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highlights

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

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

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

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

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

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rules and regulations

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

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

[3410-02]

Title 7—Agriculture

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

[Navel Orange Reg. 425]

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

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 13-19, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on January 10, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges remains fairly firm at this time.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.725 Navel Orange Regulations 425.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 13, 1978, through January 19, 1978, are established as follows:

(1) District 1: 700,000 cartons;

(2) District 2: unlimited movement;

(3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

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

Dated: January 11, 1978.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-1045 Filed 1-11-78; 11:57 am]

[3410-02]

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

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1978 fiscal period, to be collected from handlers to support activities of the Papaya Administrative Committee which locally administers the Federal marketing order covering papayas grown in Hawaii.

DATES: Effective January 1 through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On December 8, 1977, notice was published in the FEDERAL REGISTER (42 FR 62012) inviting written comments not later than December 28, 1977, on proposed expenses, rate of assessment, and carryover of unexpended funds, under Marketing Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that § 928.207 is added as follows:

§ 928.207 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1978, through December 31, 1978, will amount to $433,800.

(b) The rate of assessment for said period payable by each handler in accordance with § 928.41 is fixed at $0.006 per pound of papayas.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended December 31, 1977, shall be carried over as a reserve in accordance with § 928.42.

* * * * *

It is further found that good cause exists for not postponing the effective date until February 13, 1978 (5 U.S.C. 553) as the order requires that the rate of assessment for a fiscal period shall apply to all assessable papayas handled from the beginning of the period.

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

Dated: January 6, 1978.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-749 Filed 1-11-78; 8:45 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—EXPORT PROGRAMS

[Amendment 4]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-5)

MISCELLANEOUS AMENDMENTS

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment will permit CCC, under the CCC Export Credit Sales Program, to finance exports of U.S. agricultural commodities loaded on foreign flag vessels that have called at a North Vietnamese port on or after January 25, 1966. Such financing was previously prohibited by the National Security Council Action Memorandum No. 340, dated January 25, 1966. This memorandum was rescinded by the National Security Council effective June 10, 1977.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

L. T. McElvain, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250, telephone 202-447-3224.

Since the amendment is being made to comply with the action taken by the National Security Council, it is hereby found and determined that compliance with the procedure for notice of proposed rulemaking and public participation is unnecessary. Therefore, this amendment is issued without compliance with such procedure.

RULE

§ 1488.19 [Reserved]

Accordingly, § 1488.19 contained in Title 7 CFR is revoked and reserved.

(Sec. 5(t), 62 Stat. 1072 (15 U.S.C. 714c); Sec. 4, 80 Stat. 1538 (7 U.S.C. 1707a).)

Signed at Washington, D.C., on January 6, 1978.

KELLY HARRISON,
Vice President, Commodity Credit Corporation and General Sales Manager, Office of the General Sales Manager.

[FR Doc. 78-813 Filed 1-11-78; 8:45 am]

[1505-01]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

PART 511—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Amendments Relating to Board Employee Loans and Reimbursement of Expenses

Correction

In FR Doc. 77-34583 appearing on page 61250 in the issue of Friday, December 2, 1977, on page 61251 in § 511.735-11(b)(ii), the 2d line should read, "[ex-]ceeding $10,000 for consumer purposes. * * *".

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-CE-24-AD, Amdt. 39-3123]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 182 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to all Cessna Model 182 series airplanes prior to S/N 18265965 (except the Model R182), in which an Emergency Locator Transmitter (ELT) was either installed by the manufacturer at the time of airplane assembly or was installed in accordance with Cessna Service Letter SE 73-41. The AD requires the exposed terminals of the battery relay installed on the airplane battery case to be protected by an insulated cover in accordance with Cessna Service Letter SE 77-41. This AD is necessary to prevent an ELT cable that may become loose from short circuiting and causing a fire hazard to the airplane and/or its occupants.

DATE: This amendment becomes effective January 23, 1978.

COMPLIANCE

Required within the next 100 hours time-in-service after the effective date of this AD or by March 15, 1978, whichever occurs first.

ADDRESSES: Cessna Service Letter Number SE77-41, dated November 7, 1977, which covers the subject matter of this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attn: Customer Service Department, Wichita, Kans. 67201; telephone 316-685-9111.

FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3146.

SUPPLEMENTARY INFORMATION: AD 77-23-11, Amendment 39-3084 (42 FR 59748, 59749), applicable to the same airplanes to which this AD is applicable, required a one time inspection of the ELT coaxial cable and connector to determine if they were properly attached and if not, appropriate corrective action to secure them. While this inspection was necessary in the interest of safety, the FAA realizes that through additional in-service use the problem could reoccur. The manufacturer has now developed protective electrical covering for the battery relay terminals, so that should the ELT coaxial cable become loose and contact a relay terminal, a short circuit and the ensuing possible fire hazard will not occur. The protective electrical covering and installation instructions are the subject matter of Cessna Service Letter 77-41 dated November 7, 1977. Since the described unsafe condition could develop in other airplanes of the same type design, an AD is being issued, applicable to certain Cessna Model 182 series airplanes, making compliance with the aforementioned Service Letter mandatory. This AD was coordinated with the manufacturer prior to issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, Notice and Public Procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: E. L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administra-

tor, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

CESSNA: Applies to Model 182 Series (S/N's 18260797 thru 18265965) plus all other Cessna Model 182 Series incorporating ELT installations accomplished in accordance with Cessna Service Letter SE73-41 dated December 12, 1973, and Kits AK-150-97 or AK-150-104 or Kits AK-150-110 and AK-172-190 which were supplied by Cessna when Kits AK-150-97 and 150-104 were discontinued.

Compliance: Required as indicated unless already accomplished.

To preclude the possibility of an in-flight fire due to a loose ELT antenna coaxial cable connector making contact with the terminals of the battery relay and thereby shorting the electrical power to ground, within the next 100 hours time-in-service after the effective date of this AD or by March 15, 1978, whichever occurs first, accomplish the following:

(A) Install P/N 0712765-1 plastic guard over the P/N S1579 battery relay, or on those Cessna Model 182 airplanes not utilizing a P/N S1579 battery relay install two P/N MS 25171-1S and two P/N MS 25171-4S rubber nipple covers on the battery relay terminal in those airplanes, in accordance with Cessna Service Letter SE-77-41, dated November 7, 1977, or later approved revisions.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering & Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 23, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

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

Issued in Kansas City, Mo., on December 30, 1977.

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

[FR Doc. 78-780 Filed 1-11-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-AEA-93]

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

Alteration of Control Zone, Calverton, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Calverton, N.Y., control zone, by changing the daily duration of the zone from "0800-1730" to "0800-1630." This change is required by a similar decrease in the period of operation of the control tower.

EFFECTIVE DATE: 0901 G.m.t. March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone: 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Calverton, N.Y., control zone.

The decrease in time is less restrictive and will impose no additional burden on any person and thus notice or public procedure hereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. March 23, 1978, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Calverton, N.Y., control zone, by deleting, "0800 to 1730 hours" and by inserting, "0800 to 1630 hours" in lieu thereof.

(Sec. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

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

Issued in Jamaica, N.Y., on December 29, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc. 78-782 Filed 1-11-78; 8:45 am]

[4910-13]

[Docket No. 17535, Amdt. No. 1102]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

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

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal

Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

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

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

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the national airspace system or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) notice to airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

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

ADOPTION OF THE AMENDMENT

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

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * effective February 23, 1978:

Daytona Beach, FL—Daytona Beach Regional, VOR Rwy 16, Amdt. 13
Orlando, FL—Orlando International, VOR Rwy 18L, Original
Orlando, FL—Orlando International, VOR Rwy 18R, Original
Orlando, FL—Orlando International, VOR/DME Rwy 36L, Amdt. 2
Orlando, FL—Orlando International, VOR/DME Rwy 36R, Amdt. 7
Orlando, FL—Orlando Jetport at McCoy, VOR Rwy 18L & 18R, Amdt. 3, canceled
Twin Falls, ID—Twin Falls City—County (Joslin Field), VOR Rwy 7, Amdt. 3
Twin Falls, ID—Twin Falls City—County (Joslin Field), VOR Rwy 25, Amdt. 15
Lafayette, LA—Lafayette Regional, VOR Rwy 1, Amdt. 12
Pineville, LA—Pineville Municipal, VOR-A, Original
Baudette, MN—Baudette International, VOR Rwy 30, Amdt. 3
Olive Branch, MS—Olive Branch, VOR/DME-A, Original, canceled
Walls, MS—Twinkle Town, VOR/DME Rwy 5, Original, canceled
Livingston, MT—Mission Field, VOR-A, Amdt. 3
Silver City, NM—Silver City—Grant County, VOR/DME-B, Original
Minot, ND—Minot International, VOR Rwy 8, Amdt. 8
Minot, ND—Minot International, VOR Rwy 13, Amdt. 8
Minot, ND—Minot International, VOR Rwy 26, Amdt. 9
Minot, ND—Minot International, VOR Rwy 31, Amdt. 8
Titusville, PA—Titusville, VOR-A, Amdt. 2
Memphis, TN—Memphis International, VOR Rwy 17L, Original, canceled
Nashville, TN—Nashville Metropolitan, VOR/DME Rwy 20R, Amdt. 1
Galveston, TX—Scholes Field, VOR Rwy 13, Amdt. 13
Houston, TX—William P. Hobby, VOR/DME Rwy 22 (TAC), Amdt. 17
Christiansted, St. Croix, V.I.—Alexander Hamilton, VOR Rwy 27, Amdt. 14
Walla Walla, WA—Walla Walla City-County, VOR Rwy 2, Amdt. 9
Morgantown, WV—Morgantown Municipal Walter L. Bill Hart Field, VOR-A, Amdt. 8
Morgantown, WV—Morgantown Municipal Walter L. Bill Hart Field, VOR/DME Rwy 18, Amdt. 2
Janesville, WI—Rock County, VOR Rwy 4, Amdt. 21
Janesville, WI—Rock County, VOR/DME Rwy 22 (TAC), Original
Janesville, WI—Rock County, VORTAC Rwy 22, Amdt. 6, cancelled
Newcastle, WY—Mondell Field, VOR Rwy 31, Amdt. 1

* * * *effective January 26, 1978:*

Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 8, Original
Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 8 (TAC), Amdt. 6, cancelled
Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 26, Original
Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 26 (TAC), Amdt. 4, cancelled
Kotzebue, AK—Ralph Wien Memorial, VORTAC Rwy 8, Amdt. 2, cancelled
Kotzebue, AK—Ralph Wien Memorial, VOR/DME Rwy 8, Original
Gunnison, CO—Gunnison County, VOR-A, Amdt. 3

* * * *effective December 23, 1977:*

Durango, CO—Durango-La Plata County, VOR-A, Amdt. 4
Durango, CO—Durango-La Plata County, VOR/DME, Rwy 2, Amdt. 1

NOTE.—The FAA published an amendment in Docket No. 17412, Amdt. No. 1100 to Part 97 of the Federal Aviation regulations (42 FR 63639; December 19, 1977) under § 97.23, effective February 9, 1978, which is hereby amended as follows: Dothan, Al—Wheelless, VOR/B, Amdt. 3, and Ozark, AL—Blackwell Field, VOR Rwy 30, Amdt. 4, change effective dates to March 23, 1978.

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

* * * *effective February 23, 1978:*

Daytona Beach, FL—Daytona Beach Regional LOC (BC) Rwy 24R, Amdt. 8
Minot, ND—Minot International LOC (BC) Rwy 13, Amdt. 3
Houston, TX—William P. Hobby, LOC BC Rwy 22, Amdt. 18

* * * *effective January 26, 1978:*

Asheville, NC—Asheville Municipal, LOC Rwy 16, Original

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

* * * *effective February 23, 1978:*

Daytona Beach, FL—Daytona Beach Regional, NDB Rwy 6L, Amdt. 17
Statesboro, GA—Statesboro Municipal, NDB Rwy 13, Amdt. 3
Statesboro, GA—Statesboro Municipal, NDB Rwy 31, Amdt. 3
Lafayette, LA—Lafayette Regional, NDB Rwy 28, Amdt. 3
Corinth, MS—Roscoe Turner, NDB Rwy 17, Amdt. 5
Corinth, MS—Roscoe Turner, NDB Rwy 35, Amdt. 4
Arlington, TN—Arlington Municipal, NDB Rwy 15, Amdt. 4
Arlington, TN—Arlington Municipal, NDB Rwy 33, Amdt. 4
Lawrenceburg, TN—Lawrenceburg Municipal, NDB-A, Amdt. 4
San Angelo, TX—Mathis Field, NDB Rwy 18, Original, cancelled
Christiansted, St. Croix, V.I.—Alexander Hamilton, NDB Rwy 9, Amdt. 8
Blacksburg, VA—VPI, NDB Rwy 8, Amdt. 3
Arlington, WA—Arlington, NDB-A, Amdt. 1
Morgantown, WV—Morgantown Municipal Walter L. Bill Hart Field, NDB Rwy 18, Amdt. 12

* * * *effective January 26, 1978:*

Asheville, NC—Asheville Municipal, NDB Rwy 16, Amdt. 11

NOTE.—The FAA published an Amendment in Docket No. 17330, Amdt. No. 1097, to Part 97 of the Federal Aviation regulations (42 FR 57449; November 3, 1977) under § 97.27, effective January 26, 1978, which is hereby amended as follows: Clarksburg, WV—Benedum, NDB Rwy 21, Amdt. 4, and Fairmont, WV—Fairmont Municipal, NDB-A, Amdt. 3, change effective dates to March 23, 1978.

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

* * * *effective February 23, 1978:*

Carlsbad, CA—Palomar, ILS Rwy 24, Amdt. 1
Riverside, CA—Riverside Municipal, ILS Rwy 9, Amdt. 3
Daytona Beach, FL—Daytona Beach Regional, ILS Rwy 6L, Amdt. 21
Orlando, FL—Orlando International, ILS Rwy 36L, Amdt. 5
Orlando, FL—Orlando International, ILS Rwy 36R, Amdt. 1
Minot, ND—Minot International, ILS Rwy 31, Amdt. 3
Christiansted, St. Croix, V.I.—Alexander Hamilton, ILS Rwy 9, Amdt. 1
Spokane, WA—Spokane International, ILS Rwy 21, Amdt. 17
Morgantown, WV—Morgantown Municipal, Walter L. Bill Hart Field, ILS Rwy 18, Amdt. 5
Janesville, WI—Rock County, ILS Rwy 4, Amdt. 5

* * * *effective January 26, 1978:*

Kotzebue, AK—Ralph Wien Memorial, ILS/DME Rwy 8, Amdt. 2

* * * *effective January 12, 1978:*

Nashville, TN—Nashville Metropolitan, ILS Rwy 2L, Original

NOTE.—The FAA published an amendment in Docket No. 17330, Amdt. No. 1097 to Part 97 of the Federal Aviation Regulations (42 FR 57449; November 3, 1977) under § 97.29, effective January 26, 1978, which is hereby amended as follows: Clarksburg, WV—Benedum, ILS Rwy 21, Amdt. 5, change effective date to March 23, 1978.

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

* * * *effective February 23, 1978:*

Daytona Beach, FL—Daytona Beach Regional, RADAR-1, Amdt. 1
Lafayette, LA—Lafayette Regional, RADAR-1, Amdt. 1
Billings, MT—Billings Logan International, RADAR-1, Amdt. 3
Wichita Falls, TX—Kickapoo Downtown Airpark, RADAR-1, Original

* * * *effective January 26, 1978:*

Corpus Christi, TX—Corpus Christi International, RADAR-1, Amdt. 5

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *effective February 23, 1978:*

Columbia, SC—Columbia Metropolitan, RNAV Rwy 5, Amdt. 5

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

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

Issued in Washington, D.C., on January 6, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc. 78-785 Filed 1-11-78; 8:45 am]

[4910-13]

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17543; Amdt. No. 121-139]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Certification and Operating Rules for All-Cargo Air Carriers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes safety certification and operating rules for all-cargo air carriers issued certificates by the Civil Aeronautics Board under section 418 of the Federal Aviation Act of 1958. This amendment is necessary to implement section 418 of the Act.

EFFECTIVE DATE: January 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8716.

SUPPLEMENTARY INFORMATION: Pub. L. 95-163 amended the Federal Aviation Act of 1958 to establish a new class of air carriers called "all-cargo air carriers." The law requires the Civil Aeronautics Board to issue certificates under new section 418 of the Act to several of the "grandfather" applicants no later than January 9, 1978. Accordingly, the Board promulgated a new Part 291 applicable to all-cargo air carriers issued certificates under section 418 of the Act. Part 291 of the Board's regulations becomes effective January 9, 1978.

These events also require the FAA to adopt appropriate amendments to the Federal Aviation Regulations to provide for the certification and regulations of "section 418 carriers" in the interest of safety. It should be noted that those eligible for "grandfather" certificates currently hold FAA operating certificates issued under Part 121, 127, or 135. Regardless of which certificate they hold they conduct their all-cargo operations with large airplanes in accordance with the rules of Part 121 applicable to supplemental air carriers and their all-cargo operations with small airplanes in accordance with the rules of Part 135. The FAA "all-cargo air carrier certificate" will be issued under Part 121.

Accordingly, this amendment makes Part 121 of the Federal Aviation Regulations applicable to carriers holding an "all-cargo air service certificate" or "section 418 certificate" issued by the CAB under section 418 of the Federal Aviation Act and requires operations under that certificate to be conducted in accordance with the safety certification and operating rules in Part 121 that govern supplemental air carriers. It is the intent of this amendment to require compliance with only those regulations governing supplemental air carriers, rather than those prescribed in Part 121 for domestic and flag air carriers, unless the Administrator otherwise allows or requires in operations specifications issued to the air carrier. Of course, by virtue of § 121.9, small airplane operations under a section 418 certificate must be conducted in accordance with the operating rules of Part 135.

Holders of domestic, flag, and supplemental air carrier operating certificates, including the holder of a certificate issued under Part 127, who apply for operating authority under this amendment will not be issued an additional certificate, but will be issued appropriate operations specifications.

The holder of a Part 135 ATCO certificate limited to small aircraft may continue to conduct its all cargo operations under its Part 135 ATCO certificate. However, if it elects to operate under the authority of a section 418 certificate issued by the Board, it will be required to qualify and obtain an appropriate Part 121 certificate, in addition to operations specifications.

DRAFTING INFORMATION

The principal author of this document is R. G. Leary, Office of the Chief Counsel.

Since, as required by law, certain applicants must be issued certificate authority to provide all-cargo air service no later than January 9, 1978, there is a requirement for the early adoption of this amendment to provide applicable certification and operating rules in the interest of safety in air transporta-

tion. Therefore, I find that notice and public procedure hereon are contrary to the public interest and that good cause exists for making this amendment effective in less than thirty days.

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended, effective January 9, 1978, as follows:

1. By adding a new paragraph (a)(6) to § 121.1 to read as follows:

§ 121.1 Applicability.

(a) * * *

(6) Each air carrier when it engages in all-cargo air service under a certificate issued by the CAB under section 418 of the Federal Aviation Act of 1958.

* * * * *

2. By adding a new paragraph (h) to § 121.3 to read as follows:

§ 121.3 Certification requirements: general.

* * * * *

(h) No person may engage in air transportation under the authority of an all-cargo air service certificate issued by the CAB under section 418 of the Federal Aviation Act of 1958, unless that person complies with the certification and operating rules of this part applicable to supplemental air carriers, except § 121.590. However, the Administrator may issue operations specifications for those operations and allow or require a certificate holder to comply with operating rules prescribed for domestic or flag air carriers, in lieu of the supplemental air carrier operating rules, if he determines that safety in air commerce requires or allows their issuance. The holder of a domestic, flag or supplemental air carrier certificate issued under this part or an air carrier certificate issued under Part 127 of this chapter need not obtain, and is not eligible for, an all-cargo air carrier certificate issued under this part. Those certificate holders are issued appropriate operations specifications.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on January 9, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-1028 Filed 1-11-78; 10:13 am]

[1505-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

Recision of Obsolete Part

Correction

In FR Doc. 78-102 appearing on page 951 in the issue of January 5, 1978.

In the SUMMARY paragraph, the last sentence should be corrected to read, "After carefully considering requests by a trade association and a manufacturer for retention of these rules, the Commission concludes that retention is not in the public interest.".

In the second column, insert PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY between the last two paragraphs.

[4810-22]

Title 19—Customs Duties

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

[T.D. 78-16]

PART 159—LIQUIDATION OF DUTIES

X-Radial Steel Belted Tires From Canada

AGENCY: U.S. Treasury Department.

ACTION: New Amount of Countervailing Duty Determined.

SUMMARY: This notice is to inform the public of the amount of countervailing duty which will be assessed on X-radial steel belted tires imported from Michelin Tire Manufacturing Co. of Canada, Ltd., during 1976. Section 159.47(f) of the Customs Regulations is being amended to include this notice.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 8, 1973 (38 FR 1018), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., are subject to bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

At that time, notice was given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In the FEDERAL REGISTER of July 23, 1976 (41 FR 30325), the Commissioner of Customs gave notice that a deposit of estimated countervailing duties, in the amount of 2.513 percent of the f.o.b. value of each tire, would be required at the time of entry of the subject merchandise for consumption or upon its withdrawal from warehouse for consumption on or after January 1, 1976.

From information received since the issuance of the notice of July 23, 1976, it has been finally ascertained, determined or estimated that the net amount of the bounty or grant paid or bestowed upon the subject merchandise is 2.28 percent of the f.o.b. value of each tire during 1976, and countervailing duties of this amount will be collected upon the liquidation of all entries of the subject merchandise for consumption or withdrawals thereof from warehouse for consumption during the period January 1 through December 31, 1976.

On the basis of information presently available, the amount of such bounty or grant applicable to shipments of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada, entered for consumption or withdrawn from warehouse on or after the date of publication of this notice, is estimated to be 1.98 percent of the f.o.b. value of each tire. Accordingly, until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufac-

turing Co. of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties of 1.98 percent of the f.o.b. value of each tire.

Declarations of the net amount of the bounties or grants finally ascertained, determined or estimated with respect to such merchandise will be published in subsequent issues of the Customs Bulletin and the FEDERAL REGISTER.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption after December 31, 1976, of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall continue to be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect to the commodity "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Co. of Canada, Ltd., "the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Final rate declared, new estimated rate" in the column headed "Action."

(R.S. 251, as amended, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050; (19 U.S.C. 66, 1303, as amended, 1624).)

Pursuant to Reorganization Plan Number 26 of 1950 and Treasury Department Order 190 Revision 14, July 1, 1977, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)) insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 9, 1978.

[FR Doc. 78-859 Filed 1-11-78; 8:45 am]

[4710-01]

Title 22—Foreign Relations

CHAPTER 1—DEPARTMENT OF STATE

PART 51—PASSPORTS

New Passport Requirements

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends Department of State passport regulations to require minors of age 13 years or older to be issued passports in their own names; to require a group passport to contain an individual photograph of the bearer and a group photograph of all included persons; and to establish specific requirements for execution of passport applications by minors. The purpose of these amendments is to increase administrative efficiency and economy.

EFFECTIVE DATE: January 1, 1978.

ADDRESS: Director, Passport Office, Department of State, Washington, D.C. 20524.

FOR FURTHER INFORMATION CONTACT:

W. B. Wharton, Chief, Legal Division, Passport Office, Department of State, 202-523-4246.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 57138, November 1, 1977) inviting interested persons to submit comments concerning the amendments on or before November 28, 1977. After consideration of all relevant comments received, the proposed amendments to Part 51, Title 22, Code of Federal Regulations, are adopted, without change, as set forth below.

Dated: December 20, 1977.

BARBARA M. WATSON,
Assistant Secretary for Consular Affairs.

1. In Title 22 CFR § 51.5(a) is amended as follows:

§ 51.5 Persons who may be included in one passport.

(a) The following persons may be included in one passport:

(1) The spouse of the bearer;

(2) Children of the bearer under the age of 13 years, including stepchildren and adopted children;

(3) Brothers and sisters of the bearer under the age of 13 years.

* * * * *

2. § 51.25 (a) and (b) [amended].

§ 51.25 Photographs.

(a) *Photographs of bearer.* The applicant shall submit with his application identical photographs of himself alone taken within 6 months of the application, which are a good likeness and satisfactorily identify the applicant. The photographs shall be signed by the applicant in the same manner and form as the application. No joint photographs of the bearer and included person(s) will be acceptable.

(b) *Photographs of included persons.* An applicant who wishes to include members of his family shall submit two identical photographs showing only the included persons. When more than one person is to be included, group photographs of the included persons are required. Composite photographs are not acceptable. Separate photographs of each individual to be included may not be submitted; only group photographs are acceptable for this purpose. The photographs must be consistent with the photograph requirements in paragraph (a) of this section; however, they need not be signed.

* * * * *

3. In § 51.27 paragraph (b) is amended; paragraph (c) is deleted; and paragraphs (d) and (e) are renumbered as paragraphs (c) and (d).

§ 51.27 Minors.

* * * * *

(b) *Execution of application by minors.* A minor of age 13 years or above shall execute an application on his own behalf unless in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application. In such case it must be executed by a parent or guardian of the minor, or by a person in loco parentis. A parent, guardian or person in loco parentis shall execute the application for minors under the age of 13 years. The passport issuing office may require a minor under the age of 18 years to obtain and submit the written consent of a parent, a legal guardian or a person in loco parentis to the issuance of the passport.

* * * * *

(Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 2658), EO 11295, 36 FR 10603; 3 CFR 1966—70 comp., page 507.)

[FR Doc. 78-764 Filed 1-11-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[Docket No. R-77-496]

PART 300—GENERAL

List of Attorneys-in-Fact

ACTION: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as

more fully described in paragraph (a) of 24 CFR 300.11

DATES: This amendment is effective January 12, 1978.

ADDRESSES: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone: 202-755-7603.

FOR FURTHER INFORMATION CONTACT:

Mr. William J. Linane, Office of the General Counsel, on 202-755-4942.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

It is hereby certified that economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107 and copies are on file for public inspection at the above address.

§ 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name and region

Gordon C. Bell, Dallas, Tex.
Donald E. Berg, Dallas, Tex.
E. N. Biggerstaff, Los Angeles, Calif.
Victoria Duffield, Dallas, Tex.
Calvin W. Heptinstall, Los Angeles, Calif.
Elwyn V. Hopkins, Washington, D.C.
Harry E. Johnson, Washington, D.C.
R. E. Long, Dallas, Tex.
Diedre F. O'Donoghue, Chicago, Ill.
N. A. Ownes, Atlanta, Ga.
J. L. Thomas, Dallas, Tex.
Fred B. Vanderwoude, Dallas, Tex.
Loretta A. Wing, Philadelphia, Pa.

2. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name and region

M. V. Appenzeller, Atlanta, Ga.
Frances E. Bennett, Atlanta, Ga.
E. N. Biggerstaff, Atlanta, Ga.
Norman T. Bolas, Los Angeles, Calif.
Ardella C. Boucher, Dallas, Tex.
James S. Cash, Atlanta, Ga.
Mark Donoho, Dallas, Tex.
B. B. Fincher, Dallas, Tex.
Fred J. Haupt IV, Los Angeles, Calif.
C. W. Heptinstall, Los Angeles, Calif.
John S. Kolich, Dallas, Tex.
Donna M. Long, Los Angeles, Calif.
Mattye M. Looper, Los Angeles, Calif.
Marcia G. Maxwell, Atlanta, Ga.
Loretta A. Meissler, Philadelphia, Pa.
Allen P. Miller, Los Angeles, Calif.
Harbir S. Narang, Los Angeles, Calif.
Dorothy D. Nichol, Dallas, Tex.
Deidre F. O'Donoghue, Chicago, Ill.
Douglass M. Porter, Washington, D.C.
Dorni V. Price, Los Angeles, Calif.
A. E. Rodenberger, Los Angeles, Calif.
Roger Stewart, Washington, D.C.
Robert F. Sumbry, Atlanta, Ga.
Jimmie L. Thomas, Dallas, Tex.
Doris C. Webb, Dallas, Tex.
Erlinda C. Weaver, Los Angeles, Calif.
Sharon Weisbach, Atlanta, Ga.
James H. Whitehead, Atlanta, Ga.
June F. Yamakawa, Los Angeles, Calif.
Dick A. Yockey, Los Angeles, Calif.
Mary B. Zarrilli, Atlanta, Ga.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C. on January 6, 1978.

JOHN H. DALTON,
President, Government National Mortgage Association.

[FR Doc. 78-862 Filed 1-11-78; 8:45 am]

[3710-08]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER K—ENVIRONMENTAL QUALITY
[AR 210-9]

PART 656—INSTALLATIONS, USE OF OFF-ROAD VEHICLES ON ARMY LAND

Final Rule; Correction

AGENCY: Department of the Army, DOD.

ACTION: Correction to final rules.

SUMMARY: This document corrects a document previously published on October 25, 1977 regarding policies and procedures for the use of off-road vehicles on Army installations.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT:

Robert B. McGough, Chief, Buildings and Grounds Division, Facilities Engineering Directorate, Office, Chief of Engineers, Washington, D.C. 20314 (202-693-6687).

SUPPLEMENTARY INFORMATION: The regulation as published requires the use of spark arresters on all ORV's. It is not considered appropriate to require spark arresters on ORV's which are used on water, snow, or ice. Several typographical errors were noted which require correcting. Therefore the document revising 32 CFR part 656 published in the FEDERAL REGISTER on October 25, 1977 as 42 FR 56326, is corrected as set forth below:

(1) On page 56326, third column, list of sections and titles, change title of § 656.8 to read "Guidelines and criteria for evaluation and utilization of Army lands for off-road vehicle use".

(2) On page 56327, third column, § 656.8, change title of this section to read "Guidelines and criteria for evaluation and utilization of Army lands for off-road vehicle use".

(3) On page 56328, first column, § 656.8(b), change "Zone of ORV's" to read "Zones of Use".

(4) On page 56328, second column, § 656.8(c)(5), change first sentence, "Impact of wildlife * * *" to read "Impact on wildlife * * *".

(5) On page 56328, third column, § 656.8(d)(8), change first sentence to read "ORV's when operating off established road and parking areas not covered by ice, snow or water shall be equipped with a properly installed spark arrester that meets standard 5100-1a of the U.S. Forest Service, Department of Agriculture".

Dated: December 27, 1977.

LEWIS H. BLAKEY,
Deputy Director for Technology and Engineering, Facilities Engineering.

[FR Doc. 78-849 Filed 1-11-78; 8:45 am]

[4310-70]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM, GRAND CANYON NATIONAL PARK, ARIZ.

Immobilized, Inoperable Vehicles

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to establish regulations for storing immobilized and inoperable vehicles on government lands within the park. These regulations are necessary to discourage the development of hazardous conditions and physical and visual pollution of the area.

DATES: This amendment shall become effective on February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Merle E. Stitt, Superintendent, Grand Canyon National Park. Telephone: 602-638-2411.

SUPPLEMENTARY INFORMATION: A proposed rule on this subject was published in the FEDERAL REGISTER on January 19, 1977 (42 FR 3656). Any comments, suggestions, or objections regarding the amendment were requested, but none were received. Accordingly, the National Park Service has determined that the regulation should become final, without changes.

NOTE.—The National Park Service has determined that this document does not contain a major proposal which would require preparation of an economic impact state-

ment under the provisions of E.O. 11821 and OMB Circular A-107.

BRUCE W. SHAW,
Acting Superintendent,
Grand Canyon National Park.

Section 7.4 of Title 36, Code of Federal Regulations, is hereby amended by the addition of a new paragraph (i) as follows:

§ 7.4 Grand Canyon National Park.

* * * * *

(i) *Immobilized and legally inoperative vehicles.* (1) An immobilized vehicle is a motor vehicle which is not capable of moving under its own power due to equipment malfunction or deficiency. This term shall also include trailers whose wheels have been removed or which, for other reasons, cannot be immediately towed from their location, excluding trailers being used as residences which are occupying sites designated for this purpose by the Superintendent. A legally inoperative vehicle is a motor vehicle capable of movement under its own power, but not licensed to legally operate on roads.

(2) Leaving, storing, or placing upon federally owned lands within the park any immobilized or legally inoperative vehicle for a period exceeding 30 days is prohibited, except under the terms of a permit issued by the Superintendent.

(3) A revocable permit for an immobilized or legally inoperative vehicle may be issued without fee by the Superintendent for a specific period of time, upon a finding that the issuance of such a permit will not interfere with park management or impair park resources.

(i) Any permit issued will be valid for the period stated on the permit, unless otherwise revoked or terminated by the Superintendent, and will state the name and address of the owner, the description of the vehicle, and the exact location where it may be left, stored or placed.

(ii) The permittee will affix the permit securely and conspicuously to the vehicle.

(iii) The permit shall be nontransferable.

(iv) Any person issued a permit shall comply with all terms and conditions of the permit. Failure to do so will constitute cause for the Superintendent to terminate the permit at any time.

(v) A permit may be revoked at any time for the convenience of the National Park Service or upon a finding that continued authorization under the permit would interfere with park management or impair park resources.

(4) An immobilized or legally inoperative vehicle left in excess of 30 days without a permit will be removed at the owner's expense.

(5) An immobilized or legally inoperative vehicle constituting a safety hazard, causing an obstruction to roads or trails, or interfering with maintenance operations will be removed immediately at the owner's expense. Such interference or impairment may include, but shall not be limited to, the creation of a safety hazard, traffic congestion, visual pollution, or fuel and lubricant drip pollution.

(6) The Superintendent shall have the right of inspection at all reasonable times to ensure compliance with the requirements of this paragraph.

[FR Doc. 78-857 Filed 1-11-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 841-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Three large fossil fuel utilization facilities in the Southeastern Massachusetts Air Pollution Control District (SEMAPCD) are approved to burn fossil fuel with a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately 2.2 percent sulfur content residual fuel oil or its equivalent of approximately 1.4 percent sulfur content coal) in accordance with revised regulation 5.1, "Sulfur Content of Fuels and Control Thereof" until May 1, 1978.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION:

David Stonefield, Air Branch, EPA Region I, Room 2113, J.F.K. Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10872), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of EPA approved, with exceptions, the Massachusetts implementation plan for the attainment of national ambient air quality standards (NAAQS).

On December 30, 1976, the Massachusetts Secretary of Environmental Affairs submitted a revision to regulation 5.1 which allowed seventeen large fuel burning sources in the SEMAPCD, each having an energy input capacity rate of one hundred million Btu's per hour or greater, to burn higher sulfur content fuel until May 1, 1978. The SEMAPCD is the same geographic area as the Massachusetts portion of the metropolitan Providence interstate air quality control region. Existing SIP regulations permit the burning of fossil fuel with a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1 percent sulfur content residual fuel oil by weight). On September 2, 1977 (42 FR 44235), EPA approved the use of the higher sulfur content fuel for ten of these sources, disapproved its use for four sources, and took no action on the remaining three sources pending further evaluation. On September 26, 1977 (42 FR 48895), EPA proposed to approve the use of the higher sulfur content fuel for these remaining three sources. Brayton Point station and Somerset station, two oil fired electric generating facilities, as well as Harodite Finishing Co., a manufacturing company.

As stated in the proposed approval, the revision also required that the use of the higher sulfur fuel by each source be approved, and a permit be granted by the Massachusetts Department of Environmental Quality Engineering (the Massachusetts department) prior to use. Conversion to high sulfur fuel will be contingent upon the source conforming with certain conditions incorporated in the permit, including requiring emission testing and the establishment of a network of total suspended particulate (TSP) monitors and continuous ambient sulfur dioxide (SO_2) monitors at specified locations in the vicinity of the approved sources. Exceedance of the NAAQS for SO_2 or TSP recorded by any monitor in the vicinity of the facility would be grounds for requiring an immediate and permanent return to the use of lower sulfur fuel by the source involved. Further, no source will be permitted to continue burning higher sulfur fuel if the emission testing results show that the source has particulate emissions in excess of the emission limitation under the present SIP. Any permit will be revoked if there is evidence of noncompliance with any other applicable SIP regulation. The comments received during the public comment period following EPA's September 26, 1977, proposed approval do not change EPA's decision.

Comments were received from four interested parties during the comment period. A number of comments were received that were beyond the scope of the notice. One commenter pointed out an error in a statement in EPA's supporting documentation which did not affect the conclusion drawn in the documentation.

One commenter, the Commissioner of the Connecticut Department of En-

vironmental Protection, had several objections to the proposed revision. A brief summary of these objections and EPA's response follows:

Q. How can EPA approve a SIP revision which would increase emissions from these three sources in a "non-attainment" area?

