UPS & MISG. cont'd COTTON cont'd OTHER COTTON_HRS. cont'd VELLING AND LACE: LACE: IN THE PIECE OR MOTIFS: WHETHER OR NOT ORNAMENTED; MADE WHOLLY BY HAND; Not Over 450 Per Pound Over 450 Per Pound MADE ON A LEAVES MACHINE: 12 Points or Finer Not 12 or Finer Made On A Bobbinet-Jacquard Machine Made On A Nottingham Lace-Curtain Machine Other Machines Made Tactly Handmade NETTING: IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE: Netting, Crumpled OTHER TUL GUILLIES, IN THE PIECE: NOT COMMENTED Made On A Bobbinet, Not Over 250 Holes Per Square Inch Made On A Lace, Not Or Knitting Machine Other Than A Machine Or Bobbinet Machine Burn-out Lace, In The Piece Or In Motifs ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.P. IN THE PIECE: Woven Knit Other Vets, Wedding, Battling and Non-Woven Fabrics, Etc. Fish Netting and Fish Nets	h.c.	lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS
COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
362 cont'd		MADE-UPS & MISC. cont'd COTTON cont'd OTHER COTTON MIL. cont'd NET CURTAINS AND DRAPEES INCLUDING PANELS AND VALANCES; cont'd OTHER NET FURNISHINGS, OTHER THAN CURTAINS, DRAPEES AND VALANCES, WHETHER OR NOT MACHINELY ENDOVERED BUT NOT OTHERWISE ORNAMENTED; cont'd NOT ORNAMENTED: Of Velveteen, Velvet, Plush, Velour Or Any Combination Thereof Of Corduroy Of Pile, Or Tuft, Construction Other Than Corduroy, Plush, Velour, Velour Plush, Velour or Any Combination Thereof Of Other Than Pile Or Tuft Construction TOWELS, OTHER OTHER TOWELS NOT ORNAMENTED: VALUED NOT OVER 15¢ EACH Dish Towels, Terry Dish Towels Of Pile Or Tufted Construction VALUED OVER 15¢ EACH BUT NOT OVER \$1.45 PER POUND: Dish Towels, Terry Dish Towels, Of Pile Or Tuft Construction VALUED OVER 15¢ EACH AND OVER \$1.45 PER POUND: Dish Towels, Terry Dish Towels of Pile Or Tuft Construction NOT JACQUARD-FIGURED: Shop Towels (dedicated To Use In Garages, Filling Stations and Machine Shops) Dish Towels, Not Jacquard-Figured, Not Ornamented Other TABLECLOTHS AND NAPKINS: NOT ORNAMENTED: Dessert	4.6	lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS
COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
362 cont'd		MADE-UPS & MISC. cont'd COTTON cont'd OTHER COTTON MIL. cont'd LACE OR NET BEEDING, ORNAMENTED: Blankets Of Lace Or Net And Other Blankets Ornamented Other Bedding BLANKETS: NOT ORNAMENTED: Valued Not Over 47.5 Cents Per Pound Valued Over 47.5 Cents Per Pound Other Bedding, Not Ornamented TAPESTRIES, ETC., EXCEPT GODELH, ETC.: JACQUARD-FIGURED: Pile Not Jacquard-Figured HAND-MADE LACE FURNISHINGS: Valued Not Over \$50 Per Pound LACE FURNISHINGS: MADE ON A LEAVERS MACHINE (INCLUDING GO-THROUGH): Made On A Nottingham Lace-Curtain Machine Made On Other Machines NET CURTAINS AND DRAPEES INCLUDING PANELS AND VALANCES: Furnishings of Lace, Netting Or Both And Made In Designs Or Pattern Formed Wholly Or In Substantial Part By Joining (By Applique or Overstitch) Machine-Made Or Hand-Made Materials by Handwork Curtain and Drapes, Including Panels and Valances Whether Or Not Machine Embroidered But Not Otherwise Ornamented OTHER NET FURNISHINGS, OTHER THAN CURTAINS, DRAPEES AND VALANCES, WHETHER OR NOT MACHINELY ENDOVERED BUT NOT OTHERWISE ORNAMENTED: Other Towels and Wash Cloths Wall Hangings Curtains and Drapes Other	4.6	lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPB AND MISCELLANEOUS
COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
362		MADE-UPB & MISCEL. cont'd COTTON cont'd OTHER COTTON FIB. cont'd Lace, Net Or Ornamented Veils Garters, Garter Belts and Suspensives, Of Cotton Or Cotton and Rubber or Plastics MESH CLOTHES, MESH CLOTHES AND POLYESTER CLOTHES; Of Pile Construction Net Of Pile Construction Ladder Tapes Bags and Sacks, Or Other Shipping Containers Labels, Not Ornamented Tassels and Bords and Tassels CORSET LACING, FOOTWEAR LACING, VITE OR WITHOUT CORNS OR SIMILAR LACING; Braided Other Than Braided LIZARD AND HAWKING, WHETHER OR NOT PLATED WITH BOTTLE, DRINKING, ENKING, MANICURE, SHEDS, OR SIMILAR CUTS, AND FLAT GOODS; WEATHER OR NOT OSMANIZED; Wholly or in Part of Braid OTHER: NOT OF FIBRE OR TUFF CONSTRUCTION: Handbags OTHER: Leisure Flat Goods OTHER: Handbags Leisure Flat Goods	4.6	Lb.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPB AND MISCELLANEOUS
COTTON

Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
369 cont'd		MADE-UPB & MISCEL. cont'd COTTON cont'd OTHER COTTON FIB. cont'd TABLECLOTHS AND NAPKINS: cont'd NOT OSMANIZED: cont'd OTHER: Block-Printed By Hand NOT BLOCK-PRINTED BY HAND: Plain Woven Other OTHER FURNISHINGS: OTHER TABLE CLOTHS AND NAPKINS, TOWELS, TABLE-CLOTHS, HANKING, ETC. NOT OSMANIZED: Exit (except FIBRE OR TUFF) FIBRE OR TUFF CONSTRUCTION: Velveteen, Velvet, Flock, Felt, or Any Combination Thereof Corduroy Terry Other Furnishings, Knapsack, Except Curtains and Drapes, Etc., Towels, Tablecloths and Napkins, Not Ornamented OTHER (NOT EXIT, NOT FIBRE OR TUFF): Plain-Woven OTHER: Wall Hangings Other	4.6	Lb.
	366.4500			
	366.4600			
	366.4700			
	366.5700			
	366.6000			
	366.6300			
	366.6500			
	366.6600			
	366.7500			
	366.7700			
	366.7900			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

WOOL
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
464		MADE-UPS & MISD. cont'd	1.3	Lb.
		WOOL		
		BLANKETS		
		NOT OVER 3 YDS. IN LENGTH; ORNAMENTED;		
		Baby Carriage Robes, Lap Robes, Steamer Rugs		
		Other		
		NOT ORNAMENTED;		
		Baby Carriage Robes, Lap Robes, Steamer Rugs		
		Other		
		FLOOR COVERINGS;		
465		WOOL RUGS AND CARPETS. WOVEN	0.1	Sqa.
		FLOOR COVERINGS OF PILE OR TUFT CONSTRUCTION:		
		WITH PILE OR TUFT BEING HAND-INSERTED OR HAND-KNOTTED DURING THE WEAVING OR KNOTTING PROCESS;		
		With Over 50% By Weight Of Pile Being Hair Of Sheep, Goat, Rabbit, Hare, Squirrel, Mink, Moose, Deer, Camel, or Any combination of These		
		OTHER:		
		Valued Not Over 66 2/3¢ Per Square Foot		
		Valued Over 66 2/3¢ Per Square Foot		
		WITH PILE NOT HAND-INSERTED OR HAND-KNOTTED:		
		Chenille		
		WILTON AND VELVET FLOOR COVERINGS;		
	Imitation Oriental Floor Coverings			
	Other			
	OTHER:			
	Amminster			
	Other			
	WITH PILE OR TUFTS INSERTED OR KNOTTED INTO A PRE-EXISTING BASE:			
	WITH OVER 50% BY WEIGHT BEING WOOL:			
	Valued Not Over 4¢/ Per Square Foot			
	Valued Over 4¢/ Per Square Foot			

U.S. CUSTOMS AND BORDER PROTECTION

Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

COTTON
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
469		MADE-UPS & MISD. cont'd	4.6	Lb.
		COTTON cont'd		
		OTHER COTTON WFG. cont'd		
		PILLOWS, CUSHIONS, MATRESSES AND SIMILAR FURNISHINGS, WHETHER OR NOT FILLED WITH COTTONS AND WITH OR WITHOUT HEATING ELEMENTS;		
	727.8210	Pillows and Cushions		
	727.8220	Other		