A. This SIP revision permits an increase in the regulatory limit for the sulfur content in fuels. The affected area has attained primary and secondary SO_2 standards. EPA believes that the revision, if approved, would not prevent the attainment and maintenance of SO_2 standards for the time period in question. A secondary impact of this revision would be the possible increase of particulate emissions from the affected sources over the present level, but still within the present regulatory limits set by the Massachusetts SIP. The Fall River area has not attained primary or secondary standards for TSP. EPA has performed comprehensive chemical and microscopic analyses of the filters which measured high particulate levels in the Fall River area during 1976. The evidence provided by these analyses confirms EPA's belief that the isolated high levels of TSP concentrations are caused by sources of fugitive emissions and road dust reentrainment.

During the period of this revision, both the Massachusetts department and the affected sources will continue to gather data which will support the Massachusetts department's TSP attainment plan, due in November 1978. The Massachusetts department has already initiated a comprehensive statewide study on TSP non-attainment which includes the Fall River area. The scope of work for this study includes the collection of meteorological and site data at selected ambient monitors, comprehensive analyses of many filters (not merely filters measuring exceedances), TSP spatial distribution anaylses, the collection of traffic data, and interpretation of results. It is EPA's belief that, as a result of this and certain EPA studies relating to particulate emissions and control, the Massachusetts Department will develop control measures which will correct the TSP non-attainment problem.

Q. How can EPA approve a SIP revision which would contribute increased SO_2 emissions from these three sources in an area where modeled SO_2 violations are predicted to occur?

A. It is EPA's opinion that the increased SO_2 emissions from this temporary revision will not cause or contribute to a violation of the SO_2 standard. There are no monitored violations for SO_2 in the area and it is presently classified as attainment for this pollutant. In reviewing those sources contained in the original temporary revision requested by the Massachusetts department, EPA identified Duro Finishing Co. (Duro) as having a potential downwash problem due to plant configuration and local topography. These conditions could cause highly localized standards violations even while Duro is burning the presently required 1 percent sulfur fuel. For these reasons, Duro was disapproved from burning the higher sulfur content fuel (42 FR 44235). As part of its program to address the requirements of the Clean Air Act Amendments of 1977, the Massachusetts department will evaluate this problem and take measures to correct it if necessary. As part of the monitoring program associated with this temporary revision of the State implementation plan, the Massachusetts department will require the installation of a monitor at the maximum modeled impact point, and will require the immediate return to the use of lower sulfur fuel if an approved source is shown to contribute to any NAAQS exceedance.

Q. Comment: There is not much margin for error in meeting ambient air quality standards by reducing Montaup's load by 25 percent. Further, reductions in source emissions do not necessarily result in equivalent proportional reductions in ambient concentrations.

A. The 75 percent load figure was derived by examining the operating records at the Somerset plant. When the modeling results were considered in light of this 75 percent factor, EPA concurred with the Massachusetts department's opinion that standards would not be violated. As a condition of permit approval, operation of the Somerset plant will be limited to 75 percent of capacity.

Q. Why did EPA not analyze the filters measuring exceedances in 1975 when the Brayton and Somerset plants were burning coal, and how could EPA still conclude that these two power plants did not significantly contribute to the measured TSP violations in 1976 which indicate TSP non-attainment?

A. During 1975, both Somerset and Brayton Point stations were given temporary suspensions from state particulate regulations in order to burn coal during a fuel shortage. Both plants were emitting particulates in excess of the SIP limitations. However, during the period of this revision, neither plant will be permitted to emit particulates in excess of the present federally enforceable regulatory limit. The 1975 filters are thus not representative of actual conditions projected for the period of this SIP revision. In addition, half of the violations measured during 1975 were recorded at a monitoring site which was poorly sited and eventually discontinued.

Q. What led EPA to conclude that the "non-attainment status of the SEMAPCD is due principally to road sanding operations plus wind-caused reentrainment of sand and other materials," especially as applied to the April 9th and June 11th filters?

A. Both the April 9 and June 11 measurements reflect exceedances of the secondary NAAQS. EPA's general conclusion was based on an analysis of seven filters, taking into account not only wet chemical and microscopic filter analysis, but also the meteorology, local events and site conditions applicable for the day on which the exceedance was measured. Specifically, EPA concluded that the April 9, 1976, violation was likely caused by fugitive emissions from trucking and/or construction activity in the area. EPA concluded that the June 11, 1976, violation was caused principally by road dust reentrainment. The microscopic analysis and XRF analysis provide no conclusive evidence that either Brayton Point or Somerset contributed to these violations. A full discussion of each of the filters that were analyzed, including the April 9 and June 11 filters, is found in an EPA report entitled "Evaluation and Validation of Total Suspended Particulate NAAQS Exceedances, Fall River, Mass., 1975-1976," a copy of which is available for public information at EPA region I.

EPA believes that the interim filter analyses which it performed were proper for an analysis of this SIP revision, and that the forensic technique used provides the best obtainable insight into the constituents of the particles causing the measured exceedances in 1976. Although the filter analyses performed did not result in determinations of site (source) specific causes of the exceedances, EPA was able not only to identify the elemental chemical composition of the filter catches, but also to characterize the physical state in which the elements appeared. The analyses performed were adequate to support EPA's conclusion that the overwhelming causes of these exceedances were fugitive emissions and road dust reentrainment.

Particulate emissions at the present time, with the affected sources burning 1 percent sulfur oil, are below the level permitted by the SIP (now permitted to be up to .12 pounds per million BTU). Burning 2.2 percent sulfur oil would result in source emissions at or just below the permitted level. These sources are legally permitted to burn at this higher level at the present time; and this condition would remain unaffected by this temporary revision of the sulfur in fuel limitations. Levels of particulate emissions at or just below the SIP could result not only from the combustion of higher sulfur fuel oil, but could also result from a drop in precipitator efficiency even while burning low sulfur

oil, or the conversion to coal using existing emission control equipment. In the long term, both Brayton Point and Somerset power plants are expected to convert to the use of coal pursuant to prohibition orders issued under ESECA. Unless the current SIP emission limitations are revised, particulate emissions from these sources undoubtedly will increase to the level now permitted by the applicable regulations. More stringent emission limitations, however, could significantly affect the economic feasibility of coal conversion due to the higher costs associated with more stringent control requirements.

The nonattainment status of the Fall River area must be expected to persist unless the SIP regulations controlling particulate emissions are modified. The most cost-effective combination of emission controls, however, is highly uncertain. It remains speculative whether the violations can be prevented most effectively by tightening emission limitations on large point sources, controlling fugitive emissions from street sanding operations and road dust reentrainment, or a combination of such measures.

It is clearly desirable to develop the most cost-effective control strategy, demonstrating attainment of the NAAQS, prior to commencing conversion to the use of coal at Brayton Point or Somerset. A premature decision to lower the allowable emission limits for the major point sources in the area would increase the cost of power generation, perhaps precluding the use of coal, and most importantly might not solve the nonattainment problem. Conversely, if the plant converted to coal without an adequate assessment of the need for more stringent particulate control on major point sources, the expenditure of capital and other resources involved might make subsequent revision to the appropriate emission limitations substantially more difficult to effectuate. Accordingly, EPA believes that approval of this temporary SIP revision, which expires automatically on May 1, 1978, will provide a useful tool to supplement the development of the most cost-effective TSP attainment plan in a timely manner.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts implementation plan.

The Agency finds that good cause exists for making these actions immediately effective for the following reasons: (1) The implementation plan revision is already in effect under State law, and EPA approval imposes no additional regulatory burdens; (2) immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs; and (3) the effective period of the revision is of limited duration.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 7410).)

Dated: January 5, 1978.

BARBARA BLUM,
Acting Administrator.

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

Subpart W—Massachusetts

1. Section 52.1126(d) is revised to read as follows:

§ 52.1126 Control strategy; sulfur oxides.

* * * * *

(d) Massachusetts regulation 5.1 for the Southeastern Massachusetts Air Pollution Control District is approved except as to the following sources which remain subject to the previously approved requirements of regulation 5.1 which stipulates that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight):

Facility formerly operated by Olin Chemicals and now owned by Polaroid Corp., Freetown, Mass.
Duro Finishing Co., Fall River, Mass.
Stevens Realty Co., Fall River, Mass.
Taunton Municipal Light, West Water Street plant, Taunton, Mass.

[FR Doc. 78-894 Filed 1-11-78; 8:45 am]

[6560-01]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 841-3; PP 7E1936/R142]

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

Terbacil

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide terbacil on strawberries. The amendment to the regulations was requested by the Interregional Research Project No. 4. This rule will establish a maximum permissible level for residues of terbacil on strawberries.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-2516.

SUPPLEMENTARY INFORMATION: On October 19, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 55829) in response to a pesticide petition (PP 7E1936) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Connecticut, Florida, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Oregon, Pennsylvania, and Washington. This petition proposed that 40 CFR 180.209 be amended by the establishment of a tolerance for combined residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) and its hydroxylated metabolites (calculated as terbacil) in or on the raw agricultural commodity strawberries at 0.1 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.209 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, by February 10, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on January 11, 1978, part 180, subpart C, section 180.209 is amended by adding a tolerance for residues of terbacil on strawberries at 0.1 ppm as set forth below.

Dated: January 4, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

Part 180, Subpart C, section 180.209 is amended by alphabetically adding a

tolerance of 0.1 ppm in or on strawberries to the end of the list in paragraph (b) as follows:

§ 180.209 Terbacil; tolerances for residues.

* * * * *

(b) * * *

Community:	Parts per million
* * * * *	
Strawberries	0.1

[FR Doc. 78-750 Filed 1-11-78; 8:45 am]

[6560-01]

[FRL 841-4; PP 6E1725/R139]

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

Simazine

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide simazine. The amendment to the regulations was requested by Ciba-Geigy Corp. This amendment establishes a maximum permissible level for residues of simazine on bananas.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry Jacoby, Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-2197.

SUPPLEMENTARY INFORMATION: On September 27, 1977, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (42 FR 49485) in response to a pesticide petition (PP 6E1725) submitted to the Agency by Ciby-Geigy Corp., P.O. Box 11422, Greensboro, N.C. 27409. This petition proposed that 40 CFR 180.213a be amended by the establishment of a tolerance for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine and 2,4-diamino-6-chloro-*s*-triazine in or on the raw agricultural commodity bananas at 0.2 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.213a should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, by February 13, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on January 12, 1978, Part 180, Subpart C, section 180.213a is amended by adding a tolerance for residues of simazine on bananas at 0.2 ppm as set forth below.

Dated: January 4, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart C, § 180.213a is revised in its entirety by editorially restructuring the section into an alphabetized columnar listing to include a tolerance of 0.2 ppm on bananas as follows:

§ 180.213a Simazine; tolerances for residues.

Tolerances are established for combined residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine and 2,4-diamino-6-chloro-*s*-triazine in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Bananas	0.2
Fish	12

[FR Doc. 78-751 Filed 1-11-78; 8:45 am]

[6560-01]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-8]

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Noise Emission Standards for Medium and Heavy Trucks; Fire Apparatus: Stay Pending Reconsideration

AGENCY: Environmental Protection Agency.

ACTION: Notice, Stay of effectiveness.

SUMMARY: This document stays, with respect to fire apparatus, the effectiveness of medium and heavy truck noise regulations pending reconsideration of the applicability of those regulations. This action is taken in response to a petition for reconsideration filed with the Agency.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry E. Thomas, Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Environmental Protection Agency, Washington, D.C. 20460 (703-557-7743).

SUPPLEMENTARY INFORMATION: Noise emission standards for newly manufactured medium and heavy trucks are effective as of January 1, 1978. 40 CFR 205.50 et seq. That regulation applies to all truck types, including fire apparatus, although a stay of effectiveness of the regulation with respect to motor homes was issued by the Agency on November 15, 1977 (42 FR 59975, November 23, 1977).

The Fire Apparatus Manufacturers Division (FAMD) of the Truck Body and Equipment Association (TBEA), on July 29, 1977, petitioned EPA to reconsider the applicability of the regulation to fire apparatus based upon certain information that was submitted. A portion of that information is inconsistent with EPA's evaluation of the medium and heavy truck manufacturing industry. This information has important bearing on the manner in which the responsibilities under the regulation are apportioned, and merits EPA's careful analysis. In the near future EPA will solicit public comment as to whether fire apparatus vehicles should be excluded from the regulation. Following public comment EPA will publish a notice of its decision as well as any revision to 40 CFR Part 205 if such is appropriate.

Since consideration of the FAMD petition will run beyond the January 1, 1978 compliance date, EPA has granted FAMD's request for a stay. This stay applies to all fire apparatus manufacturers irrespective of their association with TBEA.

Accordingly, I take the following action:

Effective January 1, 1978, the provisions of 40 CFR 205.50-205.59 shall not apply with respect to any fire apparatus. This action is a stay pending reconsideration of the regulation, and shall continue until 90 days following publication of notice in the FEDERAL REGISTER, as to EPA's final decision of the petition of the Truck Body and Equipment Association dated July 29, 1977.

Dated: December 30, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-786 Filed 1-11-78; 8:45 am]

[6560-01]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 810-5]

PART 15-3—PROCUREMENT BY NEGOTIATIONS

Cost Sharing in Contracts for Research

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises an Environmental Protection Agency (EPA) regulation that covers the basic guidelines for the use of cost sharing in contracts for research. Previously, the EPA procurement regulations encouraged cost sharing for research contracts that resulted from unsolicited proposals, however, for fiscal years 1976 and 1977 EPA was included in the Department of Housing and Urban Development—Independent Agencies Appropriations Acts which do contain requirements for cost sharing when contracts result from proposals not specifically solicited by the Government. Cost sharing is a financial arrangement under which a contractor bears a portion of costs of performing a contract. The intended effect of this regulation is to require cost sharing in an amount that will reflect the mutuality of interest of the contractor and the Government.

EFFECT DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Boyer, Contracts Policy and Review Branch (PM-214), Environmental Protection Agency, Washington, D.C. 20460, 202-755-0900.

SUPPLEMENTARY INFORMATION: Prior to fiscal year 1976, money for the EPA was appropriated under the provisions of the Agriculture—Environmental and Consumer Protection Appropriation Acts. These Acts did not contain requirements for cost sharing.

It is the general policy of the EPA to invite comments regarding the development of proposed rules; however, this action consists only of a revision of an existing regulation to bring it into conformance with provisions of law and no useful purpose would be served by inviting comments.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

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

Dated: December 28, 1977.

DOUGLAS M. COSTLE,
Administrator,
Environmental Protection Agency.

The table of contents for Part 15-3 is amended to provide new entries as follows:

Sec.
15-3.405-3-50 Basic guidelines.
15-3.405-3-51 Unsolicited proposals.
15-3.405-3-52 Determination of amount of cost sharing.

Subpart 15-3.4—Types of Contracts

Section 15-3.405-3 is revised to add §§ 15-3.405-3-50, 15-3.405-3-51, and 15-3.405-3-52 as follows:

§ 15-3.405-3 Cost sharing contract.

This section prescribes the conditions under which cost sharing contracts are to be used and guidance for the amount of cost sharing to be obtained. As defined in the Federal procurement regulations, a cost sharing contract is a cost-reimbursement type contract under which the contractor receives no fee but is reimbursed only for an agreed portion of its allowable costs. However, the principles set forth in this section are considered to apply equally to fixed-price contracts where the contractor agrees, or is required by statute, to bear a portion of the cost of performance.

§ 15-3.405-3-50 Basic guidelines.

(a) Cost sharing with non-Federal organizations shall be encouraged where the parties have considerable mutual interest in the basic or applied research subject matter of the contract. For example, when it is probable that the contractor will receive significant future benefits from the research such as increased technical knowledge useful in future operations, additional technical or scientific expertise or training for its personnel, opportunity to benefit through patent rights, and the use of background knowledge in future production contracts.

(b) Normally, cost sharing need not be applied where the contracting officer has determined that one or more of the following circumstances exist:

(1) The particular research objective or scope of effort for the project is specified by EPA rather than proposed by the performing organization. This will usually include any formal solicitation for a specific project;

(2) The research effort has only minor relevance to the non-Federal activities of the performing organization, and the organization is proposing to undertake the research primarily as a service to EPA;

(3) The organization has little or no non-Federal sources of funds from which to make a cost contribution. Cost sharing should generally not be requested if cost sharing would mean that EPA would have to provide funds through some other means (such as fees) to enable the organization to cost share. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to make a cost contribution; or

(4) Payment of the full cost of the project is necessary in order to obtain the services of the particular organization.

§ 15-3.405-3-51 Unsolicited proposals.

The Department of Housing and Urban Development-Independent Agencies Appropriation Act contains a requirement that none of the funds provided in the Act may be used for payment through grants or contracts to recipients that do not share in the cost of conducting research resulting from proposals that are not specifically solicited by the Government. Accordingly, contracts which result from unsolicited proposals shall provide for the contractor to bear a portion of the cost of performance as determined in accordance with § 15-3.405-3-52. However, where there is no measurable gain to the performing organization, there is no mutuality of interest, and, therefore, no means by which the extent of cost sharing may reflect a mutuality of interest.

§ 15-3.405-3-52 Determination of amount of cost sharing.

When cost sharing is determined to be appropriate in accordance with § 15-3.405-3-50 or required by statute pursuant to § 15-3.405-3-51, the amount of cost participation by the performing organization may vary in accordance with a number of factors relating to the performing organization and the character of the research effort. The amount of cost participation shall reflect the mutual agreement of the contracting officer and the contractor. Factors which contracting officers may consider in any negotiations with prospective contractors regarding the amount of cost participation include the following:

(a) Cost participation by educational institutions and other not-for-profit or nonprofit organizations should normally be at least 1 percent of total project cost. In many cases cost sharing of less than 5 percent of total project cost would be appropriate in view of the organization's nonprofit status and their normally limited ability to recover the cost of such participation from non-Federal sources. However, in some cases it may be appropriate for educational institutions to provide a higher degree of cost sharing, such as when the cost of the research consists primarily of the academic year salary of faculty members, or when the

equipment acquired by the institution for the project will be of significant value to the institution in its educational activities.

(b) The amount of cost participation by commercial or industrial organizations should depend to a large extent on whether the research effort or results are likely to enhance the performing organization's capability, expertise, or competitive position and the value of such enhancement to the performing organization. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to derive a monetary benefit from their research under Federal agreements. Therefore, cost participation by commercial or industrial organizations could reasonably range from as little as 1 percent or less of the total project cost to more than 50 percent of total project cost.

(c) If the performing organization will not acquire title to, or the right to use, inventions, patents, or technical information resulting from the research project, it would generally be appropriate to obtain less cost sharing than in cases in which the performer acquires such rights.

(d) Where cost sharing is required by statute, cost participation of less than 1 percent may be appropriate if consistent with the provisions of the statute and the circumstances set forth in § 15-3.405-3-50(b) are present.

(e) A relatively low degree of cost sharing may be appropriate if, in the view of the Federal agency, an area of research requires special stimulus in the national interest.

(f) A fee or profit will usually not be paid to the performing organization if the organization is to contribute to the cost of the research effort, but the amount of cost sharing may be reduced to reflect the fact that the organization is foregoing its normal fee or profit on the research. However, if the research is expected to be of only minor value to the performing organization and if cost sharing is not required by statute, it may be appropriate for the performer to make a contribution in the form of a reduced fee or profit rather than sharing the costs of the project.

[FR Doc. 78-860 Filed 1-11-78; 8:45 am]

[6820-26]

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

[ADM 7900.2 CHGE 9]

PART 105-61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105-61.1—Public Use of Archives and FRC Records

CONDUCT OF NATIONAL ARCHIVES RESEARCHERS

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revises the regulations governing the conduct of researchers using National Archives facilities and explains the procedure for the revocation of researcher identification cards when the researcher's behavior warrants revocation. In recent months, certain individuals have hampered the proper operation of various NARS facilities by their conduct, which has infringed on the rights of other researchers. Current regulations do not specify revocation procedures.

EFFECTIVE DATE: These changes are effective January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

James Megronigle, Director, Planning and Analysis Division, Office of the Executive Director, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202-523-3214.

Section 105-61.102-5 is revised as follows:

§ 105-61.102-5 Conduct.

(a) *Regulations.* Researchers are subject to the provisions of Subpart 101-20.3, Conduct on Federal Property, and to all rules and regulations issued and posted or distributed by a facility director supplementing § 105-61.102. Eating in a research room is prohibited. Smoking is prohibited except in designated smoking areas. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters, sound recording devices, or photocopying equipment shall work in areas designated by the research room attendant.

(b) *Revocation of a researcher identification card.* When researchers have refused to comply with the rules and regulations of a NARS facility, or by their actions have demonstrated that they present a danger to the records or a danger or annoyance to other researchers or employees, they may have their researcher identification cards revoked by a NARS facility director. A researcher whose card has been revoked shall immediately be denied research privileges at all NARS facilities and shall be given written notification of the reasons for the revocation within 3 work days of that action. A researcher having his researcher identification card revoked shall have 30 days after the revocation in which to make a written appeal to the Archivist of the United States, National Archives and Records Service (N), General Services Administration, Washington, D.C. 20408, for reinstatement of research privileges. The Archivist of the United States shall, upon receipt of an appeal, have 30 days in which to decide whether or not research privileges should be reinstated. If the revocation is upheld or if no appeal is made, the researcher shall be prohibited from applying for another researcher identification card for a period of 6 months from the date of the revocation, and all NARS facilities shall be so notified. At the end of 6 months, a researcher who has had his NARS identification card revoked may reapply for research privileges. Upon application, a new researcher identification card will be issued for a probationary period of 2 months. However, if based on the reasons for the revocation of research privileges, the probationary reinstatement of a researcher poses a substantial threat to the safety of persons or property, the facility director shall deny probationary reinstatement and so advise the applicant in writing within 3 working days of receiving the reinstatement application. At the end of the probationary period the researcher may apply for a standard researcher identification card valid for 2 years. The NARS facility director will review the researcher's conduct in NARS facilities during the probationary period and determine whether a regular 2-year researcher identification card will be issued. If the researcher's conduct during the probationary period is determined to have been unsatisfactory by the NARS facility director, or if the facility director has denied a reinstatement application, research privileges will again be denied for 6 months. This second and any subsequent revocation of research privileges may be appealed to the Archivist of the United States pursuant to the procedures specified in this section.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

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

Dated: December 28, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc. 78-858 Filed 1-11-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 20—MIGRATORY BIRD HUNTING

Emergency Closure of Special Scaup Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking closes the special scaup hunting season in Virginia established in the September 29, 1977, FEDERAL REGISTER and scheduled to open on January 8, 1978. Closure of the special scaup season will result in the protection of canvasback populations now concentrated in the area designated for this special scaup hunting season in Virginia.

EFFECTIVE DATE: January 12, 1978.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

SUPPLEMENTARY INFORMATION: John P. Rogers is also the principal author of this document. Regulations allowing a special hunting season for scaup were published in the FEDERAL REGISTER on September 29, 1977 (42 FR 51587), and established a special scaup season in Virginia from January 8, 1978, to January 23, 1978. Surveys just completed reveal the presence of large numbers of canvasback ducks in the designated special scaup season area in Virginia. Therefore, the Director has concluded that opening the special scaup season in Virginia would constitute an imminent threat to the safety of canvasback populations wintering in that area. Accordingly, the Service gives notice as required by 50 CFR 20.26 that the special season for taking scaup in Virginia as described under § 20.105(f) at page 51601 in the September 29, 1977, FEDERAL REGISTER is closed.

This notification in the FEDERAL REGISTER is subsequent to the announcement of this action to the general public in the affected area via local radio, televison and newspaper media.

ECONOMIC IMPACT REVIEW

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

Dated: January 9, 1978.

F. EUGENE HESTER,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc. 78-845 Filed 1-11-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURES

[Ex Parte No. 290]

PART 1102—PROCEDURES GOVERNING RAIL CARRIER GENERAL INCREASE PROCEEDINGS

Procedures Governing Rail General Increase Proceedings

AGENCY: Interstate Commerce Commission.

ACTION: Amended rule.

SUMMARY: The amended rule restricts the reporting requirements established in Ex Parte No. 290 concerning procedures governing rail general increase proceedings, to those Class I line-haul railroads which have freight operating revenues meeting the revenue level established by the Commission to determine Class I line-haul railroads. Previously in this proceeding, passenger revenues had been considered in arriving at the Class-I revenue levels.

DATES: Effective upon service date of order.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rate, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The amended rules as published on October 3, 1977 (at 42 FR 53602), presently require all Class I line-haul railroads to submit the Ex Parte No. 290 data upon filing tariff schedules containing a proposed general increase in freight rates or charges. The data is primarily pertinent to the consideration of general freight rate increases, and therefore the exclusion of railroads which do not meet the revenue level of Class I line-haul railroads based on freight service revenues (therefore excluding passenger service revenues), does not jeopardize the validity of the submitted data. The only railroad which will presently be affected by this modification is the Long Island Rail Road Company, since without the inclusion of passenger revenues it would not meet the presently established revenue level of $50 million. It should be noted, however, that if at any time the Long Island Rail Road Company's freight revenue level or that of any other road, reach the dollar amount specified by the Commission, it would automatically be subject to the reporting requirements.

The proposed change is the addition of the following sentence at the end of the first paragraph in § 1102.1

Application: For the purposes of this rule, the revenue requirements used to determine whether a carrier is a Class I line-haul railroad, will only include freight service revenues.

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

[FR Doc. 78-866 Filed 1-11-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36730]

PART 1201—RAILROAD COMPANIES

PART 1240—CLASSES OF CARRIERS

PART 1241—ANNUAL, SPECIAL, OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

Uniform System of Accounts; designation of Class II Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of regulations.

SUMMARY: Upon further consideration of the record we find it necessary to stay the January 1, 1978, effective date for implementing the revised uniform system of accounts for class II railroads (USOA), ordered in Commission Docket No. 36367, Revision to the Uniform System of Accounts for Railroads, decided June 13, 1977, (42 FR 35016, July 7, 1977), for all railroads with annual operating revenues of $10 million or less. Until a decision is reached on the revenue classification guideline and accounting and reporting requirements, all carriers operating in this revenue category will continue to maintain accounts under the present class II railroad accounting system and file Annual Report Form R-2 until further ordered.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No.: 202-275-7565.

Issued at Washington, D.C. December 30, 1977, by the Commission, A. Daniel O'Neal, Chairman.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-879 Filed 1-11-78; 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.

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

LOANS TO FOREIGN GOVERNMENTS, THEIR AGENCIES, AND INSTRUMENTALITIES

Proposed Rulemaking

AGENCY: Comptroller of the Currency.

ACTION: Proposed rule.

SUMMARY: The proposed interpretive ruling summarizes principles which the Comptroller of the Currency believes applicable to the combining of loans made by national banks to foreign governments, their agencies and instrumentalities under the lending limit provision of 12 U.S.C. 84. A new interpretive ruling is necessary because existing interpretive rulings applying the combining principles of 12 U.S.C. 84 do not directly address such loans.

DATES: Written comments must be received on or before March 13, 1978.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C., 20219.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry Mallinger, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

SUPPLEMENTARY INFORMATION: In recent years there has been rapid growth in lending by commercial banks to foreign governments, their agencies, and instrumentalities. This growth has required national bank examiners to give increasing attention to the applicability of the statutory lending limits of 12 U.S.C. 84 to such credits. In this process, specific questions have been raised as to how such loans should be combined for purposes of applying the lending limits.

The present series of formal interpretive rulings applicable to the combining of loans under 12 U.S.C. 84 (12 CFR 7.1310-7.1320) do not specifically address the types of inquiries which should be made in the case of credits related in one way or another to a foreign government. However, for some time the Comptroller's staff has advised banks making specific inquiries of two general principles. First, that foreign governments and government-related entities are regarded as "persons" under the language of 12 U.S.C. 84. Second, that loans to foreign government-related entities that have a significant degree of independence from the central government in their sources and uses of funds will not be combined with loans to the central government so long as such entities satisfactorily evidence means of repayment that are not substantially dependent upon general revenues of the central government. Implicit in these individual rulings has been the understanding that the borrowing by an individual entity is for the purpose of satisfying funding needs related to its own activities. This second principle has been expressed in staff opinions issued over the past several years in terms of the "means" and "purpose" tests.

Because of the increased number of circumstances in which examiners and bank officers must take the lending limits into account in reviewing loans to foreign governments and their instrumentalities, the Comptroller proposes to state the applicable principles and minimum documentation requirements in an interpretive ruling.

The proposed ruling addresses the following items.

First, loans to foreign governments, their agencies and' instrumentalities will be combined under 12 U.S.C. 84 if they fail to meet either the "means" or "purpose" test.

Second, these tests will apply to all existing and new loans at the time each new loan is made.

Third, the borrower is required to provide a statement describing with particularity the purpose of the loan. Normally this will be sufficient to satisfy the requirements of the "purpose" test. However, the ruling makes it clear that when a bank has available to it other information suggesting a use of proceeds inconsistent with the borrower's representation, it may not, without further inquiry, accept the representation.

Fourth, certain additional documentation is required to enable the bank to carry out its responsibility of reasonable investigation and to satisfy examiner inquiry under the "means" and "purpose" tests. In part, because of the threshold need to identify properly the real borrower, the additional documentation includes a statement describing the borrowing entity's legal status and relationship to the central government. Also required are financial statements for the borrowing entity for each of the three years prior to the making of the loan (or for each year less than three that the borrower has been in existence) and for each year the loan is outstanding, and analytical opinions by management supporting their assessment of the borrowing entity's ability to service the loans.

In a number of other areas, the proposed interpretive ruling does not attempt to establish firm boundaries because the differences in function and operation of various foreign governments and their related entities cannot be so inflexibly addressed. For example, the documentation required under the proposed ruling suggests that the presence or absence of central government support for the borrowing entity is a relevant inquiry. Some central government support whether direct or in the form of a guarantee would not, without more, require combining. However, where such support approaches a relatively large percentage or a principal portion of the borrowing entity's annual revenues, such as 50 percent, or where but for the presence of a governmental guarantee the bank would not consider the borrower to have sufficient credit standing, a presumption of lack of independent means may arise.

The proposed interpretive ruling does not supplant current interpretive rulings (12 CFR 7.1310-7.1320) applicable to the combining of loans to partnerships, corporations and their subsidiaries, and certain other common enterprises. Thus, 12 CFR 7.1310 remains applicable to loans to foreign entities organized as corporations whether or not they are related in some way to the central government.

While the proposed interpretive ruling states the inquiries which the Comptroller's Office for sometime has believed appropriate in applying 12 U.S.C. 84 to loans to foreign governments and their related entities, the specific terminology used in the ruling may be unfamiliar to some banks. In this connection, it should be clearly understood that the principles expressed in the ruling will not be applied by the Comptroller's Office to reverse prior examiner determinations on particular bank loan portfolios. However, because the principles expressed in the ruling are directly relat-

ed to existing statutory requirements, these principles should be carefully considered in connection with any new loans made by national banks to foreign governments and their related entities during the comment period.

The Administrative Procedure Act does not require notice and solicitation of comments in connection with interpretive rules (5 U.S.C. 553(b)). However, the Comptroller has elected to afford opportunity to comment on the proposed amendment.

PROPOSED RULING

For the reasons stated above, the Comptroller proposes to amend 12 CFR Part 7 by adding a new § 7.1330 to read as follows:

§ 7.1330 Loans to foreign governments, their agencies, and instrumentalities.

(a) Loans to foreign governments, their agencies, and instrumentalities will be combined under 12 U.S.C. 84 if they fail to meet either of the following tests:

(1) The borrowing entity must have resources or income of its own sufficient over time to service its debt obligations ("means" test);

(2) The loan proceeds must be used by the borrowing entity in the conduct of its business and for the purpose represented in the loan agreement or otherwise acknowledged in writing by the borrowing entity ("purpose" test). This does not preclude converting the loan proceeds into local currency prior to use by the borrowing entity.

These tests will be applied at the time each loan is made.

(b) In order to show that the "means" and "purpose" tests have been satisfied, a bank shall, at a minimum, assemble and retain in its files the following items:

(1) A statement and supporting documentation describing the legal status of the borrowing entity and showing its ownership and any form of control that may be exercised directly or indirectly by the central government.

(2) Financial statements for the borrowing entity for a minimum of three years prior to making the loan or for each year less than three that the borrowing entity has been in existence.

(3) Financial statements for each year the loan is outstanding.

(4) The bank's assessment of the borrower's means of servicing the loan including specific reasons justifying that assessment. Such assessments shall include an analysis of the financial history of the borrower, the present and projected economic and financial performance of the borrower, and the significance or lack of significance of any guarantees or other financial support by third parties, including the central government.

(5) A written statement from the borrower describing with particularity the purpose of the loan. Normally, such a statement will be regarded as sufficient evidence to meet the "purpose" test requirements. However, when the bank knows or has reason to know of other information suggesting a use of proceeds inconsistent with the representation in the statement, it may not, without further inquiry, accept that representation.

Dated: January 5, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-836 Filed 1-11-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-1]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) that would require a one-time Blue Etch-Anodize inspection of all first stage fan blades on Pratt & Whitney JT3D turbofan engines. The proposed AD is required to detect forging laps which could result in non-contained blade fractures.

DATES: Comments must be received on or before February 16, 1978.

ADDRESSES: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 78-NE-1, 12 New England Executive Park, Burlington, Mass. 01803.

The applicable service bulletins and special instructions may be obtained from:

Pratt and Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108.

A copy of the service bulletin and special instruction is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address supplied above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this section may be changed in the light of comment received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

To preclude failures of first stage fan blades due to forging laps, which could result in aircraft damage, perform a one-time Blue Etch-Anodize inspection of the blades in accordance with the procedures given in Pratt & Whitney Alert Service Bulletin 4733, dated May 5, 1977, or later FAA approved revision, and Special Instruction 2F-77 dated January 28, 1977, or later FAA approved revision.

Fan blades that exhibit blue etch linear indications in the inspection areas shown in Figure 1, of ASB 4733, must be reworked or scrapped in accordance with the forging lap repair limits established in Figure 2, of ASB 4733, dated May 5, 1977, or later FAA approved revision.

NOTE.—The AD does not change the present fan blade blend limits given in the JT3D engine manual.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C.

The FAA has determined that forging laps, which are caused by folding over of metal during the blade forging process, have contributed to 16 first

stage fan blade failures on JT3D turbofan engines. Nine of these failures were non-contained. Since this condition is likely to exist on other engines of the same type design, the proposed AD would require a one-time Blue Etch-Anodize inspection of the first stage fan blades to detect the presence of forging laps on all JT3D model engines. Since the time in service of individual fan blades is not recorded, a compliance time based on usage is impractical. Therefore, a calendar date compliance was selected based on safety, availability of replacement blades and capability of the industry to affect the inspection.

DRAFTING INFORMATION

The principal authors of this document are Daniel P. Salvano, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT: Applies to all Pratt & Whitney Aircraft JT3D turbofan engine models.

Compliance required not later than October 1, 1979, unless already accomplished.

A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the New England Region.

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

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

Issued in Burlington, Mass., on January 4, 1978.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

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

[FR Doc. 78-781 Filed 1-11-78; 8:45 am]

[1505-01]

[14 CFR Part 71]

PLATTSBURGH, N.Y.

Proposed Alteration of Control Zone and Transition Area

Correction

In FR Doc. 77-36624, appearing at page 64134 in the issue for Thursday, December 22, 1977, in the heading, "[Airspace Docket No. 77-EA-86]" was inadvertently left out and should be placed directly below "[14 CFR Part 71]".

[4910-13]

[14 CFR Part 75]

[Airspace Docket No. 77-WA-23]

AREA HIGH ROUTES

Proposed Revocation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes to revoke certain area high routes which do not respond to area navigation user requirements. This action is consistent with FAA area navigation policy and is taken as a positive step to facilitate area navigation within the existing air traffic control environment by eliminating area navigation routes that are not required nor used by existing area navigation equipped aircraft operators.

DATE: Comments must be received on or before March 13, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, Docket No. 77-WA-23, 800 Independence Avenue SW., Washington, D.C. 20591.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 13, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to revoke approximately 90 area high routes that are not responsive to user requirements. In January 1977 the FAA issued an updated Area Navigation Policy Statement which included among other steps eliminating existing area navigation routes which do not respond to user requirements. The policy statement also listed other positive steps to be taken to facilitate area navigation in the existing ATC navigation environment for near term area navigation users and this step should be considered in light of the other steps that are reflected in the policy statement.

User organizations have been solicited for their area navigation route requirements. Internal FAA surveys have consistently indicated little use is being made of the structured area navigation route system. Most area navigation equipped aircraft are using area navigation in the en route system on a random route basis as direct between two points with radar monitoring whenever traffic conditions permit such clearances by air traffic control.

Except for those routes requiring coordination under the provisions of Ex-

ecutive Order 10854, this notice proposes to revoke these area navigation routes not identified as being required by any area navigation user. Initially, the agency intends to retain waypoints used to define the routes being deleted. Later, these waypoints would be adjusted and relocated to more accurately serve the users and the ATC system to facilitate pilot selection of direct routes. Those routes requiring coordination under the provisions of Executive Order 10854 will be handled in a separate airspace docket.

DRAFTING INFORMATION

The principal authors of this document are Mr. John Watterson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.400 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 730) by revoking the following area high routes:

1. J804R Tampa, Fla.—Atlanta, Ga.
2. J807R New York, N.Y.—Sherbrooke, Canada.
3. J813R Atlanta, Ga.—New Orleans, La.
4. J814R New Orleans, La.—Atlanta, Ga.
5. J816R Atlanta, Ga.—Washington, D.C.
6. J821R Chicago, Ill.—Minneapolis, Minn.
7. J822R Minneapolis, Minn.—Chicago, Ill.
8. J823R Detroit, Mich.—Chicago, Ill.
9. J824R St. Louis, Mo.—Chicago, Ill.
10. J826R Kansas City, Mo.—Chicago, Ill.
11. J827R Chicago, Ill.—Kansas City, Mo.
12. J830R St. Louis, Mo.—New York, N.Y.
13. J834R Chicago, Ill.—Cleveland, Ohio.
14. J835R Cleveland, Ohio—Chicago, Ill.
15. J837R Cincinnati, Ohio—Chicago, Ill.
16. J838R Atlanta, Ga.—Jacksonville, Fla.
17. J839R Jacksonville, Fla.—Atlanta, Ga.
18. J846R Omaha, Nebr.—Chicago, Ill.
19. J847R Chicago, Ill.—Omaha, Nebr.
20. J849R Chicago, Ill.—Des Moines, Iowa.
21. J850R Los Angeles, Calif.—San Francisco, Calif.
22. J852R Las Vegas, Nev.—San Francisco, Calif.
23. J854R Los Angeles, Calif.—Sacramento, Calif.
24. J856R Atlanta, Ga.—Pittsburgh, Pa.
25. J857R Denver, Colo.—Salt Lake City, Utah.
26. J858R Denver, Colo.—Kansas City, Mo.
27. J859R Kansas City, Mo.—Denver, Colo.
28. J860R Memphis, Tenn.—Louisville, Ky.
29. J866R Denver, Colo.—Chicago, Ill.
30. J867R Chicago, Ill.—Denver, Colo.
31. J869R Columbia, S.C.—Atlanta, Ga.
32. J871R Atlanta, Ga.—St. Louis, Mo.
33. J872R Atlanta, Ga.—Columbia, S.C.
34. J874R Memphis, Tenn.—Atlanta, Ga.
35. J876R Atlanta, Ga.—Savannah, Ga.
36. J877R Savannah, Ga.—Atlanta, Ga.
37. J878R Atlanta, Ga.—Cleveland, Ohio.
38. J879R Cleveland, Ohio.—Atlanta, Ga.
39. J881R Detroit, Mich.—Atlanta, Ga.
40. J882R Atlanta, Ga.—Detroit, Mich.
41. J885R St. Louis, Mo.—Memphis, Tenn.
42. J890R Cleveland, Ohio—St. Louis, Mo.
43. J891R Chicago, Ill.—Memphis, Tenn.
44. J894R Jacksonville, Fla.—Miami, Fla.
45. J897R Philadelphia, Pa.—Chicago, Ill.
46. J901R Seattle, Wash.—Spokane, Wash.
47. J902R Portland, Oreg.—Los Angeles, Calif.
48. J904R Los Angeles, Calif.—Denver, Colo.
49. J905R Las Vegas, Nev.—Tucson, Ariz.
50. J908R San Francisco, Calif.—Denver, Colo.
51. J909R Denver, Colo.—San Francisco, Calif.
52. J911R Portland, Oreg.—Denver, Colo.
53. J913R Portland, Oreg.—Salt Lake City, Utah.
54. J916R San Antonio, Tex.—Hobby, Tex.
55. J923R Albuquerque, N. Mex.—Denver, Colo.
56. J925R Minneapolis, Minn.—Denver, Colo.
57. J926R Denver, Colo.—Los Angeles, Calif.
58. J927R Chicago, Ill.—Dallas, Tex.
59. J928R Denver, Colo.—Seattle, Wash.
60. J931R Salt Lake City, Utah—San Francisco, Calif.
61. J935R Tucson, Ariz.—Albuquerque, N. Mex.
62. J936R Phoenix, Ariz.—Chicago, Ill.
63. J942R Dallas, Tex.—Lubbock, Tex.
64. J950R Houston, Tex.—Oklahoma City, Okla.
65. J951R Washington, D.C.—St. Louis, Mo.
66. J954R Washington, D.C.—Detroit, Mich.
67. J956R Memphis, Tenn.—Chicago, Ill.
68. J969R Denver, Colo.—Phoenix, Ariz.
69. J970R Denver, Colo.—Dallas, Tex.
70. J971R San Antonio, Tex.—Dallas, Tex.
71. J972R Dallas, Tex.—San Antonio, Tex.
72. J973R Seattle, Wash.—Salt Lake City, Utah
73. J975R Dallas, Tex.—El Paso, Tex.
74. J977R Portland, Oreg.—Chicago, Ill.
75. J978R Chicago, Ill.—Portland, Oreg.
76. J982R Los Angeles, Calif.—Kansas City, Mo.
77. J987R Montreal, Canada—New York, N.Y.
78. J988R New York, N.Y.—Montreal, Canada.
79. J989R New York, N.Y.—Chicago, Ill.
80. J991R Minneapolis, Minn.—Greater Southwest Texas, Tex.
81. J992R Houston, Tex.—Tulsa, Okla.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., January 6, 1978.

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

[FR Doc. 78-784 Filed 1-11-78; 8:45 am]

[4910-13]

[14 CFR Part 97]

[Docket No. 17538; Notice No. 78-1]

STANDARD INSTRUMENT APPROACH PROCEDURES

Aircraft Approach Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to eliminate the use of maximum certificated landing weight as a criterion for grouping aircraft in approach categories. The FAA believes that this action will facilitate aircraft categorization and simplify the determination of landing minimums.

DATE: Comments must be received on or before March 13, 1978.

ADDRESS: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 17538, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8716.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

All interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number (Docket No. 17538; Notice No. 78-1) and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 13, 1978, will be considered by the Administrator before taking action on the proposed rule. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

AVAILABILITY OF NPRM

Interested persons may examine this notice of proposed rulemaking in the Rules Docket, AGC-24, Docket No. 17538. Copies of this notice may be obtained by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications should identify the notice number.

DISCUSSION OF THE PROPOSED RULE

Section 97.3 of the Federal Aviation Regulations sets forth aircraft approach categories. The principal reason for categorizing aircraft is to assure their ability to maneuver to a safe landing, staying within the obstruction consideration area, primarily during circling approaches. Landing minimums set by the FAA vary with respect to Minimum Descent Altitude (MDA) and visibility requirements depending on the category in which an aircraft is grouped. Currently, the category determination is based on two factors, the aircraft's speed of 1.3 Vso (at maximum certificated landing weight) and the maximum certificated landing weight. If an aircraft falls into two categories it is placed in the higher one.

The FAA believes that use of the maximum certificated landing weight criterion is unnecessary for two reasons: Aircraft weight alone does not determine an aircraft's maneuverability; and the weight factor is already considered in the speed calculation.

The key element in assuring a safe landing is the assignment of landing minimums based on an aircraft's maneuverability. The present regulation occasionally results in two of the same type aircraft which have essentially the same maneuverability, but belong to different model series, following different landing minimums because a slight weight difference places them in different categories.

The deletion of the weight factor would facilitate aircraft categorization and simplify the determination of landing minimums.

DRAFTING INFORMATION

The principal authors of this document are J. A. Forgas, Flight Procedures Standards Branch, Flight Standards Service, and Peter J. Lynch, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 97.3(b) of the Federal Aviation Regulations (14 CFR Part 97) to read as follows:

§ 97.3 Symbols and terms used in procedures.

* * * * *

(b) "Aircraft approach category" means a grouping of aircraft based on a speed of 1.3 Vso (at maximum certificated landing weight). Vso and the maximum certificated landing weight are those values as established for the aircraft by the certificating authority of the country of registry. The categories are as follows:

(1) Category A: Speed less than 91 knots.

(2) Category B: Speed 91 knots or more but less than 121 knots.

(3) Category C: Speed 121 knots or more but less than 141 knots.

(4) Category D: Speed 141 knots or more but less than 166 knots.

(5) Category E: Speed 166 knots or more.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Washington, D.C., on January 5, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-783 Filed 1-11-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

Availability of Public Information

Correction

In FR Doc. 78-20 appearing on page 779, in the issue of Wednesday, January 4, 1978, in the 3rd column, 4.8(c)(2), the 4th entry under "Duplication of Microfilm" should read, "3M cartridge . . . . $1.28 each".

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1303]

LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT

Proposed Exemption of Metal Furniture From Banning Regulation

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes for public comment an amendment to its banning regulation on lead-containing paint and toys and furniture bearing such paint. The proposed amendment would exempt metal furniture articles (but not metal children's furniture) bearing factory-applied coatings from the furniture banned by the regulation. The National Paint and Coatings Association petitioned the Commission to take this action. The Commission is proposing this amendment because of data indicating that factory-applied coatings for metal furniture do not chip or chalk and are, therefore, inaccessible for ingestion by children.

DATE: Comments concerning the proposal should be received by January 27, 1978.

The Commission proposes that this exemption would be effective immediately upon its publication in final form in the FEDERAL REGISTER.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th St., NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 7, 1977 the National Paint and Coatings Association (NPCA) filed a petition (CP 78-1) under section 10 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2059, requesting the issuance of an amendment to the Commission's ban on lead-containing paint and toys and furniture bearing such paint (16 CFR Part 1303) to exempt metal furniture articles (but not metal children's furniture) bearing factory-applied lead coatings from the provisions of the ban.

The Commission's final ban on lead-containing paint (defined as paint containing more than 0.06 percent lead by weight) and toys and furniture bearing such paint was published in the FEDERAL REGISTER on September 1, 1977 (16 CFR Part 1303, 42 FR 44192). The ban was issued to eliminate or reduce the unreasonable risk of injury associated with lead poisoning in children resulting from the ingestion of lead-containing paint chips. Certain surfaces, such as toys or furniture, which are easily accessible to children for the ingestion of such chips, were believed to present a particular hazard.

During the development of the ban several commenters had requested the exclusion of metal furniture from the furniture articles banned by the proposal. In the final document the Com-

mission declined to exempt metal furniture because it had not received sufficient data to justify an exemption. The Commission, however, stated that manufacturers of metal furniture could petition for an exemption, and, if they did, that they should submit certain technical data in support of any petition.

The NPCA petition was filed in response to this action. In their petition NPCA contends that coatings (containing lead) applied to metal furniture at the factory are inaccessible to children because of their resistance to chipping and peeling due to the hardness of the coatings and their strong adhesion to the metal substrate. In support of this contention, NPCA submitted information and test data on the non-chalking quality of such paints, the views of medical experts on metal furniture coatings and lead poisoning of children, information on application techniques for such coatings, and economic data on the effects of the elimination of lead pigments from metal furniture coatings. In addition, on November 2, 1977, at a public meeting on their petition, NPCA described and demonstrated mechanical per- formance tests which measure the hardness, adhesion, resistance to impact (cracking and chipping) of such coatings. The coatings may be subjected to one or more of these tests by the coatings industry before they are marketed.

Grounds for the Proposal

Based on the data submitted by NPCA and other information available to the Commission, the Commission believes that factory-applied coatings for metal furniture may not pose a significant hazard to young children. The Commission notes that the relative hardness of the coatings, their adherence to the metal substrate, their resistance to chipping, and the hardness of the metal substrate appear to make it difficult for a child to obtain such coatings. This Commission view is based upon consideration of the following:

1. A review of the scientific literature on lead poisoning without finding a reference implicating factory-applied metal furniture coatings as being responsible for elevated blood levels or lead poisoning of children.

2. The mechanical stress performance tests conducted by NPCA at the November 2, 1977 public meeting. These tests, including the pencil hardness test (ASTM D 3363-74), the taber abrasion test (Federal Test Method Std. No. 141a method 6192), the mandrel bend test (ASTM D 522-60), the impact test (ASTM D 2794-69), and the cross hatch adhesion test (ASTM D 3359-76), while not conclusive, strongly suggest that the factory-applied coatings are much harder than ordinary interior or exterior surface coatings applied to walls or woodwork; are relatively stable; are resistant to chipping and cracking; and strongly adhere to the metal substrate to which they are applied.

3. The views of two medical experts, both of whom were proponents of the proposition to ban residential paint containing more than 0.06 percent lead.

(a) Dr. Julian Chisolm, a leading authority on childhood lead poisoning and chairman of the National Academy of Science's ad hoc Lead-in-Paint Committee. Dr. Chisolm had indicated in a March 9, 1976 comment to the Commission (which is on file at the Office of the Secretary) on the Draft Environmental Impact Statement on Lead in Paint (see 42 FR 6879) that the exclusion of metal furniture from a ban on lead-containing paint, toys, and furniture would be appropriate.

In a recent October 25, 1977 letter to NPCA (also on file at the Commission's Office of the Secretary), Dr. Chisolm again stated that an exclusion for factory-applied coatings for metal furniture was reasonable, and that such coatings, if they did not chalk, would not present a significant hazard to young children.

(b) Dr. J. W. Sayre, Associate Clinical Professor, Pediatrics, University of Rochester School of Medicine, who represented the American Academy of Pediatrics at the Commission's hearing to determine a safe level of lead in paint held on September 13, 1976 (see 42 FR 9404).

Dr. Sayre in an October 27, 1977 letter (on file at the Office of the Secretary) to NPCA, after a review of the various mechanical performance tests conducted on coatings for metal furniture, indicated that the mechanism of chalking of such coatings should be studied, but also concluded that there are ample reasons to justify an exemption of metal furniture bearing such coatings.

In the October 27 letter Dr. Sayre agreed to do chalking tests for NPCA. Towel wiping tests were conducted by Dr. Sayre on sample metal panels, and he interpreted the results of on-site tests on multicolored high school lockers. Dr. Sayre concluded that the amount of lead found on the various test towels was either negligible or compared with the results of his other surface studies did not constitute a lead hazard. (A more complete description of the chalking test procedures and results is available in the Commission's Office of the Secretary).

4. An evaluation of the economic effects of the elimination of lead from metal furniture coatings. Data available to the Commission indicates that lead chromate pigments are used in coatings on metal surfaces for corrosion resistance and imparting certain colors such as yellows, reds, oranges, and some browns. Deep tone colors in the yellow, orange, and green spectrum may be difficult to obtain with non-leaded pigments. The Commission is also aware that lead chromate pigments are inexpensive compared with substitute pigments, particularly the organic pigments. The Commission concludes, therefore, that if leaded pigments were to be eliminated from metal furniture coatings, the price of such coatings would rise moderately, causing a small increase in the prices of some metal furniture.

Environmental Considerations

The Commission has considered the potential environmental impacts of an exemption for metal furniture from a ban on lead-containing paint, toys, and furniture in the Final Environmental Impact Statement on Lead Content in Paint, dated May 2, 1977. (See, especially, pages I-B-15, II-A-8-9, III-6, and III-17 of the final statement.

Note.—The availability of the final impact statement was announced by the Council on Environmental Quality in the Federal Register on June 10, 1977 (42 FR 29948)). The potential environmental effects of the exclusion of metal furniture were also included in the draft statement on lead Content in Paint which was made available for public comment by announcement in the Federal Register on February 4, 1977. (42 FR 6879).

Therefore, the Commission believes that there is no need for any further environmental review of this proposal.

Conclusion

In determining whether a specific risk of injury is "unreasonable" and therefore, properly the subject of a banning regulation, the Commission generally balances the probability that the risk will result in harm and the gravity of the harm against a rule's effect on the product's utility, cost, and availability to the consumer.

In this instance the Commission believes that the probability that factory-applied coatings on metal furniture will result in farm is remote because the hardness of the coatings and their resistance to chipping makes it unlikely that the coatings will be removed and ingested by children. It is expected that reasonable manufacturing practices will result in metal furniture whose coatings have these characteristics. However, should the Commission find instances where factory-applied coatings containing lead chip, peel, chalk, or otherwise become easily available for removal and ingestion by children, it may consider individual regulatory action.

The Commission also notes that the elimination of lead pigments from these factory-applied coatings may have an adverse effect on the product's cost and utility.

On balance the Commission preliminarily finds that the available data

does not indicate that metal furniture bearing factory-applied coatings presents an unreasonable risk of injury from lead poisoning in children. Therefore, the Commission preliminarily determines that a ban on such metal furniture is not reasonably necessary to eliminate a risk of injury associated with the painted furniture and has decided to propose the amendment as set forth below.

PROPOSAL

Section 9(e) of the Consumer Product Safety Act, 15 U.S.C. 2058(e), provides that when an amendment to a consumer product safety rule involves a material change the procedures in sections 7 and 9 apply. It is the Commission's view that the amendment proposed below does not involve a material change to the lead-containing paint ban because it does not affect the basic purpose and provisions of the ban. Therefore, the provisions of section 7 and 9 (a)-(d) do not apply. The Commission believes that the informal rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 553, do apply. The Commission has, however, decided to limit the comment period for this proposal to 15 days so that if the proposal is finalized, the final rule may be published before the February 28, 1978 effective date of the lead-containing paint ban. In this regard the Commission notes that all interested parties were invited to make an oral presentation of views or data at the November 2, 1977 public meeting on the NPCA petition. In addition, any persons unable to attend the meeting were advised by notice in the FEDERAL REGISTER that they could submit written comments on the petition up to a week after the meeting (see 42 FR 56639).

Accordingly, pursuant to provisions of the Consumer Product Safety Act (sec. 9(e), 15 U.S.C. 2058(e)), and the Administrative Procedure Act, 5 U.S.C. 553, the Commission proposes to amend 16 CFR 1303.3(c) by adding a new subparagraph (3) as follows:

§ 1303.3 Exemptions.

* * * * *

(c) The following products are exempt from the scope of the ban established by Part 1303 (no cautionary labeling is required):

* * * * *

(3) Metal furniture articles (but not metal children's furniture) bearing factory-applied (lead) coatings.

* * * * *

Interested persons are invited to submit, on or before January 27, 1978, written comments regarding this proposal. Comments received after this date will be considered if practicable. Comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third floor, Washington, D.C. 20207.

Dated: January 9, 1978.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc. 78-891 Filed 1-11-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Suspension of Action on New Applications for Approval of Car, Compartment, and Package Seals

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

ACTION: Notice of suspension of Customs approval of new applications for seals.

SUMMARY: This notice suspends Customs consideration of new applications for seals to be approved for Customs use. Present Customs standards for the approval of seals are no longer suitable to accommodate recent sweeping changes in security technology. In order to avoid greater risk to the security of imported cargo, the Customs Service will not consider new applications for the approval of seals until new standards are adopted. After the adoption of new standards, presently approved seals may be subject to retesting and reapproval. Seals which already have been approved by Customs are not affected and applications received before the date of the notice will be considered for approval. This notice also informs the public that Customs is reviewing its technical standards and requirements for approval of all types of Customs seals and invites public participation in establishing revised technical standards and requirements.

DATES: (Suspension of approval is effective January 12, 1978; comments are due by March 13, 1978.

ADDRESSES: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

John R. Holl, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5354.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Merchandise imported into the United States may be entered for consumption at the port of arrival, whether at an airport, seaport, or a land border. However, merchandise may also be transported in bond to another Customs port of entry and entered there under the same conditions as at the port of arrival. Merchandise which has not been entered for consumption must normally be transported from one port to another in the United States in conveyances, compartments, or packages to which Customs-approved seals are affixed. Seals now in use for this kind of transportation are generally of two types: those that are used only to indicate when the sealed conveyance, compartment, or package has been opened; and "high-security" seals that are designed and constructed to prevent unauthorized entry into a sealed conveyance, compartment, or package.

Other types of seals are used to secure kits containing duty-free alcoholic beverages to be served on board aircraft during international flights and to ensure that packages being moved from place to place within Customs custody cannot be opened without evidence of tampering.

Under § 24.13a of the Customs Regulations (19 CFR 24.13a), a manufacturer of seals who wishes to have his seals approved for use in sealing openings, packages, conveyances, or articles required by the Customs laws and regulations to be sealed, must file an application for approval with the Customs Service. Several seals have been approved under this procedure and are now is use.

Due to the recent increase in public concern for improved security techniques and measures, the Customs Service is re-examining its technical specifications and standards in regard to seals of all types, as well as its requirements for approval of applications from seal manufacturers. Recognizing that both the manufacturers and users of seals may have pertinent suggestions as to specifications and standards, the Customs Service invites comments from all interested parties on objective technical criteria which may be used to evaluate seals for Customs use and on the administrative requirements necessary to secure Customs approval of seals.

Present Customs standards for the approval of seals are no longer suitable to accommodate recent sweeping changes in security technology. In order to avoid greater risk to the security of imported cargo, the Customs Service will not consider new applications for the approval of seals until new standards are adopted. After the adoption of new standards, presently-approved seals may be subject to retesting and reapproval.

The establishment of new standards will benefit seal manufacturers by defining more precisely the kinds of seals Customs needs and uses, thus reducing the engineering and development costs of prototype seals submitted to Customs for approval. New standards will also benefit seal users by encouraging the development of seals that are more practical, easier to affix, and more secure.

The Customs Service emphasizes that the suspension of its approval of new applications for car, compartment, and package seals does not immediately affect seals which have already been approved. Those seals will continue to be accepted for Customs use at least until new standards are adopted. Moreover, applications for seal approval which were received before the date of this notice will be considered for approval.

COMMENTS

Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C.

DRAFTING INFORMATION

The principal author of this document was Todd J. Schneider, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

G. R. DICKERSON,
Acting Commissioner of Customs.

[FR Doc. 78-795 Filed 1-11-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

[45 CFR Part 1622]

PUBLIC ACCESS TO MEETINGS UNDER GOVERNMENT IN SUNSHINE ACT

Proposed Implementation of Statutory Requirement

AGENCY: Legal Services Corporation.

ACTION: Proposed regulation.

SUMMARY: The Government in the Sunshine Act, 5 U.S.C. Section 522b, requires certain agencies of the United States to hold open meetings, subject to prescribed exceptions, when agency members jointly dispose of its business. Although the Legal Services Corporation is not a Federal agency, Section 1004(g) of the Legal Services Corporation Act applies the Sunshine Act's provisions to the Corporation and the State advisory councils appointed pursuant to Section 1004(f) of the Act. This Part implements the statutory requirements, consistent with the Corporation's philosophy of providing the public with the fullest information practicable regarding its decisionmaking processes while protecting the rights of individuals and the ability of the Corporation to perform its responsibilities.

DATES: Comments must be received on or before February 27, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

SUPPLEMENTAL INFORMATION:

DEFINITIONS

"Committee". The open meeting requirements of the Sunshine Act apply not only to meetings of the full decisionmaking body, but also to meetings of "any subdivision thereof authorized to act on behalf of the agency." The Regulations go beyond the requirements of the statute by applying the open meeting provisions to every committee appointed pursuant to § 1601.26 of the Corporation's By-Laws, regardless of the committee's membership or responsibility.

"Meeting". Not every gathering at which Board or Advisory Council members are present constitutes a "meeting" within the meaning of the Sunshine Act. Some degree of formality is required before a gathering is considered a "meeting". S. Rep. No. 94-354, 95th Cong., 1st Sess. (1975), at 18 (hereafter "S. Rep."); Berg and Klitzman, *Government in the Sunshine Act: An Interpretive Guide*, at 4. (Tentative Ed. 1977) (hereafter "Interpretive Guide"). On the other hand, the term "meeting" includes more than a session at which matters are formally disposed of. At a minimum the term includes any gathering of the requisite number of members where a serious exchange of views achieves a consensus on a matter of official Corporation business. The Senate Report makes clear, however, that the Sunshine Act does not prevent members from engaging in informal background discussions to explore or clarify issues and expose varying views. The controlling distinction is between discussions that "effectively predetermine official actions," and those that do not. Because the Act applies only to the "joint" disposition of business, moreover, it does not require that a gathering be open when the Chairman seeks the informal advice of his colleagues in carrying out his functions under the Legal Services Corporation Act or Bylaws. S. Rep. at 17.

"General Counsel" and "Secretary". It would obviously be impractical for the Corporation's General Counsel and Secretary to review the agendas and keep records of each state Advisory Council meeting. For this reason, and in order to maintain appropriate autonomy of the advisory councils, the Regulation contemplates that each Advisory Council will designate a member to act as legal adviser and secretary and perform the functions described in §§ 1622.6 through 1622.8.

PROCEDURES FOR CLOSING DISCUSSION OR WITHHOLDING INFORMATION

The Sunshine Act does not expressly state that a separate vote of the members is required on each agenda item for which closed discussion is proposed. However, because "each portion of each meeting stands on its own for purposes of complying with the closing requirements" of the Act (Interpretive Guide at 24), the better procedure is to require an item-by-item vote. Section 1622.6(b) makes this requirement explicit.

Section 1622.6(c) provides procedures for persons other than members of the Board or Advisory Council to request that a particular meeting be closed. The Regulation goes beyond the requirements of the Sunshine Act by permitting a request to close for any of the reasons set out in § 1622.5. In every instance, however, the person's interests must be "directly affected" by a discussion in order for him or her to request closure.

Section 1622.6(d) requires that the result of every vote whether to close a meeting or a portion of a meeting will be made public. The report of the House Government Operations Committee states that this procedure will, "enable the general public to be aware of a * * * member's overall record on openness questions." H. Rep. 94-880, 94th Cong., 2d Sess. (1976), at 13. An explanation of the reasons advanced for closure, the relevant exemptions, and the persons expected to attend is necessary only when the vote has been to close.

CERTIFICATION BY THE GENERAL COUNSEL

The Sunshine Act's requirement of certification by the General Counsel for any closed meeting raises two

issues. First, it is unclear whether the statute requires certification before the members vote to close the meeting, or even whether certification must precede the meeting itself. It is obviously preferable for the members to consult with their legal adviser before making a public decision to close discussion of a particular matter. Practical considerations may make such consultation impossible, however, and members may always reconsider a vote to close. Therefore, § 1622.7 requires only that certification by the General Counsel take place before the meeting is closed.

The second issue is whether certification that closure is proper is a prerequisite to closing a meeting from public observation. Although the agencies that have issued Sunshine Act regulations have split on this issue, we believe that it is not. The members will ordinarily follow the advice of the General Counsel, but the Congress is not likely to have intended that the judgment of a Corporation staff member should override that of persons appointed by the President of the United States or the Governor of a State. This is particularly true since the legality of closing a meeting ultimately depends on the discussion that actually takes place, not the anticipated purpose of the meeting. The requirement of certification by the General Counsel is properly seen as one of several procedures to ensure that a decision to close will be well considered.

PART 1622—PUBLIC ACCESS TO MEETINGS UNDER THE GOVERNMENT IN THE SUNSHINE ACT

Sec.

1622.1 Purpose an scope.
1622.2 Definitions.
1622.3 Open meetings.
1622.4 Public announcement of meetings.
1622.5 Grounds on which meetings may be closed or information withheld.
1622.6 Procedures for closing discussion or withholding information.
1622.7 Certification by the General Counsel.
1622.8 Records of closed meetings.
1622.9 Report to Congress.

AUTHORITY: Sec. 1004(g) (42 U.S.C. 2996c(g)).

§ 1622.1 Purpose and scope.

This Part is designed to provide the public with full access to the deliberations and decisions of the Board of Directors of the Legal Services Corporation, committees of the Board, and State advisory councils, while maintaining the ability of those bodies to carry out their responsibilities and protecting the rights of individuals.

§ 1622.2 Definitions.

"Board" means the Board of Directors of the Legal Services Corporation.

"Committee" means any formally designated subdivision of the Board established pursuant to § 1601.26 of the bylaws of the Corporation.

"Council" means a state Advisory council appointed by a State Governor or the Board pursuant to section 1004(f) of the Legal Services Corporation Act of 1974, 42 U.S.C. 2996c(f).

"Member" means a voting member of the Board or of a Council. Reference to actions by or communications to "members" means action by or communications to Board members with respect to proceedings of the Board, committee members with respect to proceedings of their committees, and council members with respect to proceedings of their councils.

"Meetings" means the deliberations of a quorum of the Board, or of any committee, or of a council, when such deliberations determine or result in the joint conduct or disposition of Corporation business, but does not include deliberations about a decision to open or close a meeting, a decision to withhold information about a meeting, or the time, place, or subject of a meeting.

"Quorum" means the number of Board or committee members authorized to conduct Corporation business pursuant to §§ 1601.21 and 1601.27 of the Corporation's bylaws, or the number of council members authorized to conduct its business.

"General Counsel" means the General Counsel of the Corporation, or a person designated by the General Counsel, or a member designated by a council to act as its chief legal officer.

"Secretary" means the secretary of the Corporation, or a person designated by the Secretary, or a member designated by a council to act as its secretary.

§ 1622.3 Open meetings.

Every meeting of the Board, a committee, or a council shall be open in its entirety to public observation except as otherwise provided in § 1622.5.

§ 1622.4 Public announcement of meetings.

(a) Public announcement shall be made of every meeting. The announcement shall include: (1) The time, place, and subject matter to be discussed; (2) Whether the meeting or a portion thereof is to be open or closed to public observation; and (3) The name and telephone number of the official designated by the Board, committee, or council to respond to requests for information about the meeting.

(b) The announcement shall be made at least seven calendar days before the meeting, unless a majority of the members determines by a recorded vote that Corporation business requires a meeting on fewer than seven days' notice. In the event that such a determination is made, public announcement shall be made at the earliest practicable time.

(c) Each public announcement shall be posted at the offices of the Corporation in an area to which the public has access, and promptly submitted to the FEDERAL REGISTER for publication. Reasonable effort shall be made to communicate the announcement of a Board or committee meeting to the chairman of each council and each recipient of funds from the Corporation, and of a council meeting to each recipient within the same State.

(d) An amended announcement shall be issued of any change in the information provided by a public announcement. Such changes shall be made in the following manner:

(1) The time or place of a meeting may be changed without a recorded vote.

(2) The subject matter of a meeting, or a decision to open or close a meeting or a portion thereof, may be changed by recorded vote of a majority of the members that Corporation business so requires and that no earlier announcement of the change was possible.

An amended public announcement shall be made at the earliest practicable time and in the manner specified by § 1622.4 (a) and (c).

§ 1622.5 Grounds on which meetings may be closed or information withheld.

Except when the Board, committee, or council finds that the public interest requires otherwise, a meeting or a portion thereof may be closed to public observation, and information pertaining to such meeting or portion thereof may be withheld, if the Board, committe, or council determines that such meeting or portion thereof, or disclosure of such information, will more probably than not:

(a) Relate solely to the internal personnel rules and practices of the Corporation;

(b) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, 5 U.S.C. 552): *Provided*, That such statute: (1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular types of matters to be withheld;

(c) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(d) Involve accusing any person of a crime, or formally censuring any person;

(e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(f) Disclose investigatory records compiled for the purpose of enforcing

the Act or any other law, or information which if written would be contained in such records, but only to the extent that the production of such records or information would: (1) Interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(g) Disclose information the premature disclosure of which would be likely significantly to frustrate implementation of a proposed Corporation action, except that this subparagraph shall not apply in any instance where the Corporation has already disclosed to the public the content or nature of its proposed action, or where the Corporation is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(h) Specifically concern the Corporation's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Corporation of a particular case involving a determination on the record after opportunity for a hearing.

§ 1622.6 Procedures for closing discussion or withholding information.

(a) No meeting or portion of a meeting shall be closed to public observation, and no information about a meeting shall be withheld from the public, except by a recorded vote of a majority of the members with respect to each meeting or portion thereof proposed to be closed to the public, or with respect to any information that is proposed to be withheld.

(b) Each matter, discussion of which is to be closed to public observation, and any information that is to be withheld, shall be the subject of a separate vote, unless the matter or information is expected to involve a series of meetings. In such cases, the members may vote to close the discussion or withhold information about the same particular matter for a period of thirty days from the date of the initial discussion in the series of meetings.

(c) Whenever any person's interest may be directly affected by a matter to be discussed at a meeting, the person may request that a portion of the meeting be closed to public observation by filing a written statement with the Secretary. The statement shall set forth the person's interest, the manner in which that interest will be affected at the meeting, and the grounds upon which closure is claimed to be proper under § 1622.5. The Secretary shall promptly communicate the request to the members, and a recorded vote as required by § 1622.6(a) shall be taken if any member so requests.

(d) With respect to each vote taken pursuant to § 1622.6 (a)-(c), the Corporation shall, within one business day, make publicly available:

(1) A written record of the vote of each member on the question;

(2) A full statement of any action closing a meeting or portion thereof, with reference to the specific exemption listed in § 1622.5, including a statement of reasons as to why the specific discussion comes within the cited exemption and a list of all persons expected to attend the closed meeting and their affiliation.

§ 1622.7 Certification by the General Counsel.

Before a meeting or portion thereof is closed, the General Counsel shall certify publicly whether the meeting may be closed to the public and shall state each relevant exemption. A copy of the certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and the persons present, shall be retained by the Corporation.

§ 1622.8 Records of closed meetings.

(a) The Secretary shall make a complete transcript, or electronic recording adequate to record fully the proceedings of each meeting or portion thereof closed to the public, except that in the case of a meeting or any portion thereof closed to the public pursuant to paragraph (h) of § 1622.5, a transcript, a recording, or a set of minutes shall be made. Any such minutes shall describe all matters discussed and shall provide a summary of any actions taken and the reasons therefore, including a description of each member's views expressed on any item and the record of each member's vote on the question. All documents considered in connection with any action shall be identified in the minutes.

(b) A complete copy of the transcript, recording, or minutes required by § 1622.8(a) shall be maintained at the Corporation for a Board or committee meeting, and at the appropriate regional office for a council meeting, for a period of two years after the meeting.

(c) The Corporation shall make available to the public all portions of the transcript, recording, or minutes required by § 1622.8(a) that do not contain information that may be withheld under § 1622.5. A copy of those portions of the transcript, recording, or minutes that are available to the public shall be furnished to any person upon request at the actual cost of duplication or transcription.

(d) Copies of Corporation records other than notices or records prepared under this Part may be pursued in accordance with Part 1602 of these regulations.

§ 1622.9 Report to Congress.

The Corporation shall report to the Congress annually regarding its compliance with the requirements of the Government in the Sunshine Act, 5 U.S.C. 552b, including a tabulation of the number of meetings open to the public, the number of meetings or portions of meetings closed to the public, the reasons for closing such meetings or portions thereof, and a description of any litigation brought against the Corporation under 5 U.S.C. 552b, including any costs assessed against the Corporation in such litigation.

THOMAS EHRLICH,
President,
Legal Services Corporation.

[FR Doc. 78-814 Filed 1-11-78; 8:45 am]

[1505-01]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. MC-80, Notice No. 77-11]

[49 CFR Part 392]

TOXIC CASES IN TRUCK CABS

Correction

In FR Doc. 77-37370 appearing at page 20 in the FEDERAL REGISTER of Tuesday, January 3, 1978, in the "DATES:" paragraph of the preamble, the comments closing date of "February 2, 1978" should be changed to "April 3, 1978".

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1331]

[Ex Parte No. 297 (Sub-No. 3)]

MODIFIED TERMS AND CONDITIONS FOR APPROVAL OF COLLECTIVE RATEMAKING AGREEMENTS UNDER SECTION 5a OF THE INTERSTATE COMMERCE ACT

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission will institute a rulemaking proceeding to determine whether to establish additional terms and conditions for approval of collective ratemaking agreements under section 5a of the Interstate Commerce

Act (Act) (49 U.S.C. 5b) that would be consistent with the prohibitions on collective ratemaking by railroads contained in section 5b of the Act (49 U.S.C. 5c). Adoption of such provisions would have the purpose and effect of modernizing and clarifying the functions of rate bureaus, promoting greater competition in the motor carrier, water carrier and freight forwarder industries, and achieving greater uniformity of regulation among the modes.