U.S. CUSTOMS AND BORDER PROTECTION

Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

WOOL
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
462 cont'd		MADE-UPS & MISCL. cont'd		
		WOOL/ cont'd		
	361.0520	FLOOR COVERINGS; cont'd	0.1	Sq. Yd.
		WOOL RUGS AND CARPETS, BRAIDED		
		Braided Wool Floor Coverings		
		FLOOR COVERINGS COMPOSED OF BEATING, CORING, FABRIC STRIPS, ETC., BUT NOT WOVEN;		
		WITH OVER 50% BY WEIGHT BEING WOOL;		
	361.0700	Valued Not Over 40¢ Per Square Foot		
	361.1000	Valued Over 40¢ Per Square Foot		
	361.2025	Other		
		FLOOR COVERINGS, N.S.P.P.:		
		WOVEN BUT NOT ON A POWER-DRIVEN LOOM;		
	361.1500	Valued Not Over 30¢ Per Square Foot		
	361.1400	Valued Over 30¢ Per Square Foot		
		OTHER:		
	361.1600	Valued Not Over 40¢ Per Square Foot		
	361.1500	Valued Over 40¢ Per Square Foot		
462		OTHER WOOL YEN.	2.0	Lb.
	377.3000	Flock, Fiber Recovered From Tanned-Skin Scrapes and Fibers Cut To Length		
	377.6000	Yarns of Wool, Colored, And Cut Into Uniform Lengths of Not Over 3 Inches		
	316.4000	Carriage		
	317.4000	Narrow Fabrics of Wool		
	318.0500	FABRICS NOT CUTTABLE FOR MAKING OR CONSTRUCTING KILTIMANS:		
		Other		
	319.3000	ELASTIC YARNS, COREAGE, BRAIDS AND YARNINGS:		
		Other		
		HANDMADE LACE, IF THE PIECE OR IN MOTIFS:		
	351.0500	Valued Not Over \$50 Per Pound		
	351.0500	Valued Over \$50 Per Pound		
	351.0500	Lace Made On Any Machine		

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

WOOL
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
462 cont'd		MADE-UPS & MISCL. cont'd		
		WOOL/ cont'd		
		OTHER WOOL YEN. cont'd	2.0	Lb.
		ORNAMENTED FABRICS, ORNAMENTED NOTIFS, N.S.P.P.:		
		OF WOOL BY WEIGHT:		
	353.5032	Woven		
	353.5034	Knit		
	353.5036	Other		
		FELTS AND ARTICLES OF FELT:		
		VALUED NOT OVER \$1.50 PER POUND:		
	355.1500	Roll Felts		
		VALUED OVER \$1.50 PER POUND:		
	355.1600	Roll Felts		
	355.1800	Other Webs, Weavings, Etc.		
	357.6040	Textile Fabrics With Tufts In Parallel Rows Formed In The Weaving Or Finishing Process By Folding and Sewing		
	357.7000	Edgings, Insertings, Gallons Fringes and Other Trimmings		
		BELTS AND BELTS FOR MACHINES OTHER THAN V-BELTS:		
	358.0800	Woven		
	358.0900	Other		
		CLOTHING FOR PAINTER-MAKERS, PAINTING, OR OTHER MACHINES:		
	358.3000	Woven		
	358.3500	Other		
		TEXTILE FABRICS, INCLUDING LAMINATED FABRICS, N.S.P.P.:		
	359.3000	Of Wool		
	361.0000	Floor Coverings Underlays With Over 50% By Weight Wool		

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
HATS-UPS AND MISCELLANEOUS

WOOL
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
462		MADE-UPS & MISC. cont'd	2.0	Lb.
		WOOL cont'd		
		OTHER WOOL HFD. cont'd		
		OTHER ARTICLES; NOT ORNAMENTED; KNITS: Valued Not Over \$5 Per Pound Valued Over \$5 Per Pound Pile Or Tuft Construction Other		