DATES: Statements of intent to participate are due: February 1, 1978. Written representations of fact, argument, comment or other views on the merits of this proposal are due: April 3, 1978. Replies to written representations are due: May 2, 1978.

ADDRESS: Statements of intent to participate should be addressed to: Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423. Written representations should be addressed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Deputy Director, Janice Rosenak, or Assistant Deputy Director, Harvey Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7693 or 202-275-7656.

SUPPLEMENTARY INFORMATION: In February 1976, the Railroad Revitalization and Regulatory Reform Act of 1976 (4-R Act) became law. The 4-R Act amended section 5a of the Interstate Commerce Act (Act) by removing collective ratemaking agreements among railroads from the scope of that section and creating a new section 5b devoted solely to such agreements. The purpose of this amendment, according to section 101(b) of the 4-R Act, was to modernize and clarify the functions of railroad rate bureaus as well as to foster competition among railroads by prohibiting them from collectively making rates and charges on certain traffic. In Ex Parte No. 297 (Sub-No. 1), dated February 17, 1976, the Commission extended the requirements set forth in Ex Parte No. 297, Rate Bureau Investigation, 351 I.C.C. 437 (1976) that were not at variance with section 5b, to ratemaking agreements subject to section 5b.

Applications for approval of section 5b are now pending before the Commission. Although no agreements have as yet received final approval, the Commission has observed that, in accordance with the intent of Congress, section 5b should in fact have the effect of modernizing and clarifying the functions of rate bureaus and fostering rail competition. The Commission believes that these goals are consistent with the National Transportation Policy, and have as much relevance to the motor and water carrier and freight forwarder industries as they do to the railroad industry in promoting the interests of carriers, shippers and ultimate consumers. The Commission also desires to regulate the different modes of transportation under its jurisdiction as uniformly as is reasonable. It is for these reasons that the Commission, under sections 5a, 204(a)(6) and 204(a)(7) and parallel sections of Parts III and IV of the Act, (49 U.S.C. 5b, 304(a)(6) and 304(a)(7)) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553, 559), will study in this proceeding whether terms and conditions for approval of agreements or continued approval of agreements under section 5a of the Act should be established that would be consistent with the prohibitions on collective ratemaking contained in paragraph (5) of section 5b of the Act.

The Commission undertook a similar examination in Ex Parte No. 297, a proceeding in which the Commission investigated the activities of ratemaking bureaus and conferences. In its report, Ex Parte No. 297, *Rate Bureau Investigation*, 351 I.C.C. 437 (1976) and 349 I.C.C. 811 (1975), the Commission made 26 findings, some of which necessitated revision of agreements already approved by the Commission. Parties to those agreements were ordered to submit necessary revisions for Commission approval. Disputed findings in that proceeding were upheld in *Motor Carriers Traffic Ass'n.* v. *United States*, 559 F. 2d 1251 (4th Cir. 1977) (pet. for cert. pending).

Following is paragraph (5) of section 5b which the Commission would study for purposes of adoption by rulemaking as additional terms and conditions for approval of agreements under section 5a:

(5)(a) The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration, unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action, without fear of any sanction or retaliatory action, at any time before or after any determination arrived at through such procedure. In no event shall any conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this section—

(i) Permit participation in agreements with respect to, or any voting on, single-line rates, allowances, or charges establishd by any carrier;

(ii) Permit any carrier to participate in agreements with respect to, or to vote on, rates, allowances, or charges relating to any particular interline movement, unless such carrier can practicably participate in such movement; or

(iii) Permit, provide for, or establish any procedure for joint consideration or any joint action to protest or otherwise seek the suspension of any rate or classification filed by a carrier of the same mode pursuant to section 15(7) of this part where such rate or classification is established by independent action.

As used in clause (i) of this subdivision, a single-line rate, allowance, or charge is one that is proposed by a single carrier applicable only over its own line and as to which the service (exclusive of terminal services provided by switching, drayage, or other terminal carriers or agencies) can be performed by such carrier.

(b) The limitations set forth in subdivision (a) shall not be applicable to—

(i) General rate increases or decreases, if the agreements accord the shipping public, under specified procedures, adequate notice of at least 15 days of such proposals and an opportunity to present comments thereon, in writing or otherwise, prior to the filing with the Commission of the tariffs containing such increases or decreases, or

(ii) Broad tariff changes if such changes are of general application or substantially general application throughout a territory or territories within which such changes are to be applicable.

In any proceeding in which it is alleged that a carrier voted or agreed upon a rate, allowance, or charge, in violation of the provisions of this section, the party alleging such violation shall have the burden of showing that such vote or agreement occurred. A showing of parallel behavior is not, by itself, sufficient to satisfy such burden.

If adopted these provisions would be codified in 49 CFR Part 1331.

In addition, the Commission would substantially adopt paragraph (6) of section 5b as policy governing the monitoring of agreements approved under section 5a. That provision reads:

(6) The Commission shall periodically, but not less than once every 3 years, review each agreement which the Commission has by order approved under this section to determine whether such agreement, or any conference, bureau, committee, or other organization established or continued pursuant to such agreement, still conforms with the standard set forth in paragraph (2) and the public interest, and to evaluate the success and effect upon the consuming public and the national rail freight transportation system of such agreement and organization * * *. If the Commission makes a determination that any such agreement or organization is no longer in conformity with such standard, the Commission shall by order terminate or suspend its approval thereof.

To conform to the unique characteristics of each industry, these provisions, if adopted, might have to be changed in certain respects. For example, the deadline set forth in paragraph (6)(b) might not be practical from a budgetary standpoint in light of the numerous agreements subject to section 5a. Moreover, paragraph (5)(a) might be modified to prohibit discussion as well as voting in the situations designated in (i) and (ii).

The public is invited and encouraged to participate in this proceeding by submitting written representations of fact, argument, comment or other views, especially concerning the following issues:

(1) Whether the provisions cited here as applied to motor and water carriers and freight forwarders would further the goals of modernization of rate bureaus and fostering of competition,

(2) Whether these provisions should be extended verbatim or with modification to any or all modes and if so what modifications peculiar to the needs of each mode need to be made,

(3) Whether discussion as well as voting should be prohibited on single-line rates, allowances, or charges and on interline movements in which carriers cannot practicably participate,

(4) Whether the broad tariff change exception in paragraph (5)(b)(ii) should be made applicable to agreements subject to section 5a,

(5) Whether the last sentence of paragraph (5)(b), reading "A showing of parallel behavior is not, by itself, sufficent to satisfy such burden," should be adopted as a rule governing determinations of violations of the prohibitions contained in paragraph (5)(a), and

(6) Whether other rules respecting collective ratemaking not currently under consideration or embraced in section 5b should be promulgated and made applicable to any or all of the modes.

Deadlines for the submission of statements of intent to participate and written representations appear in the heading of this notice. For administrative convenience, parties should indicate in the statement of intent whether they intend to actively participate, in which case they will be placed on the service list, or whether they merely wish to receive copies of reports and orders of the Commission. Parties actively participating in this proceeding by submitting written representations must serve copies of their representations on all parties on the service list. An original and fifteen copies of written representations must be filed with the Commission. An original and one copy of the statements of intent to participate must also be filed. A service list will be sent to all active parties in time to enable them to comply with the filing deadline.

Decided December 30, 1977.

By the Commission. (Commissioner Brown not participating.)

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

[FR Doc. 78-779 Filed 1-11-78; 8:45 am]

notices

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

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NACHES-TIETON-WHITE RIVER PLANNING UNIT LAND MANAGEMENT PLAN

Availability of Draft Environmental Statement; Supplement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement supplement for the Naches-Tieton-White River Planning Unit Land Management Plan, USDA-FS-R6-DES(Adm)-77-10 (Supplement).

The Supplement displays information developed by the 1977 Roadless Area Review and Evaluation (RARE II) as it pertains to the Naches-Tieton-White River Planning Unit within the Mt. Baker-Snoqualmie, Wenatchee and Gifford Pinchot National Forests, State of Washington, Counties of King, Pierce, Lewis, Yakima and Kittitas. The RARE II inventory identified a total of 375,750 acres of roadless and undeveloped lands within the planning unit, an addition of 84,970 acres over the 1973 RARE I inventory. To reflect the RARE II additional acres, the No Action Alternative has been revised; a new Maximum Wilderness Alternative, Alternative A (Revised) has also been prepared. The preferred alternative remains unchanged.

The draft environmental statement supplement was transmitted to EPA on January 6, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3210, 12th St. and Independence Ave., SW., Washington, D.C. 20013.
USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oreg. 97204.
Supervisor's Office, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Wash. 98101.
Supervisor's Office, Wenatchee National Forest, 301 Yakima Street, Wenatchee, Wash. 98801.
Supervisor's Office, Gifford Pinchot National Forest, 500 W 12th Street, Vancouver, Wash. 98660.
USDA, Forest Service, Naches Ranger Station, Naches, Wash. 98937.
USDA, Forest Service, Tieton Ranger Station, Naches, Wash. 98937.
USDA, Forest Service, Packwood Ranger Station, Packwood, Wash. 98361.
USDA, Forest Service, White River Ranger Station, Enumclaw, Wash. 98002.

A limited number of single copies are available upon request to Forest Supervisor Don R. Campbell, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Washington 98101.

Copies of the environmental statement supplement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the supplement and requests for additional information should be addressed to Forest Supervisor Don R. Campbell, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Building, Seattle, Wash. 98101. Comments must be received by March 13, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: January 6, 1978.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

[FR Doc. 78-802 Filed 1-11-78; 8:45 am]

[3410-11]

Forest Service

SALT LAKE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Salt Lake Planning Unit, Wasatch National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm) R4-78-1.

The Salt Lake Planning Unit is approximately 138,000 acres in Salt Lake, Summit, Utah, and Morgan counties. The plan recognizes the importance of water by making all other uses secondary. The proposed plan does not change existing land allocation or output levels for domestic livestock grazing, timber harvest, wildlife harvest, or mineral extraction. It does not change the designated boundaries of the Lone Peak Scenic Area, the Neff's Cave National Natural Landmark, or the Red Butte Canyon Research Natural Area. Existing boundaries of the Brighton, Alta, and Solitude ski areas will be adjusted to include all or portions of expansion areas proposed in draft master plans.

This draft environmental statement was transmitted to EPA on January 5, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St., and Independence Ave., SW., Washington, D.C. 20250.
Regional Planning and Budget Office, USDA, Forest Service, Federal Building, Room 4120, 324, 25th Street, Ogden, Utah 84401.
Forest Supervisor, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.
District Ranger, Salt Lake Ranger District, 3070 East 33rd South, Salt Lake City, Utah 84109.

A limited number of single copies are available upon request to Forest Supervisor Chandler P. St. John, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Chandler P. St. John, Wasatch National Forest, 8226 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

Comments must be received by March 10, 1978, in order to be considered in the preparation of the final environmental statement.

Dated: January 5, 1978.

VERN HAMRE,
Regional Forester.

[FR Doc. 78-837 Filed 1-11-78; 8:45 am]

[3410-16]

Soil Conservation Service

SLATE RIVER WATERSHED PROJECT, VIRGINIA

Intent to Not Prepare Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining portion of Slate River Watershed, Buckingham County, Va.

The environmental assessment of this federally-assisted action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment, and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. David N. Grimwood, State Conservationist, has determined that preparation and review of an environmental impact statement is not needed.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by six single-purpose floodwater retarding structures.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 9201, 400 North Eighth Street, Richmond, Va. 23240. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until February 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—16 USC 1001-1008.)

Dated: January 5, 1978.

NORMAN A. BERG,
Associate Administrator, Soil Conservation Service.

[FR Doc. 78-803 Filed 1-11-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31360]

AEROPERU

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1956, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 18, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, 1875 Connecticut Avenue, NW., Washington, D.C.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served December 13, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.[1]

Dated at Washington, D.C., January 4, 1978.

STEPHEN J. CROSS,
Administrative Law Judge.

[FR Doc. 78-873 Filed 1-11-78; 8:45 am]

[6320-01]

[Dockets 27838 and 30818]

AEROVIAS QUISQUEYANA, C. por A., ET AL.

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Thomas P. Sheehan to Administrative Law Judge Henry M. Switkay. Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., January 5, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-872 Filed 1-11-78; 8:45 am]

[6320-01]

[Dockets 29411, 29412, and 30619]

AIR NAURU

Postponement of Hearing

Notice is hereby given that at the request of the applicant the hearing in the above-entitled matter now assigned to be held on January 31, 1978 (42 FR 64386, December 23, 1977) is hereby postponed to February 22, 1978 at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

[1] This hearing is subject to cancellation by further notice if it appears that the case may be decided based solely on documentary evidence. See p. 3 of the Prehearing Conference Report.

Dated at Washington, D.C., January 5, 1978.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc. 78-871 Filed 1-11-78; 8:45am]

[6320-01]

[Docket 31921]

HOUSTON-TAMPA/ORLANDO INVESTIGATION

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Richard V. Backley. Future communications should be addressed to Judge Backley.

Dated at Washington, D.C., January 5, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-870 Filed 1-11-78; 8:45 am]

[6320-01]

[Docket 30938]

PACIFIC COMMON FARES INVESTIGATION

Postponement of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding assigned to be held on January 11, 1978, at 9:30 a.m. (42 FR 61482, December 5, 1977) is hereby postponed to January 24, 1978, at 10 a.m., in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, Washington, D.C.

Dated at Washington, D.C., January 4, 1978.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc. 78-874 Filed 1-11-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

MATERIALS AND ACOUSTIC WAVE, MEMORY AND PHOTO CONDUCTIVE DEVICE SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday, February 1, 1978, at 9:30 a.m., in Conference Room B, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 2 and 3 in Conference Room B, Main Commerce Building, to its conclusion.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Materials and Acoustic Wave, Memory and Photo Conductive Device Subcommittee was formed to study materials, acoustic wave devices, memory devices and photo conductive devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

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

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

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

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

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 9, 1978.

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

[FR Doc. 78-900 Filed 1-11-78; 8:45 am]

[3510-25]

MICROCIRCUIT SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday February 1, 1978, at 9:30 a.m. in Conference Room D, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 2 and 3 in Conference Room D, Main Commerce Building, to its conclusion.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Microcircuit Subcommittee was formed to study microcircuit devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

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

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

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

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

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 9, 1978.

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

[FR Doc. 78-899 Filed 1-11-78; 8:45 am]

[3510-25]

TRANSISTOR, DIODE, AND THYRISTOR SUBCOMMITTEE OF THE SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Transistor, Diode, and Thyristor Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday, February 1, 1978, at 9:30 a.m. in Conference Room A, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue February 2 and 3 in Conference Room A, Main Commerce Building, to its conclusion.

The Semiconductor Technical Advisory Committee was intitially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Transistor, Diode, and Thyristor Subcommittee was established on December 28, 1977, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of the Export Administration with respect to questions involving: (A) Technical matters, (B) worldwide availability and acutal utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Transistor, Diode, and Thyristor Subcommittee was formed to study the transistor, diode, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

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

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

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

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

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 9, 1978.

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

[FR Doc. 78-898 Filed 1-11-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MID ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

The Mid Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 8 and 9, 1978 at The Hunt Valley Inn, Interstate 83 at Shawan Road, Hunt Valley, Md. 21031. The meeting starts at 9 a.m. on February 8 and will adjourn at about 5 p.m. on February 9.

Proposed Agenda: (1) Butterfish; (2) Pelagic Sharks; (3) Update of Current Plans; and (4) Administrative Matters.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. 19901. Telephone: 302-674-2331.

Dated: January 6, 1978.

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

[FR Doc. 78-832 Filed 1-11-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting; With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given of a joint meeting of the North Pacific Fishery Management Council, and its Scientific and Statistical Committee (SSC), and Advisory Panel (AP), established under the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and a separate meeting of the SSC and AP.

The SSC and AP will meet separately on January 24-25, 1978, in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9 a.m.

The Council and its SSC and AP will meet jointly on Thursday and Friday, January 26-27, 1978, in the Hill Building, Rooms 808/809, 6th and G Streets, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 4:30 p.m. The meetings may be extended or shortened depending upon progress on the agenda.

Proposed Agenda: January 26; (1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress report and update from Council's Drafting Management Planning Teams; (4) Closed Session to discuss classified material on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission (INPFC), and the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians; (5) Period for public comment; (6) Review of foreign fishing activities; *January 27;* (1) Discussions of management plans: Tanner Crab off Alaska; Gulf of Alaska Groundfish Fishery during 1978; Commercial Troll Fisheries off the Coast of Alaska; Bering Sea Clam Fishery; King Crab; and Bering Sea Groundfish Fishery; (2) Other Council business.

The SSC and AP meetings will be open to the public, as will all but the early afternoon of the first day of the Council meeting. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; Telephone: 907-274-4563.

A closed session of the Council is planned for the early afternoon of the first day, January 26, 1978, from 1:30 p.m. to 3:30 p.m. to hear Department of State reports and other related Council business on preparations and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission, and continuing negotiations with the Canadians, properly classified under Executive Order 11652. Only those Council members and staff having security clearances will be allowed to attend this closed session.

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

Dated: January 9, 1978.

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

[FR Doc. 78-831 Filed 1-11-78; 8:45 am]

[3510-12]

RESTRICTIONS ON FOREIGN FISHING IN ORDER TO PROTECT AGAINST DAMAGE TO FIXED U.S. FISHING GEAR

The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., as amended, authorized foreign fishing within the area over which the United States exercises exclusive fishery management authority, subject to certain conditions and restrictions. The conditions and restrictions which applied to foreign fishing during 1977 appeared in final form in the FEDERAL REGISTER (42 FR 8813-8845) published on February 11, 1977. Sections 611.50(j), 611.51(j), 611.52(j), 611.53(j), and 611.54(j), of those regulations all contain identical language prohibiting all foreign fishing between the 100-200 fathom depths on the Continental Shelf in the Atlantic north of Cape Hatteras within authorized fishing zones. The purpose of this restriction was to prevent damage to domestic offshore lobster gear by foreign trawlers in productive lobster areas. In order to further minimize gear conflicts, the above regulations also required operators of foreign fishing vessels to "exercise caution" when fishing within 2 nautical miles of all reported U.S. fixed gear areas. A related benefit was to provide protection for the migrating stocks of lobster and certain groundfish.

On September 9, 1977, the National Oceanic and Atmospheric Administration (NOAA) proposed to amend the existing foreign fishing regulations (42 FR 8821-8835) for application in 1978. The proposed regulations, among other things, continued the restriction on foreign fishing within the 100-200 fathom depths on the Continental Shelf in the designated fishing window. In addition, foreign fishing within 2 miles of reported U.S. fixed gear would be prohibited. The public comment period was open until October 8, 1977.

Comments were received during this period from many sources including U.S. fishermen, foreign nations and other Federal agencies. There was some concern over the need for continuation of the restriction on foreign fishing between the 100-200 fathom depths on the Continental Shelf as being unnecessary for avoiding fixed gear conflicts in light of the new prohibition on foreign fishing within 2 miles of reported U.S. fixed gear. Commenters expressed the view that the 100-200 fathom restriction had closed areas that should be open to foreign nations for fishing since allocations were made and any unnecessary restrictions would hamper such nations in catching their allocations. Another factor considered is that enforcement of the 100-200 fathom restriction is more difficult than enforcement of specific areas where fixed gear is located.

Also taken into consideration was the fact that the fishery management plan being developed for squid proposed that foreign fishing for squid be permitted between 100 and 200 fathoms if appropriate mandatory reporting and marking systems for fixed gear can be devised. The Mid-Atlantic and New England Fishery Management Councils are working jointly to devise a suitable mandatory reporting and marking system in connection with the development of a fishery management plan for squid.

As a consequence of these and other comments, the final regulations which were published on November 28, 1977 (42 FR 60682-60699) did not contain the 100-200 fathom restriction. The Secretary of Commerce recognizes the need to eliminate gear conflicts and minimize the potential for damage to domestic offshore fixed lobster gear by foreign trawlers as well as to protect the fishery stocks in the area. These objectives should be coordinated with allowing foreign nations reasonable access to fishing grounds to catch their allocations.

NOAA has determined that the prohibition on foreign fishing within 2 miles of reported U.S. fixed gear in the Atlantic more equitably satisfies these requirements. The regulations governing the Northwest Atlantic Ocean Fishery provide in part that "operation in areas of fixed gear locations shall be at the risk of the owner or operator of the foreign vessel for liability purposes resulting from damage to fixed gear." (611.50(e)) Therefore, NOAA believes that if (1) U.S. fixed gear fishermen promptly report their gear locations to the Coast Guard, (2) foreign fishermen monitor, record, and avoid those reported locations as now required by regulations, and (3) foreign fishermen take special care to minimize the possibility of conflict with, and damage to, fixed fishing gear, as required by regulations especially in the area of 100-200 fathoms during the period January 1 to June 30, gear conflicts will be minimized or totally avoided and at the same time allow foreign fishing vessels access to fishing grounds.

The National Marine Fisheries Service will closely monitor instances of gear conflict involving foreign fishermen in this area during 1978. Upon the basis of our experience, if it appears necessary, consideration will be given to reinstating the 100-200 fathom restriction during 1978.

Signed at Washington, D.C. this 9th day of January 1978.

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

[FR Doc. 78-851 Filed 1-11-78; 8:45 am]

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

[CSA Notice 6143-4]

SPECIAL CRISIS INTERVENTION PROGRAM

Reprogramming Special Crisis Intervention Program Funds

1. *Applicability.* This notice applies to grants made under section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, for the special crisis intervention program funded from the fiscal year 1977 supplemental appropriation.

2. *Background.* On June 29, 1977 (42 FR 33240), CSA published in the FEDERAL REGISTER a letter and a memorandum, dated May 25, 1977, by which the Governor of each State, Puerto Rico, and the Virgin Islands, and the Mayor of the District of Columbia were notified that funds for the special crisis intervention program were available and which detailed the conditions under which the program would be operated. The memorandum also noted that the funds granted to each State which could not be obligated effectively for crisis intervention by the expiration date of the program would be reprogrammed for support of weatherization activities in accordance with Congressional intent.

On July 20, 1977, CSA published in the FEDERAL REGISTER CSA notice 6143-2 that required regional offices, State economic opportunity offices, Community Action agencies and other regionally administered CSA funded local energy projects to develop jointly State emergency energy conservation program plans. These plans were to include a contingency plan for allocation and reprogramming to local projects any unexpended special crisis intervention program funds (program account 22) to weatherization (program account 21).

3. *Purpose.* The purpose of this Notice is to inform CSA grantees of the procedures CSA will implement to reprogram to weatherization the unobligated balance of the $200 million fiscal year 1977 supplemental energy program funds granted to States under Section 222(a)(12) of the Economic Opportunity Act as amended for the special crisis intervention program.

4. *Procedures.* Grantees with unobligated special crisis intervention program funds (program account 22) that are to be reprogrammed to weatherization (program account 21) shall submit to the appropriate CSA regional office for prior review and approval, the following:

CAP Form 25b, Justification of Program Account Amendments;

CAP Form 25, Program Account Budget;

CAP Form 25a, Program Account Budget Support Sheet; and

CSA Form 419, Summary of Work Programs and Budget.

CSA Regional Offices can proceed to approve such requests provided that the grantee has submitted all necessary documentation and that the amount to be reprogrammed does not exceed the estimated unobligated balance of special crisis intervention program funds available after final disbursement.

The CSA regional office shall execute CSA Form 314, Statement of CSA Grant, to provide for the transfer of funds from program account 22 to program account 21.

Delegate agency agreements need not be approved by regional offices, except in those cases where a document other than the standard delegate agency contract (OEO Form 280) is used or when a delegation in terms of organization, funding, or both differs from that included in the approved State emergency energy program plans for the State. In either of these instances, the proposed delegation agreements should accompany the required reprogramming documents for approval of regional offices before execution. For those agreements not requiring approval a copy should be forwarded to the regional office immediately upon execution.

In those cases where an existing delegate agency is not being retained as the weatherization program operator, Successor-in-interest agreements shall be executed between the special crisis intervention program grantee and that agency which will operate the weatherization program. Successor-in-interest agreements shall include as a minimum the following elements:

A written agreement signed by both the old and the new delegate agency;

An acceptance of all terms governing the funds, including all conditions, by the new program operator;

Clear arrangements for the transfer of funds and authority (including a specific date).

Grantees that do not have a final audit that has been approved by CSA are advised that in reprogramming funds it may be necessary later to modify the amounts reprogrammed to include any credits or debits resulting from the final audit. This should be a consideration when executing delegate agency agreements. (This does not include any credits resulting from reserve funds from unused vouchers or any funds recovered from utility/fuel dealers which shall be returned to CSA as outlined in section 2(c)(2) of the special conditions for the special crisis intervention program.)

A-95 review will not be required for the reprogramming of unobligated special crisis intervention program funds to weatherization. Clearinghouse review is not required because the initial allocation was subject to the A-95 review with the understanding that funds granted for the special crisis intervention program which were not obligated for that purpose could be reprogrammed for support of weatherization activities in the respective State.

GRACIELA (GRACE) OLIVAREZ,
Director.

[FR Doc. 78-868 Filed 1-11-78; 8:45 am]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

TSCA INTERAGENCY TESTING COMMITTEE

Meeting

This notice is intended to advise all interested persons of the TSCA Interagency Testing Committee meeting established under section 4(e) of the Toxic Substances Control Act for the purpose of making recommendations to the Administrator of the Environmental Protection Agency regarding priorities for issuance of requirements for testing chemical substances and mixtures.

On Monday, January 16, 1978, the TSCA Interagency Testing Committee will meet at 9 a.m., Room 5104, New Executive Office Building, 726 Jackson Place NW. The agenda for the meeting will include the election of officers for 1978 and to discuss the composition of chemical categories under investigation by the Committee. Interested persons are invited to attend. The portion of the meeting open to the public is expected to end approximately 10:30 a.m., followed by a closed executive session.

Dated: January 9, 1978.

WARREN R. MUIR,
Chairman, TSCA Interagency Testing Committee.

[FR Doc. 78-863 Filed 1-11-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

RELOCATION OF THE DECOMMISSIONED POWER BARGE "STURGIS"

Negative Declaration

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, part 1500.6(e) of The Council on Environmental Quality Guidelines issued on August 1, 1973, the Department of the Army, U.S. Department of Defense, gives notice that an environmental impact statement is not being prepared for the relocation of the decommissioned power barge *Sturgis* from Fort Belvoir, Va., to the James River Reserve Fleet.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Colonel James R. C. Miller, Commander and Director, U.S. Army Facilities Engineering Support Agency, Fort Belvoir, Va. 22060, has decided that the preparation and review of an environmental impact

statement is not needed for this project.

The *Sturgis* was built for the Army by the Martin-Marietta Corp., Baltimore, Md., in 1966 and contained a conventional pressurized-water nuclear reactor. The 10 MW (electric) floating powerplant was a part of the Army's contingency reserve of mobile power generating equipment. The plant had been used to supply electrical power to the Panama Canal Co. Upon completion of that mission, the *Sturgis* was towed to Fort Belvoir, Va., in March 1977 for decommissioning.

Fort Belvoir is the home station of the *Sturgis* and the location of the U.S. Facilities Engineering Support Agency (FESA). Engineers and technicians from FESA decommissioned the nuclear power plant by removing the reactor core, shipping the fuel elements to ERDA for reprocessing, and shipping the removed irradiated components to a retention site for burial. All remaining radioactive material is sealed within the containment vessel or within the reactor access compartment and the spent fuel storage tank. The shielding provided by these structures and by the concrete shield is such that the general public is protected from all sources of radiation remaining on board the *Sturgis*.

An analysis of the inventory of radioactive material indicates that in July 1978 there will be 3.663×10^5 Curies (Ci) remaining. About 99.8 percent of this will be the reactor pressure vessel and its internals. Substantially all of the remaining 0.2 percent is fixed in place in containment with a small amount being spreadable material contained within closed piping systems and within containment. At the end of the 50-year storage period the radioactive inventory will be 8,001 Ci all activated stainless steel. Release of any material could only occur following deterioration by corrosion of the 1½ inch thick steel containment vessel. Access to the radiation areas is controlled by passive devices and systems designed to prohibit unauthorized entry to all radiation areas. Prior to departure from Fort Belvoir a radiation survey will be performed by an agency independent of FESA to verify that the radioactive material is contained and is within the restricted areas and to verify that all other areas conform to Nuclear Regulatory Commission requirements for unrestricted use.

As long as the *Sturgis* remains in the Reserve Fleet there will be a continuing program to monitor the vessel to assure that the radioactive material remains contained. In addition, the usual James River Reserve Fleet active measures for prohibiting access to the stored ships will be applied to the *Sturgis*. The *Sturgis* will be moored bow and stern to buoys. This mooring system was designed by a marine and naval architect under contract to the Maritime Administration. The system will resist forces generated by any combination of winds of 70 knots and tidal currents of 4 knots. Periodically the *Sturgis* will be drydocked to assure that the hull retains its integrity.

Retention of the radioactive material within the containment vessel and within the piping systems is assured and thus there will be no radiological impact on the environment. The retention of the *Sturgis* at its anchorage and the maintenance of hull integrity will assure that there will be no adverse impact on the Reserve Fleet area.

The environmental assessment file is available for inspection during regular working hours at the following location.

U.S. Army Facilities Engineering Support Agency, Office of the Commander and Director, Building 358, Room 113, Fort Belvoir, Va. 22060, Telephone: 703-664-5221.

The *Sturgis* will depart Fort Belvoir after 15 March 1978.

Dated: January 6, 1978.

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

FR Doc. 78-804 Filed 1-11-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 82]

ALABAMA POWER CO.

Application for Amendment of License

JANUARY 6, 1978.

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

The "savings provisions" of section 705(b) of the DOE Act 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 functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or section 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of Energy 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.

Public notice is hereby given that an application was filed on July 21, 1977, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Alabama Power Co. (applicant) (correspondence to: Mr. F. L. Clayton, Jr., Senior Vice President, Alabama Power Co., P.O. Box 2641, Birmingham, Ala. 35291), requesting that the license for the Mitchell Project, FERC No. 82, be amended to permit the construction of three new generating units, each rated at 50,000 kW. The Mitchell project is located on the Coosa River in Chilton and Coosa Counties, Ala.

The present license for the Mitchell project authorizes the addition of two new generating units, each rated 40,000 kW, to be located in a new downstream powerhouse at the west end of the dam. These new units would operate in conjunction with the four existing units, which are situated in an upstream powerhouse at the middle section of the dam. Applicant now requests that the license for project No. 82 be amended to permit the construction of three new generating units, each rated 50,000 kW, to be located in the aforementioned new downstream powerhouse at the west end of the dam.

With regard to the existing powerhouse, applicant requests that the license be amended to allow the retirement of existing units 1, 2, and 3, each rated at 17,500 kW. These units have been in service since 1923. Existing unit 4, rated at 20,000 kW, has been in service since 1949, and would be retained for continued operation in accordance with the present license.

Upon approval of the proposed amendment of the license, applicant proposes to modify the planned powerhouse to accommodate the additional generating unit and the larger size of all three generating units. This larger powerhouse would be located in the space now occupied by the three ungated spillway sections and the first three gated spillway sections of the dam at the west bank. The spillway capacity lost due to the construction of the powerhouse would be replaced by lowering the crest of the two ungated spillway sections on the east end of the dam to elevation 287 feet and in-

stalling two spillway gates, and adding one new gated spillway section adjacent thereto. The switching station currently located on the deck of the dam would be retired, and a new switching station would be constructed on top of the hill at the west end of the dam. These proposed modifications would result in a total of 170,000 kW of installed capacity at the project, which is 17,500 kW more than currently authorized 152,500 kW.

The application is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 21, 1978, file with the Federal Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petitition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-769 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. ER77-217]

CENTRAL MAINE POWER CO.

Certification of Proposed Settlement Agreement

JANUARY 5, 1978.

Take notice that on December 28, 1977, Presiding Administrative Law Judge Jensen certified to the Commission a proposed settlement agreement filed by the Central Maine Power Co. (CMP) in the above-entitled proceeding on December 23, 1977.

CMP and three of its wholesale customers jointly requested certification of the settlement agreement to the Commission for its consideration and decision, stating that the agreement settles "all existing and potential issues before the * * * Commission * * * in Docket No. ER77-217."

Any person desiring to be heard or to protest the settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, on or before January 18, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-765 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. CP78-133]

COLORADO INTERSTATE GAS CO.

Application

JANUARY 6, 1978.

Take notice that on December 23, 1977, Colorado Interstate Gas Co. (applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-133 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of five air injection compressors and related piping modifications at the Watkins station and two miles of 16-inch pipeline loop from Watkins to the Mesa Meter station all in Adams County, Colo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that air injection facilities capable of injecting 8,000 Mcf of air per day were installed at the Watkins station pursuant to authorization granted in Docket No. CP73-44 and that these facilities were required to maintain the Wobbe Index (input factor) within the limits set forth in Applicant's gas tariff and in service agreements between applicant and: (1) Public Service Co. of Colorado, and (2) Western Slope Gas Co.

It is stated that air injection was authorized in Docket No. CP73-44 specifically for thermal control of the high Btu gas delivered to applicant by Panhandle Eastern Pipe Line Co. and since that time, increased volumes of high Btu gas from the Wyoming area have necessitated additional thermal control capacity at Watkins.

Applicant states that it was granted authority in Docket No. CP77-406 to abandon two Fourway station compressor units and to relocate them at the Watkins station to provide additional air injection capacity. It is said that these units were believed to be the most economical and expedient method for obtaining additional air service during the 1977-78 heating season; however, removal, reinstallation, and conversion of these units from natural gas service to air injection service was not possible in time for the 1977-78 heating season. Applicant states that it, therefore, entered into a short-term service contract to provide air for thermal control during the 1977-78 heating season.

Applicant asserts that the service contract solved the 1977-78 input factor problem and has provided Applicant an opportunity to study the thermal balance requirement extensively and that these studies indicate a need for a total of 51,000 Mcf per day of air injection capability, beginning in the 1978-79 heating season, and additional air-gas blending capability. It is further said that the studies indicate that it is more economical to install units that are compatible with one another and that the units proposed in Docket No. CP77-406 are not specifically designed for air injection service and that the costs associated with the installation of two units are more than one unit that has the same performance capability. Therefore, applicant proposes to maintain the Fourway units in stock for use at an undetermined company location and to construct the facilities proposed in the instant application.

The appliction shows the total estimated cost of the proposed facilities to be $14,114,600 which cost is proposed to be financed primarily with proceeds from the $50,000,000 long-term 9 percent notes placed privately on November 29, 1977. It is indicated that any additional financing requirements in 1978 attributed to the instant project would be satisfied on an interim basis with bank borrowings and internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on

its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-770 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. CP77-599]

COLUMBIA GAS TRANSMISSION CORP.

Amendment

JANUARY 6, 1978.

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

Take notice that on December 22, 1977, Columbia Gas Transmission Corp. (Columbia), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed with the FERC an amendment to its application filed with the FPC in Docket No. CP77-599 pursuant to section 7(c) of the Natural Gas Act, to provide for certain accounting and rate treatment for the project proposed by said application, all as more fully set forth in the amendment on file with the FERC and open to public inspection.

The application in this proceeding requests certificate authorization for the construction and operation of certain facilities which would be part of a project to produce a high carbon dioxide content gas from the Tuscarora Formation in the Indian Creek field located in Kanawha County, W. Va.

The subject amendment amends section IV of the application as follows:

* * * As reflected in exhibit Z-2 hereto, wellmouth facility costs will be booked in the appropriate production plant accounts; gathering facility costs[3] will be booked as gathering pipeline and measurement costs; the separation plant will be booked as purification equipment;[3a] and the transmission line facility costs will be booked as transmission line costs.

Columbia agrees that a final, nonappealable Commission determination in *Columbia Gas Transmission Corp.*, Docket No. RP75-106 (Appalachian Production), will be applicable to the rate treatment for this project in the following manner:

(1) The wellmouth facility costs of this project will be included as part of Columbia's Appalachian pipeline production cost of service consistent with the costing methodology and ratemaking treatment approved by final, nonappealable Commission order in the Appalachian production issue in Docket No. RP75-106. All gathering facility costs, separation plant costs and transmission line facility costs will receive 100 percent cost of service rate treatment.

(2) The wellmouth facility costs will be determined by the full cost accounting methodology for rate purposes.[3b]

(3) In the event that national rates are determined to be applicable, in whole or in part, in computing Columbia's allowable pipeline production costs in Docket No. RP75-106, Columbia would compute in future rate proceedings such costs related to national rates utilizing gross gas production at the wellmouth (before shrinkage and compression), adjusting the applicable national rate to reflect actual heat-content of the gas at that point. For example, if the Commission adopts the Staff position in Docket No. RP75-106 that Columbia's pipeline production be priced at a 75 percent cost of service/25 percent national rate basis, Columbia's allowable wellmouth facility costs would be determined according to the following formula:

75 percent of cost of service + 25 percent of gross annual volumes $\times y^{3c}$/1,000 of applicable national rate (as adjusted for production related taxes).

(4) The facilities included in this project will be depreciated according to the following bases:

Wellmouth facility costs—Overall Columbia unit-of-production rate for pipeline production.

Gathering facility costs—Overall Columbia gathering rate.

Separation plant costs—Overall Columbia gathering rate.

Transmission line facility costs—Overall Columbia transmission rate.

(5) The investments involved in this project will be excluded from any investment commitment which may be required by final, nonappealable Commission order in the Appalachian production issue in Docket No. RP75-106.

(6) While Columbia presently plans to vent the CO_2 which is removed from the gas stream, if it finds that such CO_2 is marketable, then Columbia will credit all net revenues received from its sale of CO_2 against its overall cost of service. If such CO_2 is utilized in its own operations, Columbia will credit an appropriate valuation of the CO_2 against its overall cost of service.

Columbia states that the FERC's approval of such accounting and rate treatment as a part of any order granting authorization of the proposed project is a necessary prerequisite to Columbia's acceptance of any certificate issued in this proceeding.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the FERC's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the FERC will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the FERC's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-771 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. ER78-103]

INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing and Suspending Rate Increase, Providing for Hearing, Waiving Notice, and Establishing Procedures

JANUARY 6, 1978.

Indiana & Michigan Electric Co. (I&M) on December 8, 1977, tendered for filing Modification No. 12, including a proposed Service Schedule G, to the Interconnection Agreement[1] dated November 1, 1961, with Northern Indiana Public Service Company (NIPS). Under their present Agreement, I&M provides NIPS with 200 MW of firm

[3] On-lease costs for gathering activities prior to commingling of gas from different wells are classified as wellmouth facility costs rather than as gathering facility costs.

[3a] The costs of compression required to maintain inlet pressures to the separation plant when the field pressures decline are also included in the separation plant costs.

[3b] If the full cost accounting methodology is completely refuted in Docket No. RP75-106, successful efforts accounting methodology will apply. In the event national rates solely determine Columbia's allowable pipeline production costs in that docket, this provision becomes moot.

[3c] y = Actual heat content of gas at the wellmouth as determined by periodic calorimeter analyses.

[1] Designated as Indiana & Michigan Electric Co. Rate Schedule FPC No. 22.

power and energy.[2] The proposed filing provides for the sale by I&M to NIPS of 400 MW of firm power and energy, resulting in an approximately $3,816,000, or 13.99 percent, billing increase to NIPS for the 12 months succeeding the requested effective date. I&M requests an effective date of January 1, 1978, and a waiver of the Commission's 30-day notice requirement.

Notice of the proposed rate schedule was issued on December 19, 1977, with comments, protests, or petitions to intervene due on or before December 27, 1977. No comments, petitions, or protests have been reached.

Under the present service agreement NIPS has firm contract demand of not more than 200 MW. The charges under the present service schedule include a $2,113 monthly service charge, $6.41/kW of contract demand and a 7.15 mills/kWh energy charge subject to a fuel adjustment clause that conforms to Commission Order No. 517.

The tendered service schedule provides that NIPS' firm contract demand shall be 400 MW from January 1, 1978 through at least the following twelve months. The charges under the proposed service schedule include a $2,000 monthly service charge, $8/kW of contract demand[3] and the same 7.15 mills/kWh energy charge subject to a proper fuel adjustment clause. NIPS also agrees to pay I&M a monthly amount representing any direct revenue taxes levied on the subject sale of firm power. Additionally, under the proposed service schedule I&M may require NIPS to schedule up to one half of the maximum amount of purchased firm power during the off-peak hours of 10 p.m. to 7 a.m.

I&M requests that its proposed Service Schedule G be treated as an initial rate schedule filing under Schedule 35.12 of the Commission's Regulations[4] and subject only to section 206 of the Federal Power Act. I&M's proposed rate schedule is an amendment of its existing Interconnection Agreement with NIPS, and it will supersede present Service Schedule A in that Agreement. Modification No. 12 and Service Schedule G provide for a revenue increase over the existing tariff for sales of firm contract power between the involved parties. Clearly, I&M's proposed rate schedule is a change of an existing rate rather than an initial rate filing.[5] The proposed rate schedule is therefore subject to the requirements of Commission regulation 35.13 and section 205 of the Act.[6]

Section 35.13 requires, inter alia, that I&M submit a case-in-chief and Statements A through O in support of its proposed rate schedule.[7] I&M has failed to submit these supporting documents which are required to evaluate the justness and reasonableness of proposed rates under Section 205(e). We recognize that the deficiencies in I&M's filing constitute grounds to reject the filing pending I&M's compliance with the aforementioned requirements of § 35.13. In its application, however, I&M states that NIPS has an urgent need for the service to meet the needs of its customers. Under the circumstances, we believe it is in the public interest to accept for filing the proposed rate schedule subject to the conditions and requirements set forth below.

The Commission's review indicates that the proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the Commission shall accept for filing the proposed rate schedule, as discussed above, suspend its use for one day, to become effective January 2, 1978, subject to refund, and establish hearing procedures.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed agreement and tariff originally tendered by I&M on December 8, 1977, establish procedures for that hearing, and that the proposed agreement and increased charges be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(2) Good cause exists to require I&M to file its case-in-chief and Statements A through O pursuant to section 35.13 of the Commission's Regulations.

(3) Good cause exists to waive the Commission's 30-day notice requirement.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the tariff and agreement proposed by I&M in this proceeding.

(B) Pending such hearing and decision thereon, the notice requirements of § 35.11 of the Commission's Regulations are hereby waived and the proposed increased rates and charges originally filed by I&M on December 8, 1977, are hereby accepted for filing, suspended and the use thereof deferred until January 2, 1978, when they shall become effective subject to refund.

(C) I&M is hereby required to file its case-in-chief and Statements A through O as required by §35.13 of the Commission's Regulations on or before April 3, 1978.

(D) Staff shall prepare and serve top sheets on all parties for settlement purposes 90 days after submittal of the Company's case.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding to be held on August 15, 1978, at 10 a.m. (ET) in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's Rules of Practice and Procedure.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-772 Filed 1-11-78; 8:45 am]

[2] The supply of firm power and energy is presently provided pursuant to Service Schedule A, as amended, under the Interconnection Agreement.

[3] The contract demand charge is based on a formula that includes the embedded cost of production plant and transmission plant, an annual rate of carrying charges, fixed production and operation expenses, a generation reserve ratio, and a demand charge for unit power type purchases. Under the terms of the contract, I&M will have the right from time to time to modify the contract demand charge to reflect changes in the value of components in this formula. Those changes, however, will be subject to the provisions of section 205 of the Federal Power Act and our Regulations thereunder.

[4] 18 CFR § 35.12.

[5] 18 CFR § 35.1(c).

[6] 18 CFR § 35.13.

[7] These requirements are set forth, respectively, in § 35.13(b)(5) and § 35.13(b)(4)(iii).

[6740-02]

[Docket No. RP76-3]

INLAND GAS CO., INC.

Order Granting Extension of Interim Curtailment Procedures

JANUARY 5, 1978.

On November 7, 1977, the Inland Gas Co., Inc. (Inland) filed a motion with the Federal Energy Regulatory Commission pursuant to § 1.12 of the Commission's Rules of Practice and Procedure, to extend for a twelve-month interim period commencing January 1, 1978, its presently effective curtailment procedures set forth in Appendix A thereto. The curtailment plan was originally filed with the Federal Power Commission on July 31, 1975. By Federal Power Commission order issued February 9, 1976, Inland was authorized to place its curtailment plan into effect for the calendar year 1976. A similar Commission order[1] dated February 22, 1977 authorized Inland to extend its interim plan for calendar year 1977.

Inland is a natural gas company which produces and purchases natural gas in Kentucky for transportation and sale at retail to consumers in Kentucky, Ohio, and West Virginia. Inland purchases gas from Tennessee Gas Pipeline Co. (Tennessee) under a Contract Demand providing for the delivery of 51,000 Mcf per day. Inland also delivers gas to its system from local purchases and local production in Kentucky. These volumes are expected to average 9,400 Mcf per day during calendar year 1978.

Direct sales by Inland to sixteen industrial customers account for approximately 98 percent of the total annual sales. The remaining sales are made to rural domestic and commercial customers situated throughout Inland's service area.

Inland's curtailment plan has three classifications: (1) residential and commercial; (2) small industrial and (3) large industrial. A large industrial is a customer having a maximum daily contract demand in excess of 300 Mcf per day. Under Inland's existing curtailment plan proposed for extension herein through calendar year 1978 the nine large industrial customers will share Inland's curtailments on a proportional basis. Inland's tariff sheets also provide for overrun penalties of $10 per Mcf and the distribution of such penalties among those of Inland's customers that are unable to receive gas as a result of the overruns.

Inland's gas supply/requirement study for calendar year 1978 again indicates that the curtailment will impact only upon the nine customers classified as large industrials. Inland discussed the issue of extending the curtailment plan for calendar year 1978 and has received the unanimous support of the large industrial customers.[2]

The only answer filed to Inland's motion was by the Commission Staff on November 16, 1977. Staff supported the curtailment plan through calendar year 1978. Staff concluded that:

> Due to the heavy concentration of Inland's annual sales to the large industrial market, even the projected 41 percent curtailment in December, 1978 will impact only on these large industrial customers. No service to residential and commercial customers will be curtailed.

After review of Inland's present curtailment tariff, we conclude that the plan should be extended through calendar year 1978. We believe that Inland's plan provides maximum protection to residential and commerical customers, while allocating the impact of curtailment among those customers who can most readily withstand interruption.

The Commission finds: It is necessary and appropriate that the presently effective curtailment plan of the Inland Gas Co., Inc. be extended through December 31, 1978.

The Commission orders: The presently effective curtailment tariff of the Inland Gas Co., Inc. is herein extended through December 31, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-766 Filed 1-11-78; 8:45 am]

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

[2] The afore-mentioned orders of February 9, 1976 and February 22, 1977, approving Inland's curtailment plan for calendar years 1976 and 1977 respectively were the result of unanimously supported Stipulation and Agreements.

[6740-02]

[Docket Nos. G-4703, *et al.*]

MURPHY OIL CORP., ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

JANUARY 3, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and dated filed	Applicant	Purchaser and location	Price per 1,000 ft[2]	Pressure base
G-4703 C 10/27/77	Murphy Oil Corp., et al., 200 Jefferson Avenue, El Dorado, Ark. 71730.	Arkansas Louisiana Gas Co., all of sec. 14, T17N, R4W, Lincoln Parish, La.	(1)	15.025
G-6195 D 11/14/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., certain acreage located in Logan County, Colo.	Leases expired, plugged and abandoned.	
G-7526-A C 12/5/77	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Northwest Pipeline Corp., (Successor in interest to El Paso Natural Gas Co.), certain acreage from the LaPlata County, Colo.	(1)	15.025
G-7670 C 12/9/77	Southern Union Gathering Co., 1800 First International Building, Dallas, Tex. 75270.	El Paso Natural Gas Co., certain acreage in San Juan County, N. Mex.	(1)	15.025

Docket No. and dated filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-12363 C 12/5/77	Amoco Production Co	Northwest Pipeline Corp., (Successor in interest to El Paso Natural Gas Co.), certain acreage from the Rio Arriba County, N. Mex.	(1)	14.65
G-13308 D 12/13/77	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., certain acreage of the Laverne field, Harper County, Okla.	Nonproduction and shut-in royalty not paid since February 15, 1975.	
G-14335 C 12/1/77	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	West Texas Gathering Co., Emperor Devonian field, Winkler County, Tex.	(1)	14.65
CI66-592 C 12/5/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Mountain Fuel Supply Co., West Side Canal area, Carbon County, Wyo.	(1)	15.025
CI66-1227 D 12/19/77	Texaco Inc., P.O. Box 52332, Houston Tex. 77052.	Columbia Gas Transmission Corp., West Delta block 73 field, Offshore, La.	Leases expired or have been released and nonproductive.	
CI67-978 D 11/10/77	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Panhandle Eastern Pipe-Line Co., Sneed "E" No. Well, Red Cave formation, located in sec. 6, block B-10, EI&RR Survey, Moore County, Tex.	Uneconomical and depleted.	
CI72-440 C 11/7/77	Amoco Production Co	Panhandle Eastern Pipe Line Co., Henry Kalcevic Estate No. 1 well, Adams County, Colo.	(1)	15.025
CI73-750 C 10/17/77	Chevron U.S.A. Inc., P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Devonian formation underlying the S½NE¼, sec. 10, T24S, R37E, Lea County, N. Mex.	(1)	14.65
CI74-528 C 11/11/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., J. B. Tubb wells No. 133 and 134, Sand Hills field, Crane County, Tex.	(12)	14.65
CI74-528 C 12/12/77	Exxon Corp	El Paso Natural Gas Co., J. B. Tubb wells No. 141, 136, 137, and 129, Sand Hills field, Crane County, Tex.	(12)	14.65
CI75-38 C 11/17/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Gulf's interest in Drinkard formation gas-well gas from the Christmas NCT C-11 well located in unit A, and the Christmas NCT C-12 well located in unit E, sec. 18, T22S, R37E, Lea County, N. Mex.	(1)	14.73
CI75-704 C 10/28/77	Tenneco Oil Co., P.O. Box 2511, Houston Tex. 77001.	El Paso Natural Gas Co., southwest quarter (SW/4) of sec. 29; east half (E/2) of sec 30, T27N, R7W, Rio Arriba County, N. Mex., limited to the Chacra Formation.	(14)	14.65
CI75-704 C 10/28/77	Tenneco Oil Co	El Paso Natural Gas Co., Southwest quarter (SW/4) of sec. 29; east half (E/2) of sec. 30, T27N, R7W, Rio Arriba County, N. Mex., limited to the Chacra formation.	(15)	14.65
CI76-259 C 11/11/77	Arkla Exploration Co., P.O. Box 21734 Shreveport, La. 71151.	Arkansas Louisiana Gas Co., secs. 6, 7, and 17, T6N, R14E, Pittsburg County, Okla.	(1)	14.65
CI77-339 C 11/9/77	Tenneco Oil Co	El Paso Natural Gas Co., SW/4 NE/4 and W/2 SE/4 of sec. 13, T26S, R37E, Lea County, N. Mex., limited to the Leonard Queen South and Penrose formations.	(1)	14.65
CI77-458 C 12/12/77	Stephens Production Co., P.O. Box 2407, Fort Smith, Ark. 72902.	Arkansas Louisiana Gas Co., Bob Cody No. 1 well, located in sec. 35-2N-9E of Coal County, Okla.	(1)	14.65
CI77-468 C 12/13/77	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Mocan field, sec. 28-2N-22E, Beaver County, Okla., limited to gas produced from the Basil Chester formation.	(1)	14.65
CI77-507 C 12/2/77	Pacific Transmission Supply Co., 245 Market St., San Francisco, Calif. 94105.	Pacific Gas Transmission Co., certain acreage in the Fontenelle Prospect, Lincoln, and Sweetwater Counties, Wyo.	(1)	15.025
CI77-516 C 12/13/77	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Panoma Council Grove field, Morton County, Kans.	(1)	14.65
CI77-520 C 11/7/77	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Turkey Track field, Eddy County, N. Mex.	(1)	14.65
CI77-759 G-19465 B 8/29/77	Concord Oil Co., Alamo National Bldg., San Antonio, Tex. 78205.	United Gas Pipe Line Co., West Weesatche field, Goliad County, Tex.	Cessation of production.	
CI77-836 C 10/27/77	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., certain acreage located in the Hartzog Draw field, Campbell County, Wyo.	(1)	14.65
CI78-33 C 12/8/77	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., State "DR" No. 1 well, Morrow formation, sec. 16, T19S, R32E, Lea County, N. Mex.	(16)	14.65
CI78-192 A 11/3/77	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Pine and Cabin Creek units, Fallon, Wibaux, Prairie, and Dawson Counties, Mont.	(1)	15.025
CI78-228 G-2935 B 11/22/77	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Mobil Oil Co., Mobil's terephalic acid plant and nitrogen complex near Beaumont, Tex.	Deliveries discontinued Jan. 12, 1975.	
CI78-229 CI67-761 B 11/25/77	Natural Gas Compression Corp., P.O. Box 788, Perryton, Tex. 79070.	Panhandle Eastern Pipeline Co., Council Grove, Beaver County, Okla.	Plugged and lease expired.	
CI78-230 A 12/9/77	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Colorado Interstate Gas Co., secs 6-19N-92W and 12-19N-93W, Echo Springs area, Carbon County, Wyo.	(1)	15.025
CI78-231 A 12/9/77	J.M. Huber Corp. (partial successor in interest of American Petrofina Co. of Texas), 2000 West Loop South, Houston Tex. 77027.	Transwestern Pipe Line Co. Red Deer field, (limited to a depth of 4,216 ft. in the Coffee Estate No. 1 well), Roberts County, Tex.	(1)	14.65

Docket No. and dated filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-232 A 12/9/77	Exchange Oil & Gas Corp., 16th floor, 1010 Common St., New Orleans, La., 70112.	United Gas Pipeline Co., certain acreage of the Loisel Field, Iberia Parish, La.	(1)	14.73
CI78-233 A 12/9/77	The Louisiana Land & Exploration Co., 225 Baronne St., P.O. Box 60350, New Orleans, La. 70160.	Texas Gas Transmission Co., certain acreage of the Bayou Piquant field, Terrebonne Parish, La.	(1)	14.73
CI78-234 A 12/14/77	CNG Producing Co., 445 West Main St., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Block 142, South Marsh Island area, south addition, offshore Louisiana.	(11)	15.025
CI78-235 A 12/12/77	Napeco, Inc., 122 South Michigan Ave., Chicago Ill. 60603.	Natural Gas Pipeline Co. of America, State tract 172 well No. 1, Kleberg and Nueces Counties, Tex.	(1)	14.65
CI78-236 A 12/9/77	Texas Pacific Oil Co., Inc., 1700 1 Main Place, Dallas, Tex. 75250.	Transwestern Pipeline Co., Glen Farmer No.1 well, Kennedy Farms field, Eddy County, N. Mex.	(1)	14.65
CI78-237 A 12/14/77	Perry R. Bass et al., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, South Salt Lake Morrow field, Lea County, N. Mex.	(1)	14.73
CI78-238 A 12/14/77	Perry R. Bass et al	Natural Gas Pipeline Co. of America, Big Eddy unit No. 53 area (field undesignated), Eddy county, N. Mex.	(1)	14.73
CI78-239 A 12/14/77	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Columbia Gas Transmission Corp., "A" platform, West Cameron block 605, offshore Louisiana.	(1)	15.025
CI78-240 A 12/14/77	The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Ave., Milwaukee, Wis. 53202.	Columbia Gas Transmission Corp., blocks 604 and 605, West Cameron area, offshore Louisiana.	(1)	15.025
CI78-241 A 12/15/77	Stephens Production Co., P.O. Box 2407, Fort Smith, Ark. 72902.	Arkansas Louisiana Gas Co., sec. 5-1N-10E of Coal County, Okla.	(1)	14.65
CI78-242 A 12/16/77	Odessa Natural Corp. (operator), P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., Jicarilla Joint Venture KD No. 1 (Dakota), E/2 sec. 4, T23N, R3W, Rio Arriba County, N. Mex.	(1)	14.65
CI78-243 B 12/19/77	Frontier Oil Co., 1720 Kansas State Bank Bldg., Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., No. 1 Thalheim located in sec. 26, T17S, R17W, Rush County, Kans.	Depleted.	

[1] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[2] Applicant requests that the Commission amend its certificate and rate schedule to conform with Revision No. 46, dated Nov. 3, 1977.
[3] Applicant requests that the Commission amend its certificate and rate schedule to conform with Revision No. 47, dated Dec. 6, 1977.
[4] Applicant is filing under Supplemental Gas Purchase Agreement dated Aug. 17, 1977.
[5] Applicant is filing under Supplemental Gas Purchase Agreement dated Sept. 19, 1977.
[6] Applicant is filing under Gas Purchase Agreement of September 27, 1977, as amended by the Amendment dated Oct. 12, 1977.
[7] 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.

[FR Doc. 77-606 Filed 1-11-77; 8:45 am]

[6740-02]

[Docket Nos. E-9068, E-9118 and E-9497]

OHIO EDISON CO.

Order Determining Refund Obligations

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 45267 (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 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 August 30, 1977, the Cities of Brewster and Hubbard, Ohio (Cities) filed with the Commission a Motion for Order Directing Immediate Payment of Refund and Order to Show Cause Why Civil and Criminal Proceedings Should Not Be Initiated. On September 30, 1977, the Commission issued a Notice of Intent to Act on the Cities' Motion. For the reasons hereinafter specified, the Cities' motion shall be denied.

On June 13, 1975, Ohio Edison Co. (Ohio Edison) tendered for filing a proposed rate increase to twenty municipal wholesale customers[1] in Docket No. E-9497.[2] On August 5, 1975, the Commission ordered the rate increase proposal suspended until September 13, 1975, when it became effective subject to refund.

By order issued July 6, 1977, the Commission approved a proposed settlement agreement between the parties and directed Ohio Edison to refund monies collected in excess of the settlement rates with interest computed at 9 percent per annum.

Late in 1974 and early in 1975, prior to the September 13, 1975 effective date of the rates originally filed in Docket No. E-9497, the Cities began to withhold portions of the monthly charges billed by Ohio Edison for services rendered to the Cities under the Company's wholesale electric rate schedules.[3] According to Ohio Edison's September 13 Response to the Cities'

[1] Municipalities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth and Wellington, all located in Ohio.

[2] By order issued on September 3, 1975, Docket Nos. E-9497, E-9068 and E-9118 were consolidated. Docket Nos. E-9068 and E-9118 represent protests against Ohio Edison's rates by the Ohio cities of Cuyahoga Falls and Galion, respectively.

[3] The sums originally withheld by the Cities were billed by the Company pursuant to a fuel adjustment clause contained in FPC Rate Schedule No. 105 and Supplement No. 1 thereto, which resulted from a settlement agreed to by the parties on January 16, 1973 and approved by FPC order issued on August 29, 1973, in Docket No. E-7705. This Rate Schedule was subsequently superseded by the settlement rates approved by the FPC on July 6, 1977, in Docket Nos. E-9497, E-9118 and E-9068.

Motion, infra, the Cities disputed the reasonableness of the fuel costs incurred by Ohio Edison and flowed through to the Cities by means of a fuel adjustment clause. After September 13, 1975, the City of Hubbard continued to deduct disputed amounts from its payments, while the City of Brewster began to pay its bills in full.

On April 4, 1975, Ohio Edison initiated a civil action against the City of Hubbard in the United States District Court for the Northern District of Ohio, Eastern Division (Civil Action No. C 75-37-Y), seeking payment of the monies withheld as well as injunctive relief. Ohio Edison instituted similar proceedings against the City of Brewster on July 31, 1975 (Civil Action No. C 75-223-A).[4] On June 9, 1977, a second action was commenced by Ohio Edison against the City of Hubbard for sums withheld after September 13, 1975 (Civil Action No. C 77-117-Y). The controversy is currently awaiting trial in the District Court.

In its August 30, 1977 motion, the Cities state that Ohio Edison has indicated its refusal to comply with the Commission's July 6 settlement order, in that the Company informed both Cities by letter dated August 5, 1977, of its intention to set off the amounts allegedly due against refunds required by the Commission's order. The Cities contend that although they are not obligated to pay the disputed amounts, these monies have been paid into escrow for immediate release to Ohio Edison in the event that the Company prevails in court.

According to Ohio Edison's August 5, 1977 letter to the Mayor of Brewster,[5] the difference between the proposed rates and the settlement rates applicable to Brewster for the period September 13, 1975 to July 1, 1977, computed with interest to August 5, 1977, was $70,188.90. Against this amount Ohio Edison set off $56,429.81, the alleged amount due to the Company from the City of Brewster resulting in a net refund to Brewster of $13,759.09.[6]

Ohio Edison's August 5 letter to the Mayor of Hubbard[7] stated that the total difference for Hubbard between the proposed rates and the settlement rates approved by the Commission's July 6, 1977 settlement order for the period September 13, 1975 to July 1, 1977 was $114,514.59, including interest. The Company credited the $114,514.59 against $726,395.81, the alleged sum due to the Company from Hubbard, resulting in no refund to Hubbard.[8] Instead, the letter indicated that Hubbard owed Ohio Edison a principal balance in the amount of $611,881.22.

On September 13, 1977, Ohio Edison filed its Response to Motion by the Cities of Brewster and Hubbard, in which the Company states that it has complied fully with the Commission's July 6, 1977 settlement order. Ohio Edison acknowledges that the Commission's settlement order requires the Company to "refund amounts collected in excess of the settlement rates with interest". However, the Company contends that pursuant to this order it is obligated to refund only monies actually collected from the cities, and that the fuel adjustment charges withheld by the Cities have never been received by the Company. In sum, Ohio Edison asserts that no excess was collected from Hubbard and that an excess in the amount of $13,759.09 was collected from Brewster and refunded by the Company.

A review of the pleadings indicates an attempt at "self-help" procedures initiated by the Cities that, if condoned, can undermine the orderly regulatory functions of this Commission. It is well established that the rates approved by the Commission in accordance with the Federal Power Act must be charged by the utility and paid by the purchaser. This principle was clearly set forth by the Court of Appeals for the Eighth Circuit thusly ("Northwestern Public Service Co. v. Montana Dakota Utilities Co.", 181 F.2d 19, 22, affirmed 341 U.S. 246):

> [T]he transmission of electric energy being at wholesale and interstate, the seller must collect the charge named in the filed rate and the purchaser must pay that rate. So long as the filed rate is not changed in the manner provided by the Act it is to be treated as though it was a statute binding upon the seller and the purchaser alike.

The Cities' defense for nonpayment of the Company's billings is that the costs flowed through the fuel adjustment clause were not "reasonable", since they were based on alleged improper fuel procurement practices. However, the fuel adjustment clause is part of the filed rate and the billings derived from the formula comprising the fuel clause must be charged by the seller and paid by the purchaser.[9]

In view of the foregoing discussion, we are compelled to deny Cities motion and to permit Ohio Edison to offset its refund obligation by the amounts withheld by the Cities. Since we are denying Cities request for immediate payment of further refunds, Cities additional request for the institution of an order to show cause should also be denied.

The Commission finds: Good cause exists to deny Cities Motion for Order Directing Immediate Payment of Refund and Order to Show Cause Why Civil and Criminal Proceedings Should Not Be Initiated, filed herein on August 30, 1977.

The Commission orders: (A) The motion filed by the Cities on August 30, 1977, is hereby denied.

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

By the Commission. Commissioner Holden, dissenting in part, filed a separate statement appended hereto.

KENNETH F. PLUMB,
Secretary.

OHIO EDISON CO.

JANUARY 6, 1978.

HOLDEN, Commissioner, dissenting (in part):

In this case, two Ohio municipalities, Brewster and Hubbard ("the Cities") have refused to pay over certain sums claimed by Ohio Edison. Instead, they have put those sums into escrow, pending the outcome of litigation. I agree with the order on the point that the Cities have failed to follow the appropriate administrative process. It is improper for the Cities unilaterally to withhold payment. The Cities are obligated to pay the amounts claimed, even if they pay, as it were, under protest. However, the Cities' claim as to the "unreasonableness" of the fuel adjustment charges cannot be dismissed on the basis of any information before us. Since they have not appeared before this Commission to seek an administrative remedy, they have not provided information on which I can clearly determine what their claims are. It is not apparent whether they are actually challenging the fuel adjustment clause, per se, which is a part of the approved rates or whether they are claiming that the fuel clause is being improperly executed.

Nor is it clear why they have not sought to use the administrative avenue. It might be that they maintain (1) that we do not have jurisdiction; (2) that we assert a lack of jurisdiction; or (3) that we assert jurisdiction but have some policy inimical to their interests.

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[4] Ohio Edison later amended both complaints to increase the amounts of the ad damnums and to further specify the nature of its claims. However, the Company's underlying theory of recovery essentially remained the same.

[5] Attached to Cities' August 30, motion and Ohio Edison's Response to Motion by the Cities of Brewster and Hubbard, infra, filed with the Commission on September 13, 1977.

[6] These figures are also reflected in Ohio Edison's refund report which was filed with the Commission on September 6, 1977, pursuant to ordering paragraph (D) of the Commission's July 6, 1977 settlement order.

[7] See note 5, supra.

[8] See note 6, supra.

[9] "Public Service Company of New Hampshire, — F.P.C. —," Opinion No. 790, issued March 21, 1977 (mimeo. p. 11); "Electric and Water Plant Board of the City of Frankfurt, Kentucky v. Kentucky Utilities Company, — F.P.C. —," Opinion No. 760, issued April 29, 1976 (mimeo. p. 15).

In my view, it would be preferable for the Commission to declare its availability in the event the Cities should make a formal protest or, even, to initiate investigation on its own motion. Admittedly, there are some practical difficulties in investigating such a complaint as to the prudence of past Company practices. Further, even if the Commission were to conclude that Cities' allegations were sound, fashioning an appropriate remedy, particularly a retroactive remedy, could be troublesome. Despite these difficulties, I maintain that the Commission has primary jurisdiction in such cases as this.

The silence of the Commission on the jurisdiction issue—at a time when jurisdiction is being challenged in Federal court—and the restraint in not activating a complaint or investigation could, I think, lead to unfortunate inferences that the Commission itself doubts its jurisdiction or its effective capacity.

Accordingly, I am obliged respectfully to dissent.

MATTHEW HOLDEN, Jr.
Commissioner.

[FR Doc. 78-773 Filed 1-11-78; 8:45 am]

[6740-02]

[Project No. 96]

PACIFIC GAS AND ELECTRIC CO.

Application for New Major License

JANUARY 6, 1978.

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

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission 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 functions 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 of Energy 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.

Public notice is hereby given that an application for a new Major license was filed on August 31, 1970, and amended on June 20, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Pacific Gas and Electric Co. (Correspondence to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, Pacific Gas and Electric Co. 77 Beale Street, San Francisco, Calif. 94106), for the Kerckhoff Project, FERC No. 96, located on the San Joaquin River in the Counties of Fresno and Madera, Calif., near the City of Fresno. The project affects lands of the United States within the Sierra National Forest.

According to the application, the existing project would be maintained, and new facilities would be added. All power produced by the project is, and would continue to be, integrated into Applicant's interconnected transmission and distribution systems.

The existing project, which has an installed capacity of 34,080 kW, consists of:

(1) A reservoir, Kerckhoff Lake, with a gross storage capacity of 4,252 acre-feet and a surface area of 160 acres at elevation 985.7 feet; (2) a concrete arch dam with a crest length of 507 feet at elevation 994.5 feet including a spillway, with a crest elevation of 971.34 feet, surmounted by 14 radial gates 14.33 feet high by 20 feet long, and three 72-inch-diameter sluice gates at elevation 900.14 feet; (3) an intake structure within the lake; (4) a 17,000-foot-long tunnel leading from the intake structure to a surge chamber; (5) a surge chamber; (6) three penstocks, each about 900 feet long, leading to a powerhouse; (7) a powerhouse containing three generating units, each rated at 11,360 kW, (9) three transformer banks consisting of one 3-phase and eight single-phase 6.6/115 kV transformers; (9) three 11 kV transmission lines; and (10) appurtenant facilities.

The proposed addition to the project would have an installed capacity of 140,000 kW and would be known as Kerckhoff No. 2. Kerckhoff No. 2 would consist of:

(1) A concrete intake structure, about 100 feet upstream from the existing intake; (2) a 22,000-foot-long tunnel leading from the new intake structure to a surge shaft; (3) a surge shaft; (4) a 1,080-foot-long penstock, leading to a powerhouse; (5) an underground powerhouse, about 8,000 feet downstream from the existing powerhouse, with a generating unit rated at 140,000 kW; (6) a transformer bank consisting of a single 3-phase 13.8/115 kV transformer; and (7) two 200-foot-long 115 kV transmission taps to the existing Kerckhoff-Sanger No. 1 and No. 2 transmission lines.

Upon completion of the proposed addition, the water available from Kerckhoff Lake would be routed through Kerckhoff No. 2 powerhouse instead of the existing Kerckhoff powerhouse. However, the existing powerhouse would remain in operation, and would be utilized when flows in the San Joaquin River exceed the capacity of the Kerckhoff No. 2 powerhouse or when, if ever, there is a power outage in the Kerckhoff No. 2 powerhouse.

Applicant estimates that the net project investment as of December 31, 1975, exclusive of depreciation, amounted to $7,643,150. Annual state and local taxes are estimated to be $333,350. Also, the estimated fair value of Kerckhoff No. 1 as of December 1, 1972, is $36,900,000. With regard to the proposed Kerckhoff No. 2 development, Applicant estimates the capital cost will be $112,427,000, assuming that construction starts in March, 1980, and the plant is in commercial operation by July, 1983.

The recreational facilities currently available at the Kerckhoff Project consist of a hiking trail and a parking lot and trailhead provided by the Bureau of Land Management at Squaw Leap. Applicant proposes to expand the recreational facilities to include a camping and picnicking area, a boat-launching ramp for cartop boats, and an additional hiking trail at Kerckhoff reservoir.

Any person desiring to be heard or to make protest with reference to said application should, on or before March 22, 1978, file with the Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH. F. PLUMB,
Secretary.

[FR Doc. 78-774 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. CP78-137]

PANHANDLE EASTERN PIPE LINE CO.

Application

JANUARY 6, 1978.

Take notice that on December 28, 1977, Panhandle Eastern Pipe Line Co. (Applicant), 3000 Bissonnet, Houston, Tex. 77001, and 3444 Broadway,

Kansas City, Mo. 64141, filed in Docket No. CP78-137 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline, compressor, and related facilities appurtenant to Applicant's existing Anadarko Basin West End pipeline systems connecting the Texas, Kansas, and Oklahoma gas supply areas to its mainline at its Haven, Kans., compressor station, and authorizing the construction and operation of pipeline, compressor, and related facilities in Weld and Adams Counties, Colo., appurtenant to its existing Rocky Mountain gathering system, all as more fully set forth in the application which is on file with the FERC and open to public inspection.

Applicant proposes to construct, place in service and operate the following facilities:

(1) 6,700 horsepower of new compression facilities and the relocation of 2,600 horsepower of existing compression facilities in Weld and Adams Counties, Colo., appurtenant to existing gathering lines owned by Applicant;

(2) 7,800 horsepower of new compression facilities and the relocation of 1,750 horsepower of existing compression facilities in Grant, Morton, and Seward Counties, Kans., and Texas County, Okla.;

(3) One mile of 8-inch pipeline to be located in Adams County, Colo.;

(4) 8.6 miles of 8-inch pipeline located in Stevens County, Kans.;

(5) 2.1 miles of 8-inch and 3.3 miles of 6-inch pipeline located in Morton County, Kans.

(6) 4.5 miles of 12-inch and 1.3 miles of 8-inch pipeline located in Grant County, Kansas;

(7) 5.5 miles of 10-inch pipeline located in Seward County, Kansas;

(8) 2 miles of 8-inch pipeline located in Beaver County, Oklahoma;

(9) 1.1 miles of 8-inch pipeline located in Dewey County, Oklahoma.

Applicant states that the installation and operation of the proposed facilities will assist it in maintaining its ability to deliver existing gas supplies into its mainline system and that all facilities will be installed adjacent and parallel to existing facilities and will augment and supplement the existing facilities. Applicant further states that the total cost of the proposed facilities is estimated to be $11,136,000 which cost will be financed from funds available to the Company.

It is asserted that Applicant has experienced a continuing decline in reservoir pressures within its traditional gas production area, and in order for Applicant to produce gas from reservoirs which have experienced declines in pressure, Applicant has been required to operate its gathering facilities at lower pressures and to add additional compression horsepower to its gathering systems. The proposed pipeline and compressor horsepower proposed would assist Applicant in recovering contractual volumes of natural gas from reservoirs which have suffered declines in pressure and would enable Applicant to meet its contractual obligations to its producers with respect to reducing the line pressure on its Colorado gathering system, it is asserted.