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

WOOL
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE	
462		MADE-UPS & MISC. cont'd	2.0	Lb.	
		WOOL			
		OTHER WOOL HFD. cont'd			
		OTHER BEEDING: Ornamented Not Ornamented			
		OTHER LACE OR NET FURNISHINGS: HANDMADE: Valued Not Over \$50 Per Pound			
		OTHER FURNISHINGS ORNAMENTED: Wall Hangings Other			
		OTHER FURNISHINGS, NOT ORNAMENTED: KNITS: Valued Not Over \$5 Per Pound Valued Over \$5 Per Pound Pile Or Tuft Construction			
		NON-KNIT FELT: Valued Not Over \$1.50 Per Pound Valued Over \$1.50 Per Pound			
		OTHER FURNISHINGS: Wall Hangings Other			
		OTHER ARTICLES, N.S.P.F. ORNAMENTED: Vells GARTERS, GARTER BELTS, SUSPENDERS: Of Wool and Rubber Or Elastic Fabric Sample, Not Knit, Not Pile Other			
		363.2000			
		363.7500			
		365.1110			
		365.6610			
		365.6620			
		367.0500			
		367.1000			
		367.1500			
		367.2000			
		367.2500			
		367.3025			
		367.3030			
	372.0840				
	376.0800				
	385.2000				
	386.0820				

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
HAND-MADE AND MISCELLANEOUS

HAND-MADE
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
666 cont'd		HAND-MADE & MISG. cont'd		
		HAND-MADE FIBER cont'd		
		OTHER FURNISHINGS cont'd		
		OTHER BEDDING:		
		NOT ORNAMENTED:		
		Blankets		
		BEDSPREADS, COVERLETS, QUILTS AND CONFORTERS:		
		Bedspreads		
		Coverlets, Quilts & Comforters		
		OTHER:		
		Cheets		
		Pillowcases		
		Other		
		Tapestries, Including Hand-Woven Point-to-Point and Other Needle Point Tapestries		
		PURCHASE-LACE FURNISHINGS, ORNAMENTED:		
	Valued Not Over \$50 Per Piece			
	MACHINE-MADE LACE FURNISHINGS:			
	MADE ON A LEANED MACHINE:			
	12 Points Or Finer			
	Not 12 Points Or Finer			
	Made On A Bobbinette-Jacquard Machine			
	Made On A Bobbinette-Lace Curtain Machine			
	Made On Any Other Machine			
	Evenly Cut Lace Furnishings			
	Of Lace, Of Patterns, Or Of Both, Made In Designs Or Patterns Formed Wholly Or In Substantial Part By Machine-Made Materials By Machine			
	OTHER FURNISHINGS MADE ON A LACE NET OR POINT-TO-POINT MACHINE WHETHER OR NOT ORNAMENTED AND OTHER LACE OR NET FURNISHINGS ORNAMENTED:			
	Wall Hangings			
	OTHER:			
	Curtains & Drapes			
	Tablecloths & Napkins			
	Other			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
HAND-MADE AND MISCELLANEOUS

HAND-MADE
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
665		HAND-MADE & MISG. cont'd		
		HAND-MADE FIBER		
		FLOOR COVERINGS		
		FLOOR COVERING OF FIBRE WITH FIBRE NOT HAND-INSERTED:		
		WILTON AND VELVET FLOOR COVERINGS:		
		Imitation Oriental		
		Other		
		OTHER:		
		Annulater		
		Other		
		OTHER FLOOR COVERINGS:		
		In Which The Fibre Or Yarn Were Inserted Or Knitted Into A Pre-Existing Base, Handknotted Using Hand Tool		
		In Which The Fibre Or Yarn Were Inserted Or Knitted Into A Pre-Existing Base, Other Than Handknotted		
		Wholly Or In Part Of Braids (Except Tubular Braids With Core)		
		OTHER:		
	With Over 50% By Weight (Excludes Of Any Core) Being Cotton Or Man-Made Fibre Or Both			
	Other Than Of Wholly Or In Part Of Braids			
	Other Floor Coverings, N.O.P.P. Woven But Not Made On A Power Driven Loom			
	OTHER FLOOR COVERINGS, N.O.P.P.:			
	Non-Woven			
	Other			
	OTHER FURNISHINGS:			
	LACE OR NET EMBROID:			
	ORNAMENTED:			
	Blankets			
	Bedspreads			
	Coverlets, Quilts And Comforters			
	Other			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