Applicant states that upon completion of the installation and construction of the facilities proposed herein, it anticipates increases in deliverability of its respective gathering systems during the first three years of operation as follows:

	Increased deliverability (million cubic feet per day)		
	1st year	2d year	3d year
Anadarko Basin	12.2	14.9	18.8
Colorado	8.4	8.0	8.0
Total	20.6	22.9	26.8

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-775 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.

Compliance Filing

JANUARY 5, 1978.

Take notice that Sierra Pacific Power Co. (Sierra) on December 27, 1977, tendered for filing a refund report in compliance with Ordering Paragraph (D) of an Order Approving Settlement issued on June 30, 1977, in Docket No. ER76-87.

Sierra states that this report shows monthly billing determinants and revenues under present and settlement rates, the monthly interest revenue refund, and the monthly interest computation, together with a summary of such information for the total refund period. Sierra further states that a copy of the refund report has been furnished to each state commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before January 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-768 Filed 1-11-78; 8:45 am]

[6740-02]

[Docket No. CP72-53]

TRUNKLINE GAS CO. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

JANUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the

Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

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

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

Take notice that on Decembver 27, 1977, Trunkline Gas Co. (Trunkline), P.O. Box 1642, Houston, Tex. 77001, and Texas Gas Transmission Corp. (Texas Gas), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP72-53 a joint petition to amend the order issued pursuant to section 7(c) of the Natural Gas Act on January 24, 1972 (47 FPC 143), as amended by order issued March 11, 1977 (57 FPC -), so as to authorize the addition of two points of exchange, all as more fully set forth in the petition to amend which is on file with the FERC and open to public inspection.

Pursuant to the order issued January 24, 1972, Trunkline agreed to deliver volumes of natural gas to Texas Gas through Texas Gas' measuring facilities located at Samedan Oil Corp.'s Miami Corp. B-1 Well located in Cameron Parish, La., and Texas Gas agreed to redeliver to Trunkline or its designee the same quantity of gas through existing metering facilities operated by Shell Oil Co. in the Chalkley Field Area located in Cameron Parish, La. By order isued March 11, 1977, Trunkline and Texas Gas were authorized to delete the Chalkley Field exchange point and to add in its place an exchange point at the tailgate of the Continental Oil Co. Egan Plant located in Egan, La.

Pursuant to a letter agreement dated September 28, 1977, Trunkline and Texas Gas propose to add two additional points of delivery between them as follows:

(1) At Union Oil Co. of California's (Union Oil) liquid separation facilities located in North Freshwater Bayou Field, Vermilion Parish, La.

(2) Texas Gas' metering facilities located in North Freshwater Bayou Field, Vermilion Parish, La.

Petitioners state that no new facilities are proposed. It is further stated that the addition of the two points of delivery in the North Freshwater Bayou Field will permit Trunkline and Texas Gas to receive volumes of natural gas from Union Oil for the other company's account and redeliver the volumes received at existing certificated points of exchange. It is asserted that the addition of the proposed exchange points will also allow Trunkline and Texas Gas to eliminate efficiently any imbalances which have occurred or may occur as a result of both companies purchasing volumes of natural gas from Union Oil in the same field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-776 Filed 1-11-78; 8:45 am]

[6740-02]

[Project No. 2299]

TURLOCK AND MODESTO IRRIGATION DISTRICTS

Renotice of Application for Approval of Revised Exhibits K and R[1]

JANUARY 5, 1978.

Public notice is hereby given that applications for approval of revised Exhibits K and R were filed on September 6, 1974, and September 6, 1977, respectively, under the Federal Power Act (16 U.S.C. 791a-825r) by the Turlock and Modesto Irrigation Districts (Correspondence to: Charles D. Crawford, Project Coordinator, Turlock Irrigation District, P.O. Box 949, Turlock, Calif. 95380; and McCarty and Noone, Counselors at Law, 490 L'Engant Plaza East, Suite 3306, Washington, D.C. 20024) for the Don Pedro Project, FERC Project No. 2299, located on the Tuolumne River, in Tuolumne County, Calif.

Take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46276 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

Applicants' revised Exhibit K, filed in accordance with Article 35 of the project license, shows the boundary of the constructed project, including transmission line rights-of-way. The revised Exhibit K indicates a total of 18,329.79 acres within the project boundary. Applicants own or have acquired the right to occupy 13,522.57 acres; the remaining 4,807.22 acres are United States lands under the supervision of the Bureau of Land Management.

Applicants' revised Exhibit R indicates that Applicants have constructed, or have under consideration, the following additional recreational facilities:

(1) The Moccasin Point Recreation Area has been extended in a southeasterly direction to provide space for additional camping facilities. A road has also been constructed from Area E to old State Highway No. 49 to provide for evacuation in case of fire as well as additional access. In addition, a small marina is being considered for one of three possible sites: near the mouth of Moccasin Creek, at Kanaka Creek, or at Jacksonville;

(2) In the Mexican Gulch Recreation Area, a high level boat launching ramp (in two sections) and an access road have been constructed. In addition, space has been provided for a concessionaire to store boats in dry storage and to provide a place for house boat maintenance out of view of public roads.

(3) In the Fleming Meadows Recreation Area, a marina has been constructed for a concessionaire to provide full boating services. Two picnic areas have also been converted to camping areas.

All existing and proposed recreation development is within the project boundary.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

[1] This notice was previously issued on December 16, 1977, but was not published due to administrative error.

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspections.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-767 Filed 1-11-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 838-6]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"),[1] I am granting the State of California a waiver of Federal preemption to adopt and enforce the California exhaust emission standards and certification procedures applicable to 1979 through 1982 model year light-duty trucks and medium-duty vehicles.[2] Under section 209(b) of the Act, the Administrator is required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.[3] A waiver cannot be granted if he finds that the determination of the State of California is arbitrary and capricious, that the State does not need such State standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with Section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent. For the reasons given below, I have concluded that I cannot make the findings required for the denial of the waiver under section 209(b) of the Act in the case of these California standards.

In light of the fact that the California Air Resources Board (CARB) has recently taken many actions in this area of emissions regulation, I believe that it is necessary to clarify at the outset the scope of my decision today. This decision is concerned with the 1979 through 1982 model year California light-duty truck and medium-duty vehicle standards considered at the May 16-19, 1977, and October 13, 1977, Environmental Protection Agency (EPA) public hearings, including: (i) the "line-crossing" requirements specified in the California test procedures, as amended on September 30, 1977, for determining compliance with these standards,[4] and (ii) the 0.39 grams per vehicle mile non-methane hydrocarbon (HC) standard and accompanying test procedures applicable to 1980 through 1982 model year lower weight classification (0-3999 pounds inertia weight) medium-duty vehicles.[5] It is also concerned with the following items for which California sought a waiver by letter dated June 9, 1977:

(i) High altitude certification regulations adopted on November 23, 1976, as amended on June 8, 1977,

(ii) Revisions to the 1978 and 1979 California light-duty truck and medium-duty vehicle standards and certification procedures, as amended on June 8, 1977,[6] and

(iii) Vehicle selection procedures applicable to the certification of 1979 and subsequent model year medium-duty vehicles.

In addition, by letter dated July 6, 1977, the CARB informed me that it had taken an additional minor administrative action to correct the model year referenced under a section of the California Administrative Code considered in this decision. This waiver decision will also include this action. However, this waiver decision does not include the waiver requests concerning limitations on allowable maintenance during the certification of 1981 and subsequent model year gasoline-powered light-duty trucks and medium-duty vehicles adopted by the CARB on May 26, 1977, or certification requirements covering the carburetor idle air/fuel mixture adjustment mechanism. It also does not include the waiver request for emission standards applicable to engine families which are certified under the optional 100,000 mile California certification procedure. As mentioned above, these waiver requests will be the subject of a waiver decision to be published in the FEDERAL REGISTER in the near future.

II. DISCUSSION

Public health and welfare. Under one of the criteria of section 209(b) of the Act, I cannot grant a waiver if I find that California's determination that its "standards will be, in the aggre-

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[1] 42 U.S.C. 7543(b), as amended by Pub. L. No. 95-95, 91 Stat. 755 (1977).

[2] As defined by California, the medium-duty vehicle class is a subset of the heavy-duty vehicle category, and is any motor vehicle (except a passenger car) with a gross vehicle weight rating (GVWR) of between 6000 and 8500 pounds. See generally 42 FR 2337 (January 11, 1977).

[3] A public hearing was held on May 18, 1977, pursuant to notice published by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER, see 42 FR 19372 (April 13, 1977), to consider the questions that pertain to today's decision. On September 30, the California Air Resources Board (CARB) found that the standards under consideration in today's decision were, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards. See State of California, Air Resources Board, Resolution 77-48, September 30, 1977. This determination, as well as other questions concerning these standards, were considered at a public hearing held on October 13, 1977, pursuant to notice published by EPA in the FEDERAL REGISTER. See 42 FR 45942 (September 13, 1977). A decision on the other outstanding waiver requests considered during these hearings will be published in the FEDERAL REGISTER in the near future. In addition, a decision on the waiver request considered during the EPA public hearing of August 4, 1977, see 42 FR 36009 (July 13, 1977), will also be published in the FEDERAL REGISTER in the near future. This waiver request was concerned with, among other items, exhaust emission standards applicable to 1983 and subsequent model year light-duty trucks and medium-duty vehicles, and exhaust emission standards applicable to 1981 and 1982 model year light-duty trucks and medium-duty vehicles which are certified under the 100,000 mile certification procedure set forth in paragraph 6 of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

[4] These requirements may be found in subparagraph 3(c) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Susequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977. The term "line-crossing," as defined in these procedures, refers to the situation where the durability vehicle interpolated 4,000 or 50,000 mile points on the least-squares fit straight line drawn through the test data points exceed the highest of either the California or Federal exhaust emission standards. This situation does not include the case where no applicable durability vehicle test data point exceeded the applicable standard.

[5] The requirements for demonstrating compliance with this standard are set forth in subparagraph 3(a) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

[6] This item involves actions of an administrative nature. For this reason, I have determined that those actions taken with respect to the 1978 standards and test procedures fall within the scope of a waiver currently in effect, and therefore, do not require a new waiver. See 42 FR 1503, 1504 (January 7, 1977).

gate, at least as protective of public health and welfare as applicable Federal standards" is arbitrary and capricious. On September 29, 1977, the CARB found that the standards under consideration in this decision[7] were, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.[8] It is clear that the numerical value of each California standard is no greater than that of the comparable Federal standard, making them at least as stringent as the applicable Federal standards.[9] As a result, the California standards are deemed under the Act to be at least as protective of public health and welfare as the Federal standards.[10] Thus, I cannot find that California's determination in this matter is arbitrary and capricious.

Certification and test procedures. Under section 209(b). I also cannot grant a waiver if I find that the California certification and test procedures are in conflict with the corresponding Federal procedures. Ford Motor Co. and American Motors Corp. objected to the inertia weight classification scheme used in these standards since they believed that this scheme would result in a more difficult certification task.[11] They further contended [12] that a waiver should not be granted for these standards since the classification scheme was inconsistent with the schemes otherwise used in promulgating standards under the Clean Air Act and the Energy Policy and Conservation Act.[13] However, I believe that the test of consistency has been met in the case of these standards.[14] The fact that the California certification requirements for the 1979 through 1982 model years may impose reasonable additional testing requirements over those under the Federal certification procedures is not a ground for denying California a waiver in this instance.[15]

In any event, I believe that the classification scheme used by California is merely one way of pursuing its own particular regulatory program. Allowing California to utilize this regulatory approach is fully in keeping with the legislative history behind section 209(b) of the Act. As a result, this question really enters into the waiver decision in reviewing whether California's public health and welfare determination is arbitrary and capricious as well as whether these standards are technologically feasible within the available lead time.

Under certain circumstances a manufacturer may be required to certify a single engine both through vehicle dynamometer certification testing in order to meet the California medium-duty vehicle requirements, and through engine dynamometer certification testing in order to meet the Federal heavy-duty engine requirements. In the event that this situation should arise, I have decided that EPA will accept the data used to successfully certify any vehicle under the California test procedures as demonstrating that the engine in that vehicle complies with applicable Federal standards, and the appropriate Federal certificate of conformity will be issued on this basis.

Lead time and technology. Under section 209(b), I also cannot grant a waiver if I find that California standards and accompanying enforcement procedures are not "consistent with section 202(a)." Section 202(a) states that standards promulgated under its authority "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." In order for California standards to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appear to be sufficient to permit the development and application of that technology.[16]

Ford testified that it supported the waiver request for these standards if the certification mileage accumulation fuel was not required to contain 0.125 grams per gallon of methyl- cyclopentadienyl manganese tricar- bonyl (MMT). No such requirement will

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[7] The California exhaust emission standards under consideration in this decision are as follows (expressed in grams per vehicle mile):

Equivalent inertia weight (lb.)[c]	Hydrocarbons (HC)[d]	Carbon monoxide (CO)	Oxides of nitrogen (NO_x)
Model year 1979			
0 to 3,999[a]	0.41	9.0	1.5
4,000 to 5,999[a]	0.50	9.0	2.0
All[b]	0.9	17.0	2.3
Model year 1980			
0 to 3,999	0.39 (0.41)	9.0	1.5
4,000 to 5,999[a]	0.50 (0.50)	9.0	2.0
All[b]	0.9 (0.9)	17.0	2.3
Model year 1981			
0 to 3,999[a b]	0.39 (0.41)	9.0	1.0
4,000 to 5,999[a b]	0.50 (0.50)	9.0	1.5
6,000 and larger[b]	0.60 (0.60)	9.0	2.0
Model year 1982			
0 to 3,999[a b]	0.39 (0.41)	9.0	1.0
4,000 to 5,999[a b]	0.50 (0.50)	9.0	1.5
6,000 and larger[b]	0.60 (0.60)	9.0	2.0

[a] Light-duty trucks.
[b] Medium-duty vehicles.
[c] Equivalent inertia weight is determined in accordance with 40 CFR 86.129-79(a) as incorporated in the provisions of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977. See 42 FR 32906, 32966, 32967 (June 28, 1977).
[d] Beginning in 1980, the hydrocarbon standard is expressed as a non-methane hydrocarbon standard. Hydrocarbon standards in parentheses apply to total hydrocarbons, or, for 1980 models only, to emissions corrected by a methane content correction factor. The requirements for the demonstration of compliance with this standard are set forth in subparagraph 3(a) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

[8] See supra note 3.

[9] The 1979 and subsequent model year Federal light-duty truck standards are 1.7 grams HC, 18 grams CO and 2.3 grams NO_x per vehicle mile. See 41 FR 56316 (December 28, 1976). The EPA definition of light-duty truck, however, does not include vehicles which have an actual curb weight of greater than 6,000 pounds or which have a basic vehicle frontal area in excess of 46 square feet. Thus, some vehicles within the CARB medium-duty vehicle class will be heavy-duty vehicles for Federal purposes. For these vehicles the applicable Federal standards are as follows:

Engine type	Emission standards (grams per brake horsepower hours)		
	HC	CO	HC+NO_x
Primary standards applicable to 1979 and later[a]			
Gasoline and diesel[b]	1.5	25	10
	.....	25	5
Optional standards applicable to 1979 model year only			
Diesel[c]	1.5	25	10
Gasoline diesel[c]	.....	25	5
Gasoline[c]	1.0	25	9.5

[a] For 1980 and later model years, small volume manufacturers may elect to use current test procedures and certify to the appropriate 1979 model year optional standards. See 42 FR 45132 (September 8, 1977). It should be noted that under the Federal light-duty truck regulations, any heavy duty vehicle 10,000 pounds GVWR or less can be certified as a light-duty truck to the light-duty truck standards.
[b] New test procedures and instrumentation.
[c] Current test procedures and instrumentation.

[10] 42 U.S.C. 7543(b) (2), as added by Pub. L. No. 95-95, 91 Stat. 755 (1977).

[11] See Transcript of Public hearing on California Waiver Request (May 16-May 20, 1977), Volume III, at 399-401, 502 (hereinafter "Tr. of May 1977 Hearing").

[12] See id. at 400, 498-499, 502.

[13] See Pub. L. No. 94-163, 301, 89 Stat. 901, 15 U.S.C. § 2001 et seq. (1975).

[14] See 42 FR 25757 (May 19, 1977).

[15] S. Rep. No. 403, 90th Cong., 1st Sess. 33-34 (1967); Hearings on S. 780 Before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, 90th Cong., 1st Sess. pt. 3, at 1765 (1967); 116 Cong. Rec. 30950, 30968 (1967).

[16] See 41 FR 44209, 44210 (October 7, 1976).

exist for certification in California.[17] However, Ford also stated that taking into consideration the road load horsepower parameter requirements for the certification of light-duty trucks, the light-duty truck standards were relatively more stringent than those applicable to passenger cars.[18] Consequently, Ford stated that it had little confidence that it could certify its manual transmission vehicles of 6,000 pounds and below equivalent inertia weight to these standards.[19]

General Motors Corp. expressed serious reservations regarding the ability of its manual transmission trucks to meet the applicable 1979-1982 model year California standards.[20] General Motors further contended that these standards were not technically justified on the basis of the feasibility of the passenger car emission standards because the differences in emission control capability between trucks and passenger cars were not accurately reflected.[21] In this connection it stated, though, that it was primarily concerned with the California HC standard.[22] However, General Motors indicated that it could certify one light-duty truck engine family/transmission combination and possibly two others to these standards if the certification mileage accumulation fuel did not contain MMT.[23]

Chrysler Corp. stated that the technology will probably exist to meet a 1 gram NO_x standard in 1980.[24] Nevertheless, it testified that the granting of a waiver for this standard would result in the elimination of diesel-engines from the California market.[25]

Chrysler further contended that I must deny California a waiver if such a waiver would result in fuel economy penalties which increase the likelihood of one or more manufacturers incurring civil penalties under Title 5 of the Motor Vehicle Information and Cost Savings Act[26] for failing to meet fleet average fuel economy requirements or if such waiver increases the severity of these penalties.[27] I cannot agree. I believe that Congress fully addressed the problems associated with the technological conflicts between fuel economy and emissions control during its consideration of the Energy Policy and Conservation Act and intended that such conflicts would be resolved through reconsideration by the Secretary of Transportation of the average fuel economy standard in light of the California emission standards.[28] Thus, I consider this contention to be relevant only to my consideration of the costs of compliance with these standards, which are discussed below. In any event, based on information submitted to me, I believe that the manufacturers can meet both the California emission standards and the fuel economy requirements through appropriate changes of their sales mix or through the application of technology which is presently available to minimize the influence of these standards on fuel economy.[29]

American Motors testified that its Jeep CJ vehicles with manual transmissions, which constitute approximately 80 percent of the Jeep CJ vehicles sold in California, could not meet the California standards,[30] but that it would be possible to certify its automatic transmission Jeep CJ vehicles to these standards.[31] In addition, American Motors indicated that it would not be able to sell any medium-duty vehicles if the waiver request for the 1981 California standards was granted unless significant technological progress was achieved in the meantime.[32]

Other manufacturers also testified on this question. Volkswagen of America claimed that the light-duty truck standards were not technologically feasible.[33] Assuming no unknown certification problems associated with durability testing, International Harvester Co. testified that the 1981 California medium-duty vehicle standards were technologically feasible.[34] Toyota Motor Co. indicated that the required leadtime was not available to meet the 1979 light-duty truck standards since these standards would require the development and application of large size catalytic converter technology.[35]

[17] See Tr. of May 1977 Hearing, supra note 11, at 389, 394, 398, 402-408, 410-423. General Motors Corp., Chrysler Corp., and American Motors Corp. shared Ford Motor Co.'s concerns with the use of methylcyclopentadienyl manganese tricarbonyl (MMT). See id. at 445-447, 501; letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, Mobile Source Enforcement Division (MSED), EPA, June 8, 1977. However, on July 7, 1977, the CARB adopted a prohibition against the addition of any manganese additives to fuels sold in California after September 8, 1977. See 13 Cal. Admin. Code § 2254 (1977). As a result, the CARB stated that MMT will not be required in the test fuel for the certification of 1979 and subsequent model year light-duty trucks and medium-duty vehicles. See 13 Cal. Admin. Code § 1960 (1976); letter from G. C. Hass, CARB, to all Motor Vehicle Manufacturers, July 8, 1977.

[18] See Transcript of Public Hearing on California Waiver Request (August 4, 1977), Volume II, at 304-305 (hereinafter "Tr. of August 1977 Hearing"). American Motors also shared this view. See id. at 397-398; Transcript of Public Hearing on California Waiver Requests (October 13, 1977), at 74, 110-119, 130-131 (hereinafter "Tr. of October 1977 Hearing").

[19] See Tr. of October 1977 Hearing, supra note 18, at 75.

[20] See Tr. of May 1977 Hearing, supra note 11, at 432; letter from T. M. Fisher, General Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, June 17, 1977, at 61; General Motors Corp., "General Motors Statement to the California Air Resources Board on Proposed 1979 and Subsequent Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicle Emission Standards," Los Angeles, Calif., November 23, 1976; Tr. of August 1977 Hearing, supra note 18, at 396.

[21] See Tr. of May 1977 Hearing, supra note 11, at 434-438, 442, 477-482; letter from T. M. Fisher, General Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 11, 1977. American Motors has also raised this issue. See Tr. of May 1977 Hearing, supra note 11, at 497. While specifically commenting on the 1977 California light-duty truck standards, American Motors contended that its four-wheel drive Jeep CJ vehicles designed primarily for off-highway operation with on-highway capability represent a distinct class of vehicles that should be subject to a less stringent set of standards than those applicable to passenger cars. See id. at 504, 518; Tr. of October 1977 Hearing, supra note 18, at 204-206, 209-210; letter from Stuart R. Perkins, American Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 25, 1977. As a result, American Motors contended that the waiver request for the light-duty truck standards should be denied. See id.

[22] See Tr. of October 1977 Hearing, supra note 18, at 192.

[23] See Tr. of May 1977 Hearing, supra note 11, at 447-449, 465, 472.

[24] See Tr. of August 1977 Hearing, supra note 18, at 339-341.

[25] See id.

[26] 15 U.S.C. 2001 et seq. (1975).

[27] See Tr. of August 1977 Hearing, supra note 18, at 341-344, 353-355; Letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 28, 1977. General Motors and Ford have raised similar questions with regard to the requirements of the Energy Policy and Conservation Act. Pub. L. No. 94-163, § 301, 89 Stat. 901, 15 U.S.C. 2001 et seq. (1975); see Tr. of May 1977 Hearing, supra note 11, at 400, 433-434; see also Tr. of October 1977 Hearing, supra note 18, at 74-75.

[28] See 15 U.S.C. § 2002 (b), (d), (e), (f) (1975); S. Rep. No. 94-516, 94th Cong., 1st Sess. 149-156 (1975); see also Letter from Kingsley Macomber, CARB, to Mr. Benjamin Jackson, Chief, MSED, EPA, November 10, 1977.

[29] See Letter from Kingsley Macomber to Mr. Benjamin Jackson, supra note 28.

[30] See Tr. of May 1977 Hearing, supra note 11, at 496, 498, 506, 508-514, 520.

[31] See id. at 520.

[32] See id. at 504.

[33] See Letter from J. Kennebeck, Volkswagen of America, Inc., to Director, MSED, EPA, October 21, 1977, at Enclosure-1, 4; see also Tr. of October 1977 Hearing, supra note 18, at 158-160.

[34] See Tr. of May 1977 Hearing, supra note 11, at 532, 538-539.

[35] See Letter from Keitaro Nakajima, Toyota Motor Co., to G. C. Hass, CARB, October 18, 1976.

Finally, the CARB noted that:

• • • emission control hardware similar to that feasible for passenger cars can be used for trucks to achieve exhaust emission levels which are comparable to those which can be achieved by passenger cars.[36]

Hence, the CARB concluded that these standards were technically justified.[37] The CARB also presented 1977 and 1978 certification data provided by the manufacturers showing that 33 light-duty trucks and medium-duty vehicles had met the emissions levels specified under the 1979 light-duty truck standards and that ten light-duty trucks and medium-duty vehicles had certified to the applicable 1981 standards. This data also shows that a fuel injection/three-way catalyst system can be used to certify light-duty trucks to a 1.0 NO_x standard.[38] In specifically referring to American Motors, the CARB indicated that the requisite technology was available in order for manual transmission vehicles to meet the 1979 light-duty truck standards.[39]

May 1977 Hearing, *supra* note 11, at 344, 505, 507, 518.

[36] State of California, Air Resources Board, Staff Report No. 76-22-2(a), November 23, 1976, at 5 (hereinafter "CARB November Staff Report"); see Tr. of May 1977 Hearing, supra note 11, at 343-346; Memorandum from Eric O. Stork, Deputy Assistant Administrator for Mobile Source Air Pollution Control, EPA, to Norman D. Shutler, Deputy Assistant Administrator for Mobile Source and Noise Enforcement, October 31, 1977, at 13-17, 19-21. Although the CARB contended that the 1979 and subsequent model year passenger car standards discussed in Staff Report No. 76-2-2(a) were technologically feasible, this reference to these standards in no way indicates my affirmance of the CARB's contention. See id. at 21.

[37] See Tr. of May 1977 Hearing, supra note 11, at 345, 350-353, 363-373; Tr. of August 1977 Hearing, supra note 18, at 267; CARB November Staff Report, supra note 36, at 10, 21; State of California, Air Resources Board, Staff Report No. 77-13-2, June 22, 1977, at 6-11; Letter from Thomas C. Austin, CARB, to Ben Jackson, Director, MSED, EPA, August 31, 1977, at Attachment V, IX, X; Letter from Thomas C. Austin, CARB, to Benjamin R. Jackson, Director, MSED, EAP, November 1, 1977.

[38] See State of California, Air Resources Board, "Statement of the California Air Resources Board Before the U.S. Environmental Protection Agency Regarding California's Request for a Waiver of Section 209(a) of the Clean Air Act In Order that California May Implement More Stringent Emission Standards and Test Procedures for 1978 and Later Model-Year Motorcycles, Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," San Francisco, Calif., May 16-19, 1977, at 2 (hereinafter "Statement of California Air Resources Board"); Letter from Thomas C. Austin to Benjamin R. Jackson, supra note 37. American Motors stated that such data may not necessarily indicate that this set of standards is technologically feasible. See Tr. of

[39] See CARB November Staff Report, supra note 36, at 9.

In light of the above discussion, as well as the judgment of my technical staff and the ongoing development efforts of the manufacturers,[40] I believe that it is reasonable to conclude that it is possible for vehicle manufacturers to produce light-duty trucks and medium-duty vehicles which can meet the applicable 1979 through 1982 model year standards.

Cost of Compliance. With respect to the cost of compliance with these standards, General Motors could not accurately estimate such figures at this time.[41] American Motors estimated a fuel economy loss of two miles per gallon for its automatic transmission Jeep CJ vehicles due to these standards.[42] International Harvester estimated product tooling and development costs at approximately 7.4 million dollars and a product cost increase of 316 dollars per vehicle over those respective costs for the 1979 model year as a result of the 1981 California medium-duty standards.[43] Consequently, International Harvester recommended that California's waiver request be denied on the grounds of excessive costs of compliance until such time as similar Federal standards were promulgated.[44] Finally, the CARB presented information suggesting that the 1981 light-duty truck standards would result in a retail price increase ranging from zero to 300 dollars over 1980 model year costs with regard to the 1981 light-duty truck standards.[45] In addition, the CARB estimated a fuel economy penalty of five percent associated with the 1979 light-duty truck standards and an additional five percent associated with the 1981 light-duty truck and medium-duty vehicle standards.[46]

In light of the above information, I therefore believe that it is reasonable to conclude that the costs of compliance are not so excessive as to warrant a denial of a waiver on these grounds, given the intent of Congress to leave the decision on controversial matters of public policy to California's judgment.

Objections to Granting the Waiver. General Motors and the Automobile Importers of America (AIA) contended that they had not had an adequate opportunity to comment on the 0.39 non-methane HC standard.[47] The AID did state, though, that it had received notice that such a standard would be considered at the May 16-19, 1977, hearing on May 6, 1977.[48] In light of this statement as well as the fact that the public record remained open for a period of three weeks after the May 16-19, 1977, hearing, I must dismiss this objection.[49] In addition, this standard was further considered at the October 13, 1977, hearing and during the comment period following this hearing in light of the amendments to this standard which delete the methane content correction factor as a method of demonstrating compliance with the HC standard beginning in 1981.[50]

Various witnesses contended at the May 18, 1977, EPA public hearing that any consideration of the California high altitude certification requirements prior to the June 6, 1977, CARB hearing in this matter was premature.[51] In addition, certain manufacturers also expressed concerns with regard to the scope of those requirements originally adopted by the CARB on December 14, 1976.[52] In response to these concerns, the CARB adopted certain amendments to its high altitude requirements on June 8, 1977. These amendments were subject to comment at the August 3-4, 1977, EPA hearing and were found to have eliminated all of the problems raised by the manufacturers in this matter.[53] As a result, this waiver decision includes the high altitude certification requirements as amended on June 8, 1977.

[40] See Memorandum from Eric O. Stork to Norman D. Shutler, supra note 36; Tr. of August 1977 Hearing, supra note 18, at 305-307, 314-316, 318-323, 339-340, 368-369, 390, 393, 405; Letter from D. A. Jensen, Ford Motor Co., to Benjamin R. Jackson, Director, MSED, EPA, July 29, 1977, at Attachments III, IV, V.

[41] See Tr. of May 1977 Hearing, supra note 11, at 433.

[42] See id. at 496.

[43] See id. at 532, 534, 541-542.

[44] See id. at 536-538, 541-542.

[45] See id. at 344.

[46] See id. at 345-346.

[47] See id. at 488, 495, 544, 548-549.

[48] See id. at 548.

[49] See 44 U.S.C. § 1508 (1968).

[50] See supra note 7.

[51] See Tr. of May 1977 Hearing, supra note 11, at 397-398, 543-545, 549-550. These requirements may be found in subparagraph 5(d) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended June 8, 1977.

[52] See id. at 354, 357, 397-398, 502-503.

[53] See id. at 354, 357, 397; see also State of California, Air Resources Board, "Statement of the California Air Resources Board Before the Environmental Protection Agency, Waiver Hearings," San Francisco, Calif., August 3-4, 1977, at 19-20; Jensen, Donald A., "Statement of Donald A. Jensen, Director, Automotive Emissions and Fuel Economy Office, Ford Motor Co., on CARB Request for Waiver of Pre-emption Of High Altitude Test Requirements for 1980 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," San Francisco, Calif., august 3, 1977; "General Motors Statement to the Environmental Protection Agency Regarding California's High Altitude Test Requirements for 1980 Model Passenger Cars and 1981 Model Light-Duty Trucks and Medium-Duty Vehicles," San Francisco, Calif., August 3, 1977; Letter from G. C. Hass, CARB, to All Light-Duty Vehicle Manufacturers, August 22, 1977; Tr. of August 1977 Hearing, supra note 18, at 261.

Chrysler claimed[54] that these standards may result in a restricted vehicle offering incapable of meeting basic market demand in California contrary to the result in *International Harvester* v. *Ruckelshaus*.[55] I cannot agree. While California's emission standards may limit the number of models of light-duty trucks and medium-duty vehicles which may be sold in California in the future, I conclude, based on the information presented to me, that the range of models of such vehicles should, nevertheless, remain in general what it is today.[56]

General Motors, Ford, and others questioned, among other things, the need for these standards and the wisdom of California's emission control strategy.[57] These questions, as they bear on my review of California's determination regarding whether the California standards under consideration are, in the aggregate, at least as protective of the public health and welfare as the applicable Federal standards, have been discussed above. Beyond that, for the reasons stated in a previous waiver decision, these arguments are not grounds for denying California a waiver. Such arguments all fall within the EPA practice of leaving the decision on controversial matters of public policy to California's judgment.[58]

Ford and Chrysler contended[59] that I must now consider each of the criteria of section 209(b) of the Act in light of the possibility that eligible States may impose the emission control requirements for which a waiver is granted under section 177 of the Act.[60] Ford further argued that I could not grant a waiver unless and until I made an affirmative finding that the basic market demand could be satisfied in all States eligible to adopt and enforce the California standards under section 177 of the Act.[61] However, I cannot agree with the manufacturers' interpretation of my responsibilities under section 209(b) of the Act. That section authorizes me to deny California a waiver only if I have determined that California does not meet the given criteria; it does not require me in granting a waiver to consider the impacts of actions taken by other States under section 177 of the Act.[62] The legislative history behind the Clean Air Act Amendments of 1977 contains no statement to the contrary.[63] More significantly, the legislative history behind the amendments to section 209(b) specifically states that the intent of these amendments was

> * * * to ratify and strengthen the California waiver provision and to affirm the underlying intent of that provision, i.e. to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare.[64]

Furtheremore, in view of the strict limits placed on the authority vested in the States under section 177, Congress believed that such authority "* * * should not place an undue burden on vehicle manufacturers."[65]

Finally, various manufacturers contended that the scope of my review of California's determination pursuant to section 209(b) of the Act should be identical to that delineated under section 307 of the Act in the context of EPA rulemaking.[66] Based on this interpretation, the manufacturers petitioned the EPA to request from the CARB the entire record which was the basis of the CARB's actions in this matter.[67] This record has been submitted by the CARB for my review.[68] However, I can only deny California a waiver under the arbitrary and capricious standard of review of section 209(b) if I find that there is

> * * * clear and compelling evidence that the State acted unreasonably in evaluating the relative risks of various pollutants in light of the air quality, topography, photochemistry, and climate in that State * * *.[69]

As the legislative history behind the Clean Air Act Amendments of 1977 indicates, Congress intended that I would look to section 209(b), not section 307, in determining the scope of my review in a California waiver situation.[70] With respect to the standards here under consideration, as stated previously, California's determination is deemed under section 209(b) not to be arbitrary and capricious because each California standard is at least as

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[54] See letter from Michael W. Grice to Benjamin R. Jackson, supra note 27; Tr. of August 1977 Hearing, supra note 18, at 341. Other manufacturers shared Chrysler's view. See Tr. of October 1977 Hearing, supra note 18, at 75, 159.

[55] 478 F. 2d 615 (D.C. Cir. 1973).

[56] See supra notes 17-39; letter from Thomas C. Austin to Benjamin R. Jackson, supra note 37; memorandum from Eric O. Stork to Norman D. Shutler, supra note 36, at 15. I am not deciding here that the "basic demand" test of *International Harvester* is applicable in the context of a California waiver. Any determination in this matter would be guided by the interpretation of the applicability of *International Harvester* in a California waiver situation as set forth in a previous waiver decision. See 41 FR 44209, 44212, 44213 (Oct. 7, 1976).

[57] See Tr. of May 1977 Hearing, supra note 11, at 338-339, 341, 401, 430-431, 449-451; Tr. of August 1977 Hearing, supra note 18, at 338-339, 344-345, 365-367, 370-372, 374, 376-379, 391; Tr. of October 1977 Hearing, supra note 18, at 74-75, 110-119, 131, 158, 169-172, 206, 213, 223-224; see also letter from Stuart R. Perkins to Benjamin R. Jackson, supra note 21. Information on this question has been presented. See id.; Tr. of May 1977 Hearing, supra note 11, at 350, 384-385, 400; Tr. of August 1977 Hearing, supra note 18, at 262-264; Weinstock, Bernard and Tai Yup Chang, "The Relationship Between Vehicle NOx Emissions and Air Quality," Presented at the California Air Resources Board Photochemical/Transport Workshop at the University of California, Los Angeles, Calif., January 6-7, 1977; Weinstock, Bernard, and Tai Yup Chang, "The Relationship Between Vehicle NOx Emissions and and Air Quality," Progress Report on the NO_2 Problem, June 7, 1977; Glasson, William A., "Smog Chamber Simulation of Los Angeles Pollutant Transport," GMR-2325, EV No. 32, presented to the California Air Resources Board, Los Angeles, Calif., January 6, 1977; memorandum from John P. Eppel and Helen O. Petrauskas, Ford Motor Co., to B. R. Jackson, Director, MSED, EPA, September 9, 1977, at 8-11; State of California, Air Resources Board, "Control Strategies for Oxidant and Nitrogen Dioxide," January 25, 1977; CARB November Staff Report, supra note 36, at 1-5, 28-30; letter from T. M. Fisher, General Motors Corp., to Mr. James McNab III, EPA, November 10, 1977.

[58] See 41 FR 44209, 44210 (Oct. 7, 1976); 42 FR 31639, 31641 (June 22, 1977).

[59] See Tr. of August 1977 Hearing, supra note 18, at 309-311; Tr of October 1977 Hearing, supra note 18, at 140-153; letter from Michael W. Grice to Benjamin R. Jackson, supra note 27.

[60] 42 U.S.C. 7507 (1977), as added by Pub. L. No. 95-95, 91 Stat. 750 (1977).

[61] See memorandum from John P. Eppel and Helen O. Petrauskas to B. R. Jackson, supra note 57, at 12-15.

[62] As has been noted above, I have not decided at the present time whether the "basic demand" test of the *International Harvester* case is applicable in the context of a California waiver. See supra note 56.

[63] See H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 14, 23, 26, 207-217, 301-302, 309-311 (1977); H.R. Rep. No. 95-564, 95th Cong., 1st Sess. 156, 158, 170 (1977).

[64] H.R. Rep. No. 95-294, 95th Cong., 1st Sess. 301-302 (1977).

[65] See id. at 310-311.

[66] See Memorandum from John P. Eppel and Helen O. Petrauskas to B.R. Jackson, supra note 57, at 25-33; Tr. of October 1977 Hearing, supra note 18, at 155-157, 178-180, 182-191.

[67] See id.; see also Letter from Michael W. Grice to Benjamin R. Jackson, supra note 27.

[68] See memorandum from State of California, Air Resources Board, to EPA, October 13, 1977; letter from Kingsley Macomber, CARB, to Mr. Benjamin R. Jackson, Chief, MSED, EPA, October 28, 1977; letter from Kingsley Macomber, CARB, to Mr. Ben Jackson, Chief, MSED, EPA, November 16, 1977; letter from K.D. Drachand, CARB, to MSED, EPA, November 17, 1977; see also Tr. of October 1977 Hearing, supra note 18, at 190-191.

[69] See H.R. Rep. No. 95-294, 95th Cong., 1st Sess, 302 (1977).

[70] See id. at 23, 301-302 (1977); H.R. Rep. No. 95-564, 95th Cong., 1st Sess. 170 (1977).

stringent as the applicable Federal standard.

III Finding and Decision

Having given due consideration to the record of the public hearings of May 18 and October 13, 1977, all material submitted for this record, and other relevant information, I find that I cannot make the determinations required for a denial of the waiver under section 209(b) of the Act, and therefore, I hereby waive application of section 209(a) of the Act to the State of California with respect to the following sections of Title 13 of the California Administrative Code:

Section 1959.5, adopted on June 8, 1977, as amended June 22, 1977, and "California Exhaust Emission Standards and Test Procedures for 1979 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted on June 8, 1977, with respect to 1979 model year light-duty trucks and medium-duty vehicles, and

Section 1960, adopted November 23, 1976, as amended September 30 1977, and "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted on November 23, 1976, as amended September 30, 1977, with respect to 1980 through 1982 model year light-duty trucks and medium-duty vehicles.

As stated above, this decision does not include: (i) The exhaust emission standards under the 100,000 mile optional California certification procedure applicable to 1981 and 1982 model year light-duty trucks and medium-duty vehicles, (ii) the California certification requirements covering the carburetor idle air/fuel mixture adjustment mechanism, and (iii) the limitations on allowable maintenance incorporated by reference in section 1960 of Title 13 of the California Administrative Code under the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles."

In addition, I also find that those actions of an administrative nature taken by the CARB with regard to the 1978 light-duty truck and medium-duty vehicle standards and test procedures fall within the scope of a waiver currently in effect, and therefore, do not require a new waiver.

A copy of the above standards and procedures, as well as the record of these hearings and those documents used in arriving at this decision, is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, Calif. 95812.

Dated: December 30, 1977.

Douglas M. Costle,
Administrator.

[FR Doc. 78-321 Filed 1-9-78; 8:45 am]

[6560-01]

[FRL 840-8; OPP-180169]

DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Naled To Control the Oriental Fruit Fly in California

The Environmental Protection Agency (EPA) has granted a specific exemption to the Animal and Plant Health Inspection Service, of the U.S. Department of Agriculture (hereafter referred to as "USDA") to use up to 120,000 grams of active naled to eradicate populations of the Oriental Fruit Fly in three counties in California. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the USDA, this recent infestation of the Oriental Fruit Fly (*Dacus dorsalis* Hendel) was first confirmed in the Cypress area of Orange County. Naled eradication treatments began on August 4, 1977, under a crisis exemption promulgated by USDA on that date. Approximately 9 square miles in this county required treatment. In addition, USDA submitted a request for a specific exemption to use the bait lure naled to control the oriental fruit fly. The area of infestation involved Los Angeles, Orange, and San Diego counties in California.

There are no pesticides registered specifically to control the oriental fruit fly because the pest is not endemic to the continental United States. This insect is one of the most destructive pests of fruits and vegetables, the USDA stated. The oriental fruit fly attacks over 150 crop species, including apricots, avocados, citrus, figs, mangoes, papayas, peaches, pears, peppers, and tomatoes, as well as ornamental plants. This insect thus poses a serious economic threat to the fruit and vegetable industries in the United States. The pest has been detected numerous times in the past. The last specific exemption to California for this purpose was granted in November, 1976, and expired on November 22, 1977.

The USDA proposed to use a viscid bait consisting of 88 percent methyl eugenol, five (5) percent naled, and seven (7) percent Thixcin-E. Each bait spot or station (6-inch diameter spot) requires approximately 0.25 gram of naled applied by hand equipment to telephone poles, other inanimate objects, and host trees in the infested areas. Applications will be out of the normal reach of children and pets. Applications will be made at least eight times at two-week intervals. A maximum of 120,000 grams of naled will be applied in the three counties.

Naled (Dibrom) is registered for use on citrus crops as a foliage application at a rate of application considerably higher than the dosage rate to be used for oriental fruit fly control. Methyl eugenol is an attractant and Thixcin-E is a thickening agent, both of which pose no known threat to man or the environment. The controls proposed will be adequate to prevent misuse of the pesticides and prevent any serious short- or long-term adverse environmental effects.

Because of intense quarantine practices, the oriental fruit fly has not gained a strong foothold in the continental United States; however, it will continue to be a threat to American agriculture, particularly since it is now present in Hawaii. Since this pest has a very broad host range and a short and prolific life cycle, eradication measures must be taken immediately upon detection of this insect in a given area.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the oriental fruit fly has occurred; (b) there is no pesticide presently registered and available for use to control this pest in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the oriental fruit fly is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the USDA has been granted a specific exemption to use the pesticides noted above until October 25, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The pesticide naled will be applied as a lure bait consisting of 88 percent methyl eugenol, 7 percent Thixcin-E, and 5 percent naled. The dosage rate of each bait or spot station will be 0.25 grams naled or approximately a 6 inch

diameter spot on host tree trunks, telephone poles, and other inanimate objects;

2. Up to 120,000 grams may be applied;

3. Only trained personnel of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, USDA, and the California Department of Food and Agriculture will make the applications of the lure bait. Applications will be out of the normal reach of children and pets;

4. Applications will be made at least 8 times at 2-week intervals. There will be approximately 600 stations per square mile (6 to 8 stations per city block);

5. Application for registration for naled to control oriental fruit fly must be submitted before the expiration of this specific exemption;

6. A report summarizing the results of this eradication program must be submitted within one year of the expiration date of this exemption; and

7. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: January 6, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-754 Filed 1-11-78; 8:45 am]

[6560-01]

[FRL 841-1; PF83]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Conrel, Inc., an Albany International Co., 735 Providence Highway, Norwood, Mass. 02062, has submitted a petition (PP 7F2003) to the Environmental Protection Agency (EPA) which proposes that 40 CFR be amended by establishing an exemption from the requirement of a tolerance for residues of the insecticide gossyplure (1:1 mixture of (*Z,Z*- and *Z,E*-7,11-hexadecadien-1-o1-acetate) in or on the raw agricultural commodity cottonseed. The proposed analytical method for determining residues is gas chromatographic analysis using flame ionization. Notice of this submission is given pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while the petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated January 3, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-755 Filed 1-11-78; 8:45 am]

[6560-01]

[FRL 841-2; PF85]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Monsanto Agricultural Products Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has submitted a petition (PP 8F2021) to the Environmental Protection Agency (EPA) which purposes that 40 CFR 180.364 be amended by establishing a tolerance for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity avocados at 0.2 part per million. The proposed analytical method for determinig residues is a gas-liquid chromatography technique using a phosphorous-specific flame photometric detector.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-426-2632. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: January 4, 1978.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc. 78-756 Filed 1-11-78; 8:45 am]

[6560-01]

[(FRL 840-7); OPP-30000/23A]

PESTICIDE PROGRAMS; CERTAIN PESTICIDE PRODUCTS CONTAINING BENOMYL

Extension of Period for Submission of Rebuttal Evidence and Comments

On November 23, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient benomyl. This notice was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61788). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

A request for an additional 60 days in which to present evidence to the Agency has been received from one of the major registrants who was affected by the notice of presumption. The requester has specified a need for additonal time to obtain, review, and reanalyze data and other information in order to adequately rebut and respond to this notice.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until March 24, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WN-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the indentifying notation "OPP-30000/23A". Comments and information received on or before March 24, 1978, shall be considered before it is determined whether a notice shall be issued in ac-

cordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after March 24, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumtion against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, Rm. 447, East Tower, during the same time period.

Dated: January 6, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 78-753 Filed 1-11-78; 8:45 am]

[6560-01]

[FRL 840-6; OTS-082002]

TOXIC SUBSTANCES CONTROL ACT

Interim Procedures for Handling Confidential Business Information

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has set up a Data Security Task Force to study security procedures to protect Confidential Business Information submitted under the Toxic Substances Control Act (TSCA). A notice was published on November 7, 1977 (42 FR 57984), concerning the work of the Task Force. The Task Force held a public meeting on November 18, 1977. Pending completion by the Task Force of final security procedures for handling Confidential Business Information acquired by EPA under TSCA, the Office of Toxic Substances has adopted Interim Procedures for handling TSCA Confidential Business Information. These Interim Procedures are effective January 1, 1978. Copies of the Interim Procedures will be furnished upon request.

ADDRESS: Copies of the Interim Procedures may be obtained by writing or calling: Director, Industry Assistance Office (TS-788), Environmental Protection Agency, Office of Toxic Substances, 401 M Street SW., Washington, D.C. 20460 (800-424-9065).

FOR FURTHER INFORMATION CONTACT:

Roger M. Connor, Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street SW., Washington, D.C. 20460. Telephone: 202-755-1500.

Dated: January 5, 1978.

STEVEN D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 78-752 Filed 1-11-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 892]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JANUARY 9, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (domestic public radio services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20568-CD-P-78 W. J. Answering Service, Inc. (new). C.P. for a new station to operate on 152.03 MHz to be located at 800 Youngs Road, Morgan City, La.

20569-CD-P-78 Radio Call Co. of Virginia, Inc. (KUO626). C.P. to relocate facilities and change antenna system operating on 152.12 MHz located at 17th Street on Beaver Creek Knob, Bristol, Tenn.

20570-CD-TC-(2)-78 Tele-Page Corp. Consent to transfer of control from Charles F. Mefford, transferor, to Tele-Page Corp., transferee. KSV960, Cincinnati, Ohio, and KWU342, Dayton, Ohio.

20571-CD-P-(2)-78 RCC of Virginia, Inc. (KWT845). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 2: Tinker Mountain, 3.7 miles north of Roanoke, Va.; and 454.025 MHz, control at a new site described as Loc. No. 3: 311 Shenandoah Avenue NW., Roanoke, Va.

20572-CD-P-78 Comex, Inc. (KRS665). C.P. for additional facilities to operate on 72.06 MHz, control at a new site described as Loc. No. 2: Uncanoonuc Mountain, near Goffstown, N.H.

20573-CD-P-78 Coastal Bend Communications, Inc. (new). C.P. for a new station to operate on 43.58 MHz to be located at Ambassador Row and Columbia Street, Corpus Christi, Tex.

20574-CD-P-78 Answerphone of Lake Worth, Inc. (KIM914). C.P. to relocate facilities, change antenna system and replace transmitter operating on 152.09 MHz located at 1,200 feet South Germantown Road and 700 feet North Seaboard Coast RR, Delray Beach, Fla.

20575-CD-P-78 Salinas Valley Radio Telephone Co. (KMA837). C.P. for additional facilities to operate on 454.150 MHz at Loc. No. 1: Mt. Toro, 10.3 miles southsoutheast of Salinas, Calif.

20576-CD-P-78 Rock Hill Mobile Communications, Inc. (KSU287). C.P. to change antenna system, replace transmitter and correct location and coordinates operating on 454.225 MHz located at intersection of Mt. Gallant Road and Wateree Road, 5 miles northwest of Rock Hill, S.C.

20577-CD-P-78 Mobilfone Service, Inc. (KKA341). C.P. to change antenna system and replace transmitter operating on 454.350 MHz at Loc. No. 4: 4111 South Darlington, Tulsa, Okla.

20578-CD-MP-78 Mobilfone Service, Inc. (KKM254). C.P. to change antenna system and replace transmitter operating on 454.100 MHz at Loc. No. 5: On New Hamphsire Road, ¾ mile south of Harlingen, Tex.

20579-CD-P-78 Indiana Telephone Corp. (new), C.P. for a new station to operate on 158.10 MHz to be located at 151 East Monroe Street, Orleans, Ind.

CORRECTION

20557-CD-P-78 Airsignal of California, Inc. (KMA267). Correct file number to read: 20557-CD-P-78 and add: C.P. to change antenna system operating on 2121.6 MHz, Repeater at Loc. No. 1: KFTV Tower, Bald Mountain, Meadow Lakes, Calif. All other particulars to remain as reported on PN No. 891, dated January 1, 1978.

RURAL RADIO SERVICE

60083-CR-P/L-78 The Mountain States Telephone and Telegraph Co. (new) C.P.

for a new Rural Subscriber station to operate on 157.86 MHz to be located 1.8 miles northwest of Lysite, Wyo.

60084-CR-P-78 The Siskiyou Telephone Co. (new) C.P. for a new Central Office-Fixed station to operate on 152.72 MHz to be located 4.77 miles NNE of Happy Camp, Calif.

60085-CR-P-78 The Siskiyou Telephone Co. (new) C.P. for a new Rural Subscriber station to operate on 157.98 MHz to be located on Elk Creek, 6.6 miles South of Happy Camp, Calif.

60086-CR-P-78 The Siskiyou Telephone Co. (new) C.P. for a new Rural Subscriber station to operate on 157.98 MHz to be located at fixed temporary locations within applicant's area of operation.

POINT TO POINT MICROWAVE SERVICES

KS—908-CF-P-78 United Telephone Co. of Kansas, Inc. (new) 122 N. 7th Street Hiawatha, (Brown) Kans. Lat. 39°51'14" N. Long. 95°32'16" W. C.P. for a new station on frequency 6256.5H MHz on azimuth 283.6° toward Sabetha, Kans.

AZ—912-CF-P-78 Mountain States Telephone and Telegraph Co. (WIV25) Mormon Mtn. 17.8 miles S.E of Flagstaff, (Coconino) Ariz. Lat. 34°58'08" N. Long. 111°30'25" W. C.P. to add a new point of communication on frequency 6404.8V MHz on azimuth 85.0° toward Winslow, Ariz.

AZ—913-CF-P-78 Same (KPK21) 301 Kinsley Ave. Winslow, (Navajo) Ariz. Lat. 35°01'29" N. Long. 110°41'49" W. C.P. to add a new point of communication on frequency 6152.8V MHz on azimuth 265.4° toward Mormon Mountain, Ariz., move antennas and replace transmitters on 11405V MHz and move antennas on 11645H MHz toward Jo. City Junction, Ariz., and increase structure height.

AZ—914-CF-P-78 Same (KPS51) Jo. City Junction 3.5 miles south of Joseph City, (Navajo) Ariz. Lat. 34°54'21" N. Long. 110°19'28" W. C.P. to add a new point of communication on frequency 2128V MHz on azimuth 352.1° toward Joseph City, Ariz., replace transmitters and increase power on 10715H and 10955V MHz toward Winslow, Ariz., 10755 and 10995V MHz toward Holbrook, Ariz., replace receive antenna on 10715H MHz toward Winslow, Ariz. and 10755 MHz toward Holbrook, Ariz.

AZ—910-CF-P-78 Same (KPC71) Mt. Elden 3.7 miles NE. of Flagstaff, (Coconino) Ariz. Lat. 35°14'30" N. Long. 111°36'31" W. C.P. to change polarization from V to H on frequency 10755 MHz, replace transmitters on 10755H, 10915V, 10995H and 11155H MHz, move and replace receive antenna on 10915V MHz toward Flagstaff, Ariz., also increase power.

AZ—911-CF-P-78 Same (KPC76) 24 West Aspen Street Flagstaff, (Coconino) Ariz. Lat. 35°11'56" N. Long. 111°38'56" W. C.P. to change polarization from V to H on frequency 11685 MHz on azimuth 37.7°, replace transmitters and increase power on 11685H, 11365V, 11445H, and 11605H MHz, move and replace antennas on 11685H and 11365V MHz, correct coordinates all toward Mt. Elden, Ariz., correct azimuth to read 153.1° toward Mormon Mountain, Ariz.

AZ—915-CF-P-78 Same (KPS52) Highway 77 1 mile south of Holbrook, (Navajo) Ariz. Lat. 34°53'32" N. Long. 110°09'44" W. C.P. to move and replace antennas on frequencies 11445.V MHz and replace transmitters and increase power on 11445V and 11685H MHz toward Jo. City Junction, Ariz.

POINT TO POINT MICROWAVE SERVICES

AZ—916-CF-P-78 Mountain States Telephone and Telegraph Co. (new) 151 First Street, Joseph City, (Navajo) Ariz. Lat. 34°57'25" N. Long. 110°19'59" W. C.P. for a new station on frequency 2178V MHz on azimuth 172.1° toward Joseph City, Junction., Ariz.

AR—924-CF-P-78 Southwestern Bell Telephone Co. (new) 121 South Poplar, Newport, (Jackson) Ariz. Lat. 35°36'20" N. Long. 91°15'57" W. C.P. for a new station on frequency 6286.2H MHz on azimuth 263.7° toward Cornerstone, Ark.

AR—925-CF-P-78 Same (new) 3.5 miles NE. of Poplar, Cornerstone, (Independence) Ark. Lat. 35°34'40" N. Long. 91°34'08" W. C.P. for a new station on frequencies 6034.2V MHz on azimuth 83.5° toward Newport, Ark and 2112H MHz on azimuth 2.9° toward Cave City, Ark.

AR—926-CF-P-78 Same (new) 105 Union Street, Cave City, (Sharp) Ark. Lat. 35°56'25" N. Long. 91°32'48" W. C.P. for a new station on frequency 2162H MHz on azimuth 182.9° toward Cornerstone, Ark.

CA—927-CF-P-78 Pacific Telephone and Telegraph Co. (KYS42) Berryesa Park 5.6 miles SSW. of Brooks, (Yolo) Calif. Lat. 38°39'51" N. Long. 122°11'16" W. C.P. to increase structure height and add frequencies 11325V and 11485V MHz toward Clearlake Oak, Calif.

CA—928-CF-P-78 Same (KYS43) 14.7 miles NE. fo Clearlake Oaks (Colusa) Calif. Lat. 39°09'48" N. Long. 122°28'53" W. C.P. to increase structure height and add frequencies on 10875V and 11035V MHz toward Berryesa Park, Calif. 10875V and 11035V MHz toward Elk Creek, Calif.

CA—929-CF-P-78 Same (KYS44) 6.5 miles SSW. of Elk Creek, (Glenn) Calif. Lat. 39°30'57" N. Long. 122°33'42" W. C.P. to increase structure height and add frequencies on 11325V, 11485V MHz toward Clearlake Oak, Calif. and 11325V, 11485V MHz toward Paskenta, Calif.

CA—930-CF-P-78 Same (KYS45) 11 miles north of Paskenta, (Tehama) Calif. Lat. 40°02'45" N. Long. 122°34'13" W. C.P. to increase structure height and add frequencies on 10875V, 11035V MHz toward Elk Creek, Calif. and 10875V, 11035V MHz toward Cottonwood, Calif.

CA—931-CF-P-78 Same (KYS 46) 7.5 miles East of Cottonwood, (Tehama) Calif. Lat. 40°22'19" N. Long. 122°08'29" W. C.P. to increase structure height and add a new point of communication on frequencies 11325V, 11485V MHz toward Paskenta, Calif., 11325V, 11485V MHz on azimuth 318.3° toward Redding, Calif.

CA—932-CF-P-78 Pacific Telephone and Telegraph Co. (KNL90) 1638 Pine Street, Redding, (Shasta) Calif. Lat. 40°34'59" N. Long. 122°23'18" W. C.P. to add a new point of communication on frequencies 10875V and 11035 MHz on azimuth 138.2° toward Cottonwood, Calif.

AR—933-CF-P-78 Southwestern Bell Telephone Co. (KKB55) 725 South Church St., Jonesboro, (Craighead) Ark. Lat. 35°50'11" N. Long. 90°42'17" W. C.P. to add a new point of communication on frequencies 11525V and 11605V MHz on azimuth 10.5° toward Bono, Ark.

AR—934-CF-P-78 Same (new) 3.2 miles SW. of Bono, (Craighead) Ark. Lat. 35°51'48" N. Long. 90°48'53" W. C.P. for a new station on frequencies 10995V, 11075V MHz on azimuth 106.8° toward Jonesboro, Ark., 2112H MHz on azimuth 235.9° toward Cash, Ark., and 6286.2H MHz on azimuth 329.9° toward Walnut Ridge, Ark.

AR—935-CF-P-78 Same (new) East of Highway 18 Cash, (Craighead) Ark. Lat. 35°47'54" N. Long. 90°55'57" W. C.P. for a new station on frequency 2162H MHz on azimuth 55.8° toward Bono, Ark.

AR—936-CF-P-78 Same (new) 200 Pine Street, Walnut Ridge, (Lawrence) Ark. Lat. 36°04'02" N. Long. 90°57'38" W. C.P. for a new station on frequency 6034.2V MHz on azimuth 149.8° toward Bono, Ark.

[FR Doc. 78-855 Filed 1-11-78; 8:45 am]

[6712-01]

[Docket Nos. 21519; 21520; File Nos. BR-3648; BRH-2445]

E. BOYD WHITNEY

Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 21, 1977.
Released: January 5, 1978.

1. The Commission has before it for consideration the above-captioned license renewal applications and its inquiries into the operation of Stations KRZE and KRAZ-FM, Farmington, N. Mex.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. *Accordingly, it is ordered,* That the captioned applications are designated for consolidated hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether the licensee misrepresented facts to the Commission and/or was lacking in candor regarding the stations' policies about disc jockeys ad-libbing on the air;

(b) To determine whether the licensee and/or its management officials misrepresented facts to the Commission and/or was lacking in candor regarding the sale of air time on KRZE and KRAZ-FM to other entertainment promoters in the area;

(c) To determine whether the licensee threatened not to play the records of artists whose agents booked them with promoters other than the licensee;

(d) To determine whether the licensee has violated §§ 73.112(a)(2) and 73.282(a)(2) of the Commission's rules by failing to accurately log commercial announcements;

(e) To determine whether the licensee has used the station licenses to further its private interests rather than the public interest in an anti-competitive manner;

(f) To determine, in light of the evidence adduced under the preceeding issues, whether the licensee of KRZE and KRAZ-FM has the requisite qualifications to be or remain a licensee of the Commission and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

4. *It is further ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this order a Bill of Particulars with respect to issues (a) through (e) inclusive.

5. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of evidence with respect to issues (a) through (e), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of the applications would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

8. *It is further ordered,* That the Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to E. Boyd Whitney, licensee of stations KRZE and KRAZ-FM, Farmington, N. Mex.

For the Federal Communications Commission.[1]

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-852 Filed 1-11-78; 8:45 am]

[1] Commissioner Washburn concurring in the result.

[6712-01]

[Docket No. 20654]

INTERFERENCE FROM SPARK-TYPE IGNITION SYSTEM IN MOTOR VEHICLES

Further Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of Time.

SUMMARY: An extension of time to file comments and reply comments has been requested in Docket No. 20654. Because of the importance of this proceeding to both the manufacturers and consumers, the Commission is granting the request. No objections have been received.

DATES: Comments must be received by June 1, 1978, and Reply Comments must be received on or before July 15, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Jules Deitz, Research and Standards Division, Office of Chief Engineer, 202-632-7040.

Adopted: January 6, 1978.
Released: January 9, 1978.

In the matter interference from spark-type ignition systems in motor vehicles, Docket No. 20654.

1. The Electronics Industries Association's (EIA) Land Mobile Communications Section and the Motor Vehicle Manufacturers Association (MVMA) have requested an additional extension of time within which Comments and Reply Comments in the above captioned proceeding might be filed.[1]

2. Because of the importance of this proceeding to both manufacturers and consumers; and because of the Commission's desire to have the most definitive responses possible, an extension of time to June 1, 1978, for the filing of Comments and July 15, 1978, for the filing of Reply Comments is ordered pursuant to §0.241(d) of the Commission's rules.

RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc. 78-861 Filed 1-11-78; 8:45 am]

[6712-01]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Renewal

The Federal Communications Commission has determined that renewal of the Radio Technical Commission for Marine Services (RTCM) as an advisory committee of the Federal Government is necessary and in the public interest. Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice of renewal is hereby provided.

The purpose of the RTCM is to advance the art and science of marine telecommunications through study, investigation, appropriate recommendations to the Federal Government and industry, and promotion of ideas and exchange of information. The RTCM has been renewed for an additional one year period extending until January 5, 1979.

For the Federal Communications Commission,

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-854 Filed 1-11-78; 8:45 am]

[1] See 42 FR 34548, July 6, 1977.

[6712-01]

[Docket Nos. 21443-21445; File Nos. BPH-9823, etc.]

WOODSTOCK COMMUNICATIONS, INC. ET AL

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 3, 1978.
Released: January 10, 1978.

In re applications of Woodstock Communications, Inc., Woodstock, N.Y., Docket No. 21443, File No. BPH-9823,Req: 100.1 MHz, Channel No. 261; 3 kW (H&V); 290 feet (H&V); Woodstock Radio, Inc., Woodstock, N.Y., Docket No. 21444, File No. BPH-10,212, Req: 100.1 MHz, Channel No. 261; 1.0 kW (H&V); 460 feet (H&V); Kingston Broadcasters, Inc., Saugerties, N.Y., Docket No. 21445, File No. BPH-10,240, Req: 100.1 MHz, Channel No. 261; 3 kW (H&V); 300 feet (H&V), for Construction permit.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration the above-captioned applications of Woodstock Communications, Inc. ("WCI"), Woodstock Radio, Inc. ("WRI"), and Kingston Broadcasters, Inc. ("Kingston"), which are mutually exclusive in that they seek the same FM broadcast channel.

2. Examination of WCI's financial data reveals that $161,825 will be required to construct and operate its proposed station for one year, without reliance upon revenues, itemized as follows:

Down payment on equipment	$12,800
First year payment on equipment with interest	17,150
Building	12,000
Miscellaneous	32,000
Interest on bank and personal loans	9,875
Working capital (1st year)	78,000
Total	161,825

WCI plans to finance the above expenses with the following funds:

Cash on hand or in banks	$41,000
Loan from banking institution	75,000
Loan from stockholders (the Cambios)	35,000
Loan from stockholders (the Gillmans)	15,000
Total	166,000

3. WCI has not satisfactorily established the availability of all of its proposed sources of funds; that is, the bank loan of $75,000 from the Rondout National Bank and the personal loans from the stockholders totaling $50,000. First, the Rondout Bank's collateral requirements have not been accepted by the Gillmans as required by Section III, page 3, paragraph 4(e) of the application form. Second, the personal loans from the Gillmans and from Ruth Cambio totaling $50,000 have not been supported by the submission of balance sheets which would demonstrate sufficient net liquid assets for the stockholders to meet their commitments. (See Section III, page 3, paragraph 4(b) of the application form.) Moreover, the Cambio loan letter does not fully specify the terms of the loan and the Gillmans have not proffered a formal commitment. Since WCI has, therefore, shown the availability of only $41,000 in cash on deposit to meet a $161,825 requirement, a financial issue will be specified.

4. WCI has failed to comply with the requirements of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971) in a number of respects. First, WCI has not submitted a complete description of the composition of Woodstock, New York. (See Questions and Answers 9 and 10 of the "Primer".) Without a complete description of Woodstock, the Commission is unable to determine all the significant groups comprising WCI's community of license. Second, from the demographic information that WCI has provided, it would appear that the applicant failed to survey leaders from significant groups in the Woodstock community. "Voice of Dixie, Inc.," 45 FCC 2d 1027, 24 RR 2d 1127 (1974), recon. den., 47 FCC 2d 526, 30 RR 2d 851 (1974). In particular, WCI has not interviewed leaders of agriculture, the Black minority, and charities. Third, in an amendment dated July 19, 1977, WCI indicates that it consulted with several individuals who represent labor and women's organizations; however, none of these individuals appear to be leaders of these significant groups. "A. V. Bamford", 48 FCC 2d 1155, 31 RR 2d 790 (Rev. Bd. 1974), aff'd 535 F. 2d 78 (D.C. Cir. 1976). (See also Question and Answer 20 of the "Primer".) Finally, WCI has not complied with Question and Answer 24 of the "Primer" in that the anticipated time segment, frequency, and duration of its programing proposed to meet the needs of Woodstock have not been shown. For these reasons, a general ascertainment issue will be specified.

5. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the contingent comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Although one of the proposals is for a different community, it would serve substantially the same areas as the other two proposals. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Woodstock Communications, Inc.: (a) The source and availability of additional funds over and above the $41,000 indicated; and, (b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine the efforts made by Woodstock Communications, Inc., to ascertain the community needs and problems of the area to be served and the means by which the applicant proposes to meet those needs and problems.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the applications would best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for a construction permit should be granted.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. *It is further ordered,* That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

For the Federal Communications Commission,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-853 Filed 1-11-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

COFFEYVILLE FINANCIAL CORP.

Formation of Bank Holding Company

Coffeyville Financial Corp., Coffeyville, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85 percent or more of the voting shares of The Condon National Bank of Coffeyville, Coffeyville, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 25, 1978.

Board of Governors of the Federal Reserve System, January 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-880 Filed 1-11-78; 8:45 am]

[6210-01]

FARMERS & MERCHANTS CORP.

Formation of Bank Holding Company

Farmers & Merchants Corp., Forest, Miss., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C.

1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Farmers & Merchants Bank, Forest, Miss. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers & Merchants Corp., Forest, Miss., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activity of the sale of credit life insurance and credit accident and health insurance. Notice of the application was published on December 14, 1977, in the Scott County Times, a newspaper circulated in Forest, Miss. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts, of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 3, 1978.

Board of Governors of The Federal Reserve System, January 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-881 Filed 1-11-78; 8:45 am]

[6210-01]

NORTHWEST OHIO BANCSHARES, INC.

Acquisition of Bank

Northwest Ohio Bancshares, Inc., Toledo, Ohio, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of National Bank of Fulton County, Delta, Ohio. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 1, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-882 Filed 1-11-78; 8:45 am]

[6210-01]

VIKING CORP.

Formation of Bank Holding Company

Viking Corp., Denison, Iowa, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Crawford County Trust & Savings Bank, Denison, Iowa. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 1, 1978.

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

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-883 Filed 1-11-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations Temporary Regulation F-453]

SECRETARY OF DEFENSE

Delegation of Authority

DECEMBER 29, 1977.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission (Docket No. 113, 121-U) involving the application of the Kansas Power & Light Co. requesting an increase in electric rates.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: December 29, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc. 78-838 Filed 1-11-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-22388]

ALASKA; ARMY CORPS OF ENGINEERS

Proposed Withdrawal and Reservation of Lands

JANUARY 3, 1978.

The U.S. Army, Corps of Engineers on January 23, 1976, filed application, serial No. F-22388, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

Two tracts located within U.S. Survey 2627, Alaska and further described as follows:

TRACT I

Commencing at the USC & GS monument Galena AZ. Mark, proceed N. 83°37'59" E. 3,053.65 feet, thence N. 89°31'07" E. 1,190.04 feet, thence N. 76°25'01" E. 766.44 feet, thence N. 37°52'30" E. 171.03 feet, thence N. 71°04'20" E. 2,816.08 feet, to the true point of beginning of this description being called corner "A", thence N. 71°04'20" E. 471.22 feet to corner "B", thence N. 18°55'40" W. 1,150.00 feet to corner "C", thence S. 71°04'20" W. 471.22 feet to corner "D",

thence S. 18°55'40" E. 1,150.00 feet to the true point of beginning.

Containing 12.44 acres, more or less.

TRACT II

Commencing at corner "B" of Tract I, proceed N. 71°04'20" E. 4,435.27 feet, thence S. 55°53'44" E. 766.89 feet, thence N. 86°28'21" E. 731.39 feet to the true point of beginning of this description, being called corner "E", thence N. 77°28'16"E. 46.10 feet to corner "F", thence S. 70°42'36" E. 317.84 feet to corner "G", thence N. 19°17'24" E. 760.00 feet to corner "H", thence N. 70°42'36" W. 357.01 feet to corner "J", thence S. 19°178'24" W. 784.31 feet to the true point of beginning.

Containing 6.24 acres more or less.

The two tracts described aggregate 18.68 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for continued use as a military communications facility.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before February 12, 1978.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before February 12, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-805 Filed 1-11-78; 8:45 am]

[4310-84]

[AA-9904]

ALASKA; COAST GUARD

Proposed Withdrawal and Reservation of Lands

JANUARY 3, 1978.

The U.S. Coast Guard, on December 19, 1975, filed application, serial No. AA-9904, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

1. Gull Island Light:

All of Gull Island in Kachemak Bay, Alaska, approximate latitude 59°35.2' N., longitude 151°19.6' W.

Containing approximately 2 acres.

2. Cohen Island Light:

All of Cohen Island in Kachemak Bay, Alaska, approximate latitude 59°33.1' N., longitude 151°27.8' W.

Containing approximately 1.5 acres.

3. Point Pogibshi Light:

A parcel of land on Point Pogibshi, near Port Graham, Alaska, described as follows:

Beginning at a point 200 feet east of the base of Point Pogibshi Light, approximate latitude 59°25.5' N., longitude 151°53.1' W.; thence south 100 feet, thence west to the mean high water line; thence meandering the mean high water line northeasterly to a point north of the point of beginning; thence south to the point of beginning, including the right of ingress and control of the arc of visibility.

Containing approximastely 1 acre.

4. Perl Rock Light:

All of Perl Rock, Chugach Islands, Alaska, approximate latitude 59°05.4' N., longitude 151°41.5' W.

Containing approximately 1 acre.

The above-described lands aggregate approximately 5.5 acres.

The applicant agency desires that the lands be withdrawn and reserved for continued use as aids to navigation.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before February 17, 1978.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before February 17, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would

prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands with Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-806 Filed 1-11-78; 8:45 am]

[4310-84]

[25122P]

COLORADO NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110, has applied for rights-of-way for 16", 12¾", and 4½" o.d. natural gas pipeline for the Foundation Creek gathering system approximately 5.6 miles long, across the following public lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 4 S., R. 102 W.,
Sec. 18, lots 7 and 8, W½SE¼.
T. 3 S., R. 103 W.,
Sec. 33, W½SE¼.
T. 4 S., R. 103 W.,
Sec. 4, lot 6;
Sec. 9, W½E½, SE¼SE¼;
Sec. 15, W½NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 16, E½NE¼;
Sec. 22, NE¼NE¼;
Sec. 23, N½N½;
Sec. 24, N½N½, SE¼NE¼.

The proposed gathering system will enable the applicant to expand its gas gathering ability and thereby meet the demands of the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the application. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, Jr.,
Leader, Craig Team, Branch of Adjudication.

[FR Doc. 78-807 Filed 1-11-78; 8:45 am]

[4310-84]

[NM 32439, 32440, and 32441]

NEW MEXICO; NORTHWEST PIPELINE CORP.

Applications

JANUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 19, NE¼SE¼;
Sec. 20, NW¼SW¼;
Sec. 30, SE¼NE¼ and NE¼SE¼.
T. 29 N., R. 6W.,
Sec. 13, NW¼SE¼.

These pipelines will convey natural gas across 0.851 of a mile of public lands in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-808 Filed 1-11-78; 8:45 am]

[4310-84]

[NM 32432]

NEW MEXICO: GAS CO. OF NEW MEXICO

Application

JANUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for a right-of-way for three 4-inch natural gas pipelines across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 9 W.,
Sec. 18, SE¼SE¼;
Sec. 19, lot 1 and NE¼NW¼.
T. 27 N., R. 10 W.,
Sec. 16, NW¼NE¼ and NE¼NW¼;
Sec. 24, lot 1.