MAN-MADE
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
669 cont'd		MADE-UPS & MISC. cont'd	7.8	Lb.
		MAN-MADE FIBER cont'd		
		OTHER MAN-MADE MANUFACTURES cont'd		
		BRANDS NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR: cont'd		
		COATED FOR PAPER MAKING, PRINTING OR OTHER MACHINES:		
		Printers Rubberized Blankets		
		Other		
		OTHER:		
		Veils, Ornamented		
		Bags, Seals and Other Shopping Containers		
		TUBULAR BRAIDS WITH NON-ELASTIC CORE:		
		Labels, NOT ORNAMENTED:		
	Woven			
	Other			
	Tassels and Cords of Textile Materials			
	CONSECT LACINGS, FOOTWEAR LACINGS, OR SIMILAR LACINGS:			
	Braided, With Or Without Core			
	Other Than Braided			
	OTHER ARTICLES, N.S.P.F.:			
	Tarpaulins and Tents			
	NON-ELASTIC BRAIDS AND OTHER BRAIDS SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:			
	In Substantial Part of Man-Made Fibers			
	Of Other Textile Material			

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated
MADE-UPS AND MISCELLANEOUS

MAN-MADE
Section 4

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
669 cont'd		MADE-UPS & MISC. cont'd	7.8	Lb.
		MAN-MADE FIBER cont'd		
		OTHER FURNISHINGS cont'd		
		OTHER FURNISHINGS, NOT ORNAMENTED:		
		Knit, Except Pile Or Tufted		
		Pile or Tufted		
		Of Glass		
		OTHER:		
		Wall Hangings		
		OTHER:		
		Curtains & Drapes		
		Tablecloths & Napkins		
	Other			
669		OTHER MAN-MADE MANUFACTURES	7.8	Lb.
		BRANDS NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
		TUBULAR BRAIDS WITH NON-ELASTIC CORE:		
		CABLE, ROPE, CORD, AND TWINE:		
		Measuring Under 3/16" in Diameter		
		Other		
		Other		
		OTHER:		
		CABLE, ROPE, CORD AND TWINE:		
		Measuring		
		Other		
		Other		
	Quilling			
	Other, Made On A Machine (Or Machine) Net			
	Machines			
	Veils, Wedding, Betting and Non-Woven Fabrics			
	Etc.			
	Fish Netting, and Fishing Nets (Including Sections Thereof)			
	Edgings, Insertings, Gallons, Fringes and Trimmings, Whether in The Piece or Otherwise			

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- CROSS REFERENCE -

COTTON, WOOL AND MAN-MADE FIBER TEXTILE CLASSES BY CATEGORY Section 5

Table with columns: TSUSA, CAT, TSUSA, CAT, TSUSA, CAT, TSUSA, CAT, TSUSA, CAT, TSUSA, CAT. Contains numerical data for textile categories.

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- CROSS REFERENCE -

COTTON, WOOL AND MAN-MADE FIBER TEXTILE CLASSES BY CATEGORY Section 5

Table with columns: TSUSA, CAT, TSUSA, CAT, TSUSA, CAT, TSUSA, CAT, TSUSA, CAT, TSUSA, CAT. Contains numerical data for textile categories.

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Textile and Apparel Categories by Tariff Schedules
of the United States Annotated

ANNEX I

CERTIFIED HANDWOOMED AND FOLKLORE PRODUCTS

CROSS REFERENCE --
COTTON, WOOL AND MAN-MADE FIBERS
Section 5

TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT	TSUSA	CAT
382.3972	612	382.6922	359	382.8113	635	704.1090	331				
62	613	28	438	15	635	55	331				
63	439	17	439	17	635	55	331				
64	440	18	440	18	635	55	331				
65	441	19	441	19	635	55	331				
66	442	20	442	20	635	55	331				
67	443	21	443	21	635	55	331				
68	444	22	444	22	635	55	331				
69	445	23	445	23	635	55	331				
70	446	24	446	24	635	55	331				
71	447	25	447	25	635	55	331				
72	448	26	448	26	635	55	331				
73	449	27	449	27	635	55	331				
74	450	28	450	28	635	55	331				
75	451	29	451	29	635	55	331				
76	452	30	452	30	635	55	331				
77	453	31	453	31	635	55	331				
78	454	32	454	32	635	55	331				
79	455	33	455	33	635	55	331				
80	456	34	456	34	635	55	331				
81	457	35	457	35	635	55	331				
82	458	36	458	36	635	55	331				
83	459	37	459	37	635	55	331				
84	460	38	460	38	635	55	331				
85	461	39	461	39	635	55	331				
86	462	40	462	40	635	55	331				
87	463	41	463	41	635	55	331				
88	464	42	464	42	635	55	331				
89	465	43	465	43	635	55	331				
90	466	44	466	44	635	55	331				
91	467	45	467	45	635	55	331				
92	468	46	468	46	635	55	331				
93	469	47	469	47	635	55	331				
94	470	48	470	48	635	55	331				
95	471	49	471	49	635	55	331				
96	472	50	472	50	635	55	331				
97	473	51	473	51	635	55	331				
98	474	52	474	52	635	55	331				
99	475	53	475	53	635	55	331				
00	476	54	476	54	635	55	331				
01	477	55	477	55	635	55	331				
02	478	56	478	56	635	55	331				
03	479	57	479	57	635	55	331				
04	480	58	480	58	635	55	331				
05	481	59	481	59	635	55	331				
06	482	60	482	60	635	55	331				
07	483	61	483	61	635	55	331				
08	484	62	484	62	635	55	331				
09	485	63	485	63	635	55	331				
10	486	64	486	64	635	55	331				
11	487	65	487	65	635	55	331				
12	488	66	488	66	635	55	331				
13	489	67	489	67	635	55	331				
14	490	68	490	68	635	55	331				
15	491	69	491	69	635	55	331				
16	492	70	492	70	635	55	331				
17	493	71	493	71	635	55	331				
18	494	72	494	72	635	55	331				
19	495	73	495	73	635	55	331				
20	496	74	496	74	635	55	331				
21	497	75	497	75	635	55	331				
22	498	76	498	76	635	55	331				
23	499	77	499	77	635	55	331				
24	500	78	500	78	635	55	331				
25	501	79	501	79	635	55	331				
26	502	80	502	80	635	55	331				
27	503	81	503	81	635	55	331				
28	504	82	504	82	635	55	331				
29	505	83	505	83	635	55	331				
30	506	84	506	84	635	55	331				
31	507	85	507	85	635	55	331				
32	508	86	508	86	635	55	331				
33	509	87	509	87	635	55	331				
34	510	88	510	88	635	55	331				
35	511	89	511	89	635	55	331				
36	512	90	512	90	635	55	331				
37	513	91	513	91	635	55	331				
38	514	92	514	92	635	55	331				
39	515	93	515	93	635	55	331				
40	516	94	516	94	635	55	331				
41	517	95	517	95	635	55	331				
42	518	96	518	96	635	55	331				
43	519	97	519	97	635	55	331				
44	520	98	520	98	635	55	331				
45	521	99	521	99	635	55	331				
46	522	00	522	00	635	55	331				
47	523	01	523	01	635	55	331				
48	524	02	524	02	635	55	331				
49	525	03	525	03	635	55	331				
50	526	04	526	04	635	55	331				
51	527	05	527	05	635	55	331				
52	528	06	528	06	635	55	331				
53	529	07	529	07	635	55	331				
54	530	08	530	08	635	55	331				
55	531	09	531	09	635	55	331				
56	532	10	532	10	635	55	331				
57	533	11	533	11	635	55	331				
58	534	12	534	12	635	55	331				
59	535	13	535	13	635	55	331				
60	536	14	536	14	635	55	331				
61	537	15	537	15	635	55	331				
62	538	16	538	16	635	55	331				
63	539	17	539	17	635	55	331				
64	540	18	540	18	635	55	331				
65	541	19	541	19	635	55	331				
66	542	20	542	20	635	55	331				
67	543	21	543	21	635	55	331				
68	544	22	544	22	635	55	331				
69	545	23	545	23	635	55	331				
70	546	24	546	24	635	55	331				
71	547	25	547	25	635	55	331				
72	548	26	548	26	635	55	331				
73	549	27	549	27	635	55	331				
74	550	28	550	28	635	55	331				
75	551	29	551	29	635	55	331				
76	552	30	552	30	635	55	331				
77	553	31	553	31	635	55	331				
78	554	32	554	32	635	55	331				
79	555	33	555	33	635	55	331				
80	556	34	556	34	635	55	331				
81	557	35	557	35	635	55	331				
82	558	36	558	36	635	55	331				
83	559	37	559	37	635	55	331				
84	560	38	560	38	635	55	331				
85	561	39	561	39	635	55	331				
86	562	40	562	40	635						