These pipelines will convey natural gas across 0.731 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-809 Filed 1-11-78; 8:45 am]

[4310-84]

[NM 32425]

NEW MEXICO; EL PASO NATURAL GAS CO.

Application

JANUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N.; R. 7 W.,
Sec. 11, N½NE¼ and SE¼NE¼.

This pipeline will convey natural gas across 0.484 miles of public land in Rio Arriba County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-810 Filed 1-11-78; 8:45 am]

[4310-85]

Bureau of Land Management

[NM 31869]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

OCT. 14, 1977.

The Bureau of Land Management, Department of the Interior, on October 5, 1977, filed application, serial No. NM 31869, for the withdrawal of the following described lands from the operation of the mining laws, subject to valid existing rights:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 N., R. 3 W.,
Sec. 4, lots 3, 4, and S½NW¼;
Sec. 5, SW¼;
Sec. 7, E½;
Sec. 8, NE¼, NW¼,N½SW¼, N½SW¼SW¼,SW¼SW¼SW¼, E½SE¼SW¼SW¼, and SE¼;
Sec. 16, NE¼ and SW¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, SW¼;
Sec. 21, NW¼;
Sec. 28, W½;
Sec. 29, SE¼.
T. 17 N., R. 4 W.,
Sec. 2, SW¼ and SE¼;
Sec. 3, SW¼;
Sec. 5, lots 3, 4, and S½NW¼;
Sec. 7, SE¼;
Sec. 11, NW¼;
Sec. 18, SE¼;
Sec. 19, NE¼;
Sec. 20, W½.
T. 18 N., R. 4 W.,
Sec. 7, lots 1, 2, E½NW¼, and SE¼;
Sec. 15, NE¼;
Sec. 19, SE¼;
Sec. 20, NE¼;
Sec. 24, SE¼;
Sec. 27, N½;
Sec. 29, N½;
Sec. 35, SE¼.
T. 19 N., R. 4 W.,
Sec. 7, E½SW¼;
Sec. 9, S½NW¼;
Sec. 19, lots 1, 2, and E½NW¼;
Sec. 20, NE¼;
Sec. 21, NW¼;
Sec. 23, SW¼;
Sec. 24, SW¼;
Sec. 25, SE¼;
Sec. 26, NW¼;
Sec. 27, SW¼;
Sec. 28, NW¼ and SE¼;
Sec. 31, lots 3, 4, and E½SW¼;
Sec. 34, SW¼.
T. 20 N., R. 4 W.,
Sec. 6, lots 1, 2, S½NE¼, and SE¼;
Sec. 8, NW¼, and SE¼;
Sec. 18, SE¼;
Sec. 19, lots 1, 2, and E½NW¼;
Sec. 27, SW¼;
Sec. 28, NE¼;
Sec. 34, E½.
T. 17 N., R. 5W.,
Sec. 4, SE¼;
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 24, SW¼.
T. 18 N., R. 5 W.,
Sec. 1, lots 1, 2, and S½NE¼;
Sec. 3, lots 3, 4, S½NW¼, and S½;
Sec. 10, SE¼;
Sec. 12, NE¼;
Sec. 15, SE¼;
Sec. 22, NE¼.
T. 19 N., R. 5W.,
Sec. 1, lots 1, 2, S½ NE¼, and SE¼;
Sec. 3, SW¼;
Sec. 9, NW¼SW¼, NE¼SE¼, and S½S½;
Sec. 11, SE¼;
Sec. 14, NE¼.
Sec. 22, SE¼;
Sec. 25, SW¼;
Sec. 28, W½ and SE¼;
Sec. 34, NW¼.
T. 20 N., R. 5 W.,
Sec. 4, SW¼;
Sec. 8, NE¼ and SW¼;
Sec. 10, SE¼;
Sec. 14, SE¼;
Sec. 27, N½;
Sec. 30, lots 3, 4, and E½SW¼.
T. 21 N., R. 5 W.,
Sec. 2, lots 1-4, S½N½, and SE¼;
Sec. 3, lots 1-4, S½N½, and SW¼;
Sec. 4, lots 3, 4, S½NW¼, and S½;
Sec. 5, lots 3, 4, and S½NW¼;
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 7, lots 3, 4, NE¼, E½SW¼, and SE¼;
Sec. 8, NW¼;
Sec. 16, E½;
Sec. 21, NE¼ and SE¼.
T. 17 N., R. 6 W.,
Sec. 16, SW¼.
T. 18 N., R. 6 W.,
Sec. 20, NE¼;
Sec. 26, NE¼.
T. 20 N., R. 6 W.,
Sec. 4, SW¼;
Sec. 15, NE¼.
T. 21 N., R. 6 W.,
Sec. 5, lots 1-4, and S½N½;
Sec. 6, lots 6, 7, and E½SW¼;
Sec. 24, W½;
Sec. 31, lots 3, 4, and E½SW¼.
T. 22 N., R. 6 W.,
Sec. 4, SE¼;
Sec. 5, SW¼;
Sec. 6, lots 6, 7, and E½SW¼;
Sec. 7, lots 3, 4, NE¼, E½SW¼, and SE¼;
Sec. 8, N½ and SE¼;
Sec. 9, N¾ and SW¼;
Sec. 10, NW¼;
Sec. 15, SE¼;
Sec. 22, NE¼;
Sec. 23, E½;
Sec. 24, NW¼;
Sec. 25, W½;
Sec. 26, E½ and SW¼;
Sec. 29, E½;
Sec. 32, NE¼ and S½;
Sec. 34, NE¼;
Sec. 35, E½;
Sec. 36, N½ and SE¼.
T. 18 N., R. 7 W.,
Sec. 14, SW¼;
Sec. 16, NE¼.
T. 19 N., R. 7 W.,
Sec. 1, lot 5;
Sec. 7, (Arch. Dist.) lots 6, 7, and E½SW¼;
Sec. 8, (Arch. Dist.) NW¼;
Sec. 12, lots 1, 2, and W½NW¼.
T. 20 N., R. 7 W.,
Sec. 2, lots 3, 4, S½NW¼, and SW¼;
Sec. 8, SW¼.
T. 21 N., R. 7 W.,
Sec. 1, SW¼;
Sec. 2, lots 1, 2, and S½NE¼;
Sec. 11, SE¼;
Sec. 14, SE¼;
Sec. 19, lots 1, 2, and E½NW¼;
Sec. 28, W½;
Sec. 32, NW¼;
Sec. 33, SW¼.
T. 22 N., R. 7 W.,
Sec. 7, lots 1, 2, and E½NW¼;
Sec. 10, NE¼;
Sec. 13, SW¼;
Sec. 24, SE¼;
Sec. 25, SE¼;
Sec. 26, SW¼;
Sec. 34, SE¼.
T. 23 N., R. 7 W.,
Sec. 6, lots 3-7, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, NE¼;
Sec. 35, N½.
T. 24 N., R. 7 W.,
Sec. 30, lots 3, 4, and E½SW¼.
T. 20 N., R. 8 W.,
Sec. 12, N½.
T. 21 N., R. 8 W.,
Sec. 10, NE¼;
Sec. 11, NW¼;
Sec. 13, NW¼;
Sec. 14, SE¼.
T. 22 N., R. 8 W.,
Sec. 5, SW¼;
Sec. 6, lots 3-5, and SE¼NW¼;
Sec. 7, lots 3, 4, and E½SW¼;
Sec. 9, SW¼;
Sec. 17, W½ and SE¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 32, SE¼.
T. 23 N., R. 8 W.,
Sec. 1, SW¼;
Sec. 2, lots 3, 4, and S½NW¼;
Sec. 17, SE¼;
Sec. 21, NE¼;
Sec. 22, SE¼;
Sec. 23, SW¼;
Sec. 26, NW¼;
Sec. 27, N½;
Sec. 30, lots 1-4, E½W½, and NE¼;
Sec. 31, SE¼.
T. 24 N., R. 8 W.,
Sec. 6, lot 6, NE¼SW¼, and SE¼;
Sec. 7, lots 3, 4, and E½SW¼;
Sec. 19, NE¼;
Sec. 21, E½;
Sec. 29, NW¼;
Sec. 35, SE¼.
T. 25 N., R. 8 W.,
Sec. 4, SW¼;
Sec. 6, lots 8-11.
T. 22 N., R. 9 W.,
Sec. 3, lots 1-4, and S½N½;
Sec. 13, W½;
Sec. 14, SW¼.
T. 23 N., R. 9 W.,
Sec. 1, SE¼;
Sec. 15, NW¼;
Sec. 34, SW¼;
Sec. 35, SE¼.
T. 24 N., R. 9 W.,
Sec. 3, lots 3, 4, S½NW¼, and SW¼;
Sec. 4, lots 1, 2, and S½NE¼;
Sec. 14, W½;
Sec. 15, NE¼;
Sec. 22, E½;
Sec. 23, NW¼;
Sec. 25, NW¼;
Sec. 26, SE¼;
Sec. 27, NW¼;

Sec. 31, lots 3, 4, and E½SW¼.
T. 25 N., R. 9 W.,
Sec. 13, N½;
Sec. 18, lots 1-4, NE¼, and E½W½;
Sec. 19, lots 3, 4, and E½SW¼;
Sec. 23, NW¼;
Sec. 33, SE¼.
T. 27 N., R. 9 W.,
Sec. 11, N½;
Sec. 15, NE¼.
T. 22 N., R. 10 W.,
Sec. 19, lots 3, 4, and E½SW¼;
Sec. 34, SW¼.
T. 23 N., R. 10 W.,
Sec. 8, S½;
Sec. 10, W½;
Sec. 11, N½;
Sec. 13, NE¼;
Sec. 24, SE¼;
Sec. 27, NE¼.
T. 24 N., R. 10 W.,
Sec. 4, SW¼;
Sec. 8, SE¼;
Sec. 10, E½;
Sec. 11, SE¼;
Sec. 17, NE¼;
Sec. 18, NE¼;
Sec. 21, SW¼;
Sec. 23, SW¼;
Sec. 30, SE¼;
Sec. 33, SE¼;
Sec. 36, NW¼.
T. 25 N., R. 10 W.,
Sec. 5, SE¼;
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 7, NE¼;
Sec. 10, SW¼;
Sec. 14, NW¼;
Sec. 20, SW¼;
Sec. 25, NW¼;
Sec. 34, NW¼;
Sec. 35, NE¼.
T. 15 N., R. 11 W.,
Sec. 6, lots 3-5, and SE¼NW¼;
Sec. 8, NW¼.
T. 22 N., R. 11 W.,
Sec. 22, NE¼.
T. 23 N., R. 11 W.,
Sec. 14, E½NE¼.
T. 24 N., R. 11 W.,
Sec. 7, SE¼;
Sec. 14, SE¼;
Sec. 15, SE¼;
Sec. 24, E½;
Sec. 26, N½.
T. 25 N., R. 11 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 2, lots 1, 2, and SW¼NE¼;
Sec. 7, lots 1, 2, and NE¼, and E½NW¼;
Sec. 8, NW¼;
Sec. 9, SW¼;
Sec. 11, SE¼;
Sec. 14, SE¼;
Sec. 19, lots 1, 2, and E½NW¼;
Sec. 20, W½;
Sec. 30, E½;
Sec. 31, NE¼;
Sec. 32, SE¼.
T. 26 N., R. 11 W.,
Sec. 23, SW¼;
Sec. 25, SE¼.
T. 13 N., R. 12 W.,
Sec. 10, SW¼;
Sec. 14, NW¼ and SE¼.
T. 16 N., R. 12 W.,
Sec. 8, NE¼.
T. 25 N., R. 12 W.,
Sec. 11, NE¼;
Sec. 12, S½;
Sec. 13, NW¼ and SE¼;
Sec. 14, SE¼;
Sec. 23, NE¼;
Sec. 25, SE¼;
Sec. 26, SE¼;
Sec. 28, NW¼;
Sec. 35, W½;
Sec. 36, SW¼.
T. 14 N., R. 13 W.,
Sec. 20, NW¼, NE¼SE¼, SE¼SE¼, and S½SW¼SE¼.
T. 19 N., R. 13 W.,
Sec. 18, NE¼.
T. 23 N., R. 13 W.,
Sec. 13, SE¼;
Sec. 28, SW¼.
T. 28 N., R. 13 W.,
Sec. 16, NW¼;
Sec. 22, S½.
T. 29 N., R. 13 W.,
Sec. 19, SE¼.
T. 14 N., R. 14 W.,
Sec. 14, NE¼.
T. 15 N., R. 15 W.,
Sec. 2, lots 1-4, and S½N½.
T. 13 N., R. 19 W.,
Sec. 2, lots 1, 2, S½NE¼, and SW¼;
Sec. 8, NW¼;
Sec. 12, S½.
T. 11 N., R. 20 W.,
Sec. 2, lots 1-4, and S½N½.
T. 15 N., R. 20 W.,
Sec. 12, NE¼;
Sec. 19, lots 3, 4 and E½SW¼;
Sec. 20, NE¼ and SE¼;
Sec. 22, SW¼.

Containing a total of 57,185.12 acres.

The Bureau of Land Management desires that the lands be withdrawn and reserved for the purpose of consummating an exchange with the Navajo Tribe of Indians. This exchange program is to adjust Navajo Indian land matters, including unauthorized occupancy in New Mexico and to stabilize Navajo Indian land use and non-Indian land use in areas outside and in the vicinity of the Navajo Indian Reservation in New Mexico. This temporary withdrawal is made in furtherance of an exchange under section 204 of Pub. L. 94-579 (90 Stat. 2751; 43 U.S.C. 1714) dated October 21, 1976, by which the offered lands will benefit a Federal land program.

On or before February 13, 1978, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawl may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearng is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, N. Mex. 87501, on or before February 1, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, section 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the mining laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon: (1) Rejection of the application by the Secretary, (2) withdrawal of the lands by the Secretary, or (3) the expiration of two years from the date of publication of this notice.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Division of Technical Services, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, N. Mex. 87501.

MAXWELL T. LIEURANCE,
Acting State Director.

[FR Doc. 78-842 Filed 1-11-78; 8:45 am]

[4310-84]

[NM 32433]

NEW MEXICO

Application

JANUARY 3, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 21, SW¼NE¼ and NW¼SE¼.

This pipeline will convey natural gas across 0.324 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with copnsideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-839 Filed 1-11-78; 8:45 am]

[4310-84]

[NM 32436 and 32437]

NEW MEXICO

Applications

JANUARY 3, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDAN, NEW MEXICO

T. 24 S., R. 26 E.,
Sec. 29, N½SW¼, SE¼SW¼ and S½SE¼;
Sec. 30, S½NE¼ and NE¼SE¼;
Sec. 33, S½NW¼.

These pipelines will convey natural gas across 1.613 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-840 Filed 1-11-78; 8:45 am]

[4310-84]

[NM 32421, 32422, 32423, and 32424]

NEW MEXICO

Applications

JANUARY 4, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 24 E.,
Sec. 4, SE¼NW¼ and NE¼SW¼.
T. 18 S., R. 25 E.,
Sec. 5, lot 2, SW¼NE¼ and W½SE¼;
Sec. 8, W½E½.
T. 18 S., R 28 E.,
Sec. 13, W½NE¼.
T. 18 S., R. 29 E.,
Sec. 7, N½SE¼ and SE¼SE¼.

These pipelines will convey natural gas across 2.966 miles of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-841 Filed 1-11-78; 8:45 am]

[1505-01]

NORTH ATLANTIC OUTER CONTINENTAL SHELF

Oil and Gas Lease Sale No. 42

Correction

In FR Doc. 77-36966 appearing on page 65285 in the issue of Friday, December 30, 1977, on page 65288, the 3rd paragraph, *"Stipulation No. 8,* the 2nd paragraph, the 15th line should read, "(platforms), casing, and wellheads * * *.".

On page 65289, *"Stipulation 14"*, paragraph 15, the 3rd line from the bottom, should read, "[accor-] dance with section 4(f) of the Outer * * *.".

Also, on page 65289, the 3rd column, paragraph 17(a), the following entries in the form should read as follows:

OIL AND GAS BID—ROYALTY

* * * * *

Percent Royalty Bid Expressed to maximum of 5 decimals —— percent.

* * * * *

PROPORTIONATE INTEREST OF COMPANY(S) SUBMITTING BID

Qualification No. ——— —— percent.

* * * * *

OIL AND GAS BID

* * * * *

Proportionate Interest of Company(s) Submitting Bid Qualification No. ——— —— percent.

[4310-84]

[U-27896]

UTAH

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provision of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following lands have been reconveyed to the United States:

SALT LAKE MERIDIAN, UTAH

T. 28 S., R. 3 W.,
Sec. 36, S½SW¼.
Containing 80 acres in Piute County.

2. The mineral rights in the lands were reserved and are not affected by this order.

3. The lands shall be open to operation of the public land laws generally at 10 a.m. on *February 21, 1978* subject to valid existing rights, the provision of existing withdrawals, and provisions of the Bureau of Land Management classification for multiple-use management.

4. The subject lands are located on a rolling to moderately steep easterly slope approximately 12 miles southeast of the community of Marysvale, Utah. The soil is shallow, sandy loan with surface and subsurface rocks. in the past these lands have been used for livestock grazing.

5. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

PAUL L. HOWARD,
State Director.

DECEMBER 29, 1977.

[FR Doc. 78-811 Filed 1-11-78; 8:45 am]

[4310-84]

[Wyoming 61831]

WYOMING; NORTHERN GAS CO.

Application

JANUARY 4, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Gas Co. filed an application for a right-of-way to construct a 6 inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 85 W.,
Secs. 3, 10, 15,
T. 33 N., R. 85 W.,
Secs. 3, 15, 22, 27, 34.

The pipeline will transport natural gas from a point in section 22, T. 32 N., R. 85 W., in a northerly direction to a point in section 34, T. 34 N., R. 85 W., Natrona County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and addess and send them to the District Manager, Bureau of Land Management, 951 Union Blvd., Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-812 Filed 1-11-78; 8:45 am]

[4310-70]

National Park Service

GRAND CANYON NATIONAL PARK

Notice of Intent

Notice is hereby given that the National Park Service will hold a series of six public meetings on the draft Colorado River Management Plan and Environmental Statement for Grand Canyon National Park during February 1978, in Arizona, Colorado, Utah, and California.

Each of the meetings will begin at 7:30 p.m., local time, and will be held on the dates and in the facilities and cities as follows:

Feb. 13, 1978, in Room American B, Little America Hotel, 2500 East Butler Ave., Flagstaff, Ariz.
Feb. 14, 1978, Maricopa County Board of Supervisors Auditorium, 206 West Jefferson Street, Phoenix, Ariz.
Feb. 15, 1978, Hilton Inn—Airport, Interstate 70 at Peoria, meeting location to be posted in Hilton Inn lobby, Denver, Colo.
Feb. 16, 1978, First Floor, State Office Building Auditorium, Capital Hill, Salt Lake City, Utah.
Feb. 21, 1978, Room 7212, Federal Building, 11000 Wilshire Blvd., Los Angeles, Calif.
Feb. 22, 1978, Building 201, Golden Gate National Recreation Area, Fort Mason, San Francisco, Calif.

National Park Service personnel will be available at each of the meeting locations at 6:30 p.m., local time, to answer questions or explain the details of the Plan during the hour before the meeting begins.

Concurrent with the public meetings the National Park Service will consult with various Federal, State and Local government agencies, individuals and organizations on the proposed Colorado River Management Plan and draft Environmental Impact Statement for the Park.

The purpose of these meetings and consultations is to provide for wide citizen participation through which the Service will receive ideas, suggestions and comments from the public on the draft Colorado River Management Plan and its Environmental Statement.

The public record will remain open until March 27, 1978, during which time written comments on the planning documents will be welcomed, reviewed and considered.

Anyone wishing copies of the draft Colorado River Management Plan and its Environmental Impact Statement, additional information on the public meetings or the National Park Service planning process, or those wishing to submit comments on the planning documents may write to the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Ariz. 86023.

Dated: December 12, 1977.

HOWARD H. CHAPMAN,
Regional Director, Western Region, National Park Service.

[FR Doc. 78-856 Filed 1-11-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

U.S. v. CITY OF MEMPHIS

Proposed Consent Judgment in Action to Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR §50.7, 38 FR 19029, notice is hereby given that on December 16, 1977, a proposed consent decree in *United States* v. *City of Memphis* was lodged with the United States District Court for the Western District of Tennessee. The proposed decree requires construction of new sewage treatment facilities and payment of a $25,000 civil penalty.

The Development of Justice will receive on or before February 13, 1978 written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *City of Memphis*, D. J. Ref. 90-5-1-1-725.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Tennessee; the Region IV Office of the Environmental Protection Agency, Atlanta, Ga., the Clerk of the District Court, Western District of Tennessee; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section.

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 78-843 Filed 1-11-78; 8:45 am]

[4410-01]

Antitrust Division

U.S. v. CLOVIS RETAIL LIQUOR DEALERS TRADE ASSN., ET AL.

Proposed Consent Judgment And Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the District of New Mexico in Civil Action No. 74-477, *United States* v. *Clovis Retail Liquor Dealers Trade Assn., et al.* The complaint in this case alleges that four corporate defendants and five individual defendants, all operators of retail liquor stores in Clovis, N. Mex., conspired to raise and fix the prices of alcoholic beverages sold by them and to induce other liquor dealers to adopt and adhere to uniform and noncompetitive prices. The proposed consent judgment, if entered by the Court, will perpetually enjoin the defendants from any renewal of the conspiracy, perpetually prohibit the exchange of price information among the defendants or with other liquor dealers, and require the dissolution of the defendant trade association. The proposed consent judgment also requires that for a period of five years the defendants must take specified affirmative action to dispell the effects of the conspiracy and ensure compliance with the judgment. Public comment is invited on or before March 6, 1978. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Dwight B. Moore, Chief, Los Angeles Field Office, Antitrust Division, Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012.

Dated: January 3, 1978.

CHARLES F. B. MCALEER,
Special Assistant for Judgment Negotiations, Office of Operations.

Crossan R. Andersen, Antitrust Division, U.S. Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012, Telephone: (213) 688-2506, Attorney for Plaintiff.

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

United States of America, Plaintiff, v. *Clovis Retail Liquor Dealers Trade Association; Aztec Bowling Corporation; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; Tower Hotel Corporation; Johnnie Mack Goodman, d.b.a. Boot Hill Liquors; Eddie P. Watson, d.b.a. Mabry Drive Lounge; Fred W. Johnston, d.b.a. Sunset Lounge & Package Store; Kit Pettigrew, d.b.a. Prince Lounge & Package Store; and James E. Foster, d.b.a. Lavista Lounge and Package Store*, Defendants.

Civil Action No. 74-477.

Filed: December 30, 1977.

STIPULATION

It is hereby stipulated by and between the undersigned parties, plaintiff United States of America and each of the above named defendants, by their respective attorneys, that:

1. The parties consent that a final judgment in the form attached hereto may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on the defendants and filing that notice with the Court.

2. In the event plaintiff withdraws its consent hereto, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall have no effect whatever in this or any other proceedings and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceeding.

Dated: December 30, 1977.

For the Plaintiff: John H. Shenefield, *Assistant Attorney General;* William E. Swope, Charles F. B. McAleer, Crossan R. Andersen, Robert J. Rose, *Attorneys, United States Department of Justice.*

For the Defendants: Coors, Singer & Broullire, Robert N. Singer, *Attorneys for Defendants Clovis Retail Liquor Dealers Trade Association; Aztec Bowling Corporation; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; Tower Hotel Corporation; Johnnie Mack Goodman; Fred W. Johnston; Kit Pettigrew; and James E. Foster;* Wesley Quinn, *Attorney for Defendant Eddie P. Watson.*

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

United States of America, Plaintiff, v. *Clovis Retail Liquor Dealers Trade Association; Aztec Bowling Corporation; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; Tower Hotel Corporation; Johnnie Mack Goodman, d.b.a. Boot Hill Liquors; Eddie P. Watson, d.b.a. Mabry Drive Lounge; Fred W. Johnston, d.b.a. Sunset Lounge & Package Store; Kit Pettigrew, d.b.a. Prince Lounge & Package Store; and James E. Foster, d.b.a. Lavista Lounge and Package Store*, Defendants.

Civil Action No. 74-477.

Filed: December 30, 1977.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on September 26, 1974 and the plaintiff and the defendants, by their respective attorneys, having each consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue of fact or law herein:

Now, Therefore, upon a determination by this Court that entry of this Judgment will be in the public interest, and without any testimony being taken herein and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter hereof and of each of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants and any of them under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," as amended (15 U.S.C. § 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

A. "Person(s)" shall mean any individual, partnership, corporation, firm, association, or other business or legal entity.

B. "Retail dealer" shall mean any person engaged in the business of selling alcoholic beverages at retail to consumers.

C. "Whoesaler" shall mean any person engaged in the sale of alcoholic beverages, purchased from the manufacturers, to a retail dealer.

D. "Alcoholic beverages" shall mean beverages containing alcohol, such as beer, wine, whiskey, scotch or other forms of liquor or distilled spirits, whether sold or intended for sale by the drink or in container.

E. "Markup" shall mean that amount added to the cost price by the retail dealer to determine the retail selling price.

III

The provisions of this Final Judgment applicable to any defendant shall apply to such defendant and to each of its subsidiaries, successors, and assigns, and to each of its officers, directors, partners, members, agents, and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant shall require, as a condition of a sale or other disposition of any liquor license or other permit to operate as a retail dealer occurring within a period of five (5) years from the date of entry of this Final Judgment, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

V

Each of the defendants is enjoined and restrained from directly or indirectly, entering into, adhering to, maintaining, furthering, enforcing, or claiming any rights under any contract, agreement, understanding, plan, program, combination, or conspiracy to:

A. Raise, fix, stabilize, maintain, determine, or adhere to prices, markups, or any other terms or conditions at which alcoholic beverages are sold or offered for sale by retail dealers; or

B. Induce, persuade, compel, or coerce any person to establish, adopt, issue, adhere to, or to police or enforce adherence to any prices, markups, terms, or conditions at which alcoholic beverages shall be sold or offered for sale by any retail dealer.

VI

Each of the defendants is enjoined and restrained from directly or indirectly:

A. Communicating to or exchanging with any retail dealer any information concerning any price or markup which any retail dealer utilizes or proposes to utilize in formulating any existing or proposed price, price change, discount, or other term or condition of sale at, or upon which, alcoholic beverages are to be sold;

B. Suggesting, in any manner, to any retail dealer that such retail dealer establish any markup or price, or utilize any published retail price list in formulating any retail price, on any alcoholic beverage offered for sale or to be offered for sale by such retail dealer;

C. Causing, attempting to cause, or threatening to cause physical or economic harm or property damage to any actual or potential retail dealer, to any of its owners, officers, directors, agents, partners or employees or to any family members of such owners, officers, directors, agents, partners or employees;

D. Threatening to put any retail dealer out of business;

E. Hindering, limiting, preventing, or attempting to hinder, limit, or prevent any wholesaler of alcoholic beverages from selling alcoholic beverages to any retail dealer;

F. Advocating, suggesting, urging, compelling, coercing, or attempting to influence any wholesaler to take any action to compel, advise, or encourage any retail dealer to advertise to sell alcoholic beverages at any particular price;

G. Exchanging with, or divulging to, any wholesaler of alcoholic beverages information concerning or relating to the refusal of any retail dealer to charge or adhere to any particular price; or

H. Causing, attempting to cause, or encouraging any individual to whom, by reason of age or otherwise, the sale of alcoholic beverages is prohibited by the laws of the State of New Mexico, to purchase any alcoholic beverage from any other retail dealer.

VII

A. The defendants are ordered within sixty (60) days after this Final Judgment is entered to dissolve the defendant Clovis Retail Liquor Dealers Trade Association, and, within sixty (60) days after the date of entry of this Final Judgment the defendants shall file with this Court and serve upon plaintiff an affidavit as to the fact and manner of their compliance with this subsection A of Section VII.

B. The defendants are enjoined and restrained from directly or indirectly organizing, joining, participating in the activities of, or contributing anything of value to any trade association, organization, or other

group of retail dealers, the purposes or activities of which relate to the distribution or sale of alcoholic beverages contrary to any provision of this Final Judgment; and, for a period of five (5) years from the date of entry of this Final Judgment, the defendants are enjoined and restrained from organizing or maintaining, directly or indirectly, any association of retail dealers pertaining to the retailing of alcoholic beverages in the Clovis, New Mexico, area.

VIII

For a period of five (5) years from the date of entry of this Final Judgment, each defendant shall take the affirmative steps enumerated below to insure compliance with each provision of this Final Judgment and to advise each of its officers, directors, partners, managing agents, and employees who has responsibility for or authority over the establishment of prices of their obligations under this Final Judgment and of the criminal penalties for violations of this Final Judgment:

A. At least once each year, each defendant shall formulate and circulate to its officers, directors, partners, managing agents and pricing employees written directives to effect compliance with this Final Judgment.

B. At least once each year, each defendant shall call and conduct meetings of officers, directors, partners, managing agents and pricing employees to review the terms of this Final Judgment and the methods of compliance therewith.

C. Each defendant shall prepare and maintain for a period of five (5) years a record of each contact between said defendant, any officer, director, partner, managing agent or pricing employee of said defendant and any officer, director, partner, proprietor, managing agent or pricing employee of any other retail dealer doing business in Clovis, or Portales, New Mexico at which the business of the retail sale of alcoholic beverages was discussed. Such record shall identify the date and location of such contact, all parties to said discussion and the subject matter discussed.

IX

For a period of five (5) years from the date of entry of this Final Judgment, each defendant is ordered to file, with this Court and the plaintiff on each anniversary date of this Final Judgment, a sworn statement setting forth the steps it has taken during the prior year to comply with paragraphs VII and VIII of this Final Judgment together with copies of all directives and records made or formulated pursuant to subsections A, B, or C of paragraph VIII. Any defendant who has engaged in no activity relating to the sale of alcoholic beverages during the preceding twelve (12) months may comply with the provisions of paragraphs VIII and IX by so stating in the sworn statement required by this paragraph.

X

A. For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

1. Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of such defendant, who may have counsel present, regarding any such matters.

B. A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, or for the modification of any of the provisions hereof, and for the enforcement of compliance therewith and punishment of violations thereof.

XII

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Crossan R. Andersen, Antitrust Division, U.S. Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012, Telephone: 213-688-2506, Attorney for Plaintiff.

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

United States of America, Plaintiff, v. *Clovis Retail Liquor Dealers Trade Association; Aztec Bowling Corp.; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; Tower Hotel Corp.; Johnnie Mack Goodman, d.b.a. Boot Hill Liquors; Eddie P. Watson, d.b.a. Mabry Drive Lounge; Fred W. Johnston, d.b.a. Sunset Lounge & Package Store; Kit Pettigrew, d.b.a. Prince Lounge & Package Store; and James E. Foster, d.b.a. Lavista Lounge and Package Store*, Defendants.

Civil Action No. 74-477
Filed: December 30, 1977.

COMPETITIVE IMPACT STATEMENT

This Competitive Impact Statement is filed with the Court and published in the *Federal Register* pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)-(h). The United States and all the defendants in this action have filed with the Court a proposed Consent Judgment to settle this litigation.

I

NATURE OF THE PROCEEDINGS

On September 26, 1974 the United States filed a civil complaint under the Sherman Act to enjoin and prevent the continuance of an alleged conspiracy among the defendants to raise, fix, and stabilize the retail prices of alcoholic beverages in the Clovis, N. Mex. area and to induce and persuade other Clovis liquor retailers to adopt and adhere to uniform and noncompetitive prices. The complaint seeks an injunction prohibiting all defendants from exchanging with or divulging to any competitor, information concerning prices or other terms or conditions of the sale of alcoholic beverages. The complaint also seeks the dissolution of the defendant Clovis Retail Liquor Dealers Trade Association ("Association") and such other and different relief as may be necessary to retore competition in the retail sale of alcoholic beverages in the Clovis, N. Mex. area.

Named as defendants are four corporations engaged in the retail sale of alcoholic beverages in Clovis, N. Mex.: Aztec Bowling Corp.; Chaparral Liquors, Inc.; Gold Lantern Lounge and Package, Inc.; and Tower Hotel Corp. Five individual proprietors of retail liquor stores in Clovis were also named as defendants. These individuals are: Johnnie Mack Goodman; Eddie P. Watson; Fred W. Johnston; Kit Pettigrew; and James E. Foster. All of the defendants to this action have previously pleaded nolo contendere to criminal charges with respect to this alleged conspiracy and have been sentenced.

Entry by the Court of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify, or enforce the Judgment or to punish alleged violations of any of the provisions of the Judgment.

II

DESCRIPTION OF PRACTICES INVOLVED IN THE ALLEGED VIOLATION

In November 1966 the New Mexico Supreme Court invalidated the New Mexico liquor Fair Trade Law. The United States alleged that the defendants thereafter engaged in a conspiracy to maintain generally the same prices and markups as existed under the Fair Trade Law. Through meetings of the Association, telephone conversations and face-to-face communications, the defendants effected an agreement to maintain such minimum prices and markups, which were published in a New Mexico trade periodical. The defendants at various times agreed to raise the price of particular brands of liquor, beer and beverages sold in their lounges and bars. The defendants also agreed that they would not pass on to their customers discounts for quantity purchases received from liquor wholesalers.

After the 1970 census of population, the New Mexico Alcoholic Beverage Control Director issued three new liquor licenses for the city of Clovis. Two of the new licensees announced that they intended to sell their goods at prices below those charged by the defendants. The United States alleged that the defendants thereafter unsuccessfully sought to induce and coerce these new licensees to adopt the uniform prices and markups agreed to by the defendants. This inducement and coercion was allegedly carried out in several ways including:

(a) engaging in repeated visits by individual defendants and delegations of defendants to the homes and businesses of the new licensees to openly induce them to join the Association and to raise their prices to the level of the Association members;

(b) making threatening and harassing telephone calls to the new licensees at their homes and businesses;

(c) holding an Association meeting attended by the new licensees to induce them to join the Association and adopt uniform and noncompetitive prices;

(d) entrapping new licensees into unlawful sales to minors; and

(e) engaging in predatory and retaliatory pricing.

According to the Complaint, the conspiracy caused competition among the defendants to be restricted, liquor prices in the Clovis area to be raised and fixed at artificial and noncompetitive levels, and caused customers of the defendants to be deprived of the opportunity to purchase alcoholic beverages at competitive prices.

III

EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section V enjoins each defendant from entering into any agreement, understanding, plan, program, combination or conspiracy with any other person to fix prices on the sale of alcoholic beverages, or to induce, persuade or coerce any person to adhere to any price or condition of sale for such alcoholic beverages. These injunctions run perpetually.

Section VI enjoins each of the defendants from communicating to any competitor any information regarding any price or markup, or in any way suggesting any markup or price on any alcoholic beverages to be sold by any other retail dealer. The defendants are also enjoined from causing or threatening any physical or economic harm or property damage to any retail dealer (or potential retail dealer) or to any of his associates, employees or family members. Section VI also prohibits each defendant from interfering with wholesale purchases by any retailer; from coercing, or attempting to encourage any wholesaler to refuse to sell to any retail dealer; and from encouraging any wholesaler to require or advise any retail dealer to sell alcoholic beverages at any particular price. All attempts to cause any retail dealer to be entrapped into the sale of alocholic beverages to minors or other persons prohibited by law from purchasing alcoholic beverages is also prohibited. These injuctions run perpetually.

For a period of five years each defendant is required to take affirmative action to ensure compliance with the Final Judgment. The defendants are required to prepare and circulate to its employees and associates written directives and to conduct meetings to effect compliance with the consent decree. Each defendant is required to keep a record of every contact between any employee or associate, and any person representing any other Clovis retail dealer at which the business of the retail sale of alcoholic beverages was discussed.

The Final Judgment requires that the Clovis Retail Liquor Dealers Trade Association be dissolved within 60 days after entry of the judgment. For a period of five years the defendants are enjoined from organizing or participating in any trade association or other group of retail liquor dealers in the Clovis, New Mexico area. Defendants are perpetually enjoined from organizing or participating in any association with purposes contrary to the Final Judgment.

The proposed consent judgment is applicable to each of the defendants and to the officers, directors, partners, agents, and employees of each defendant, as well as to the successors to any defendant corporation. In order to emphasize the legal impact of the decree upon successors, should any liquor license held by a defendant be transferred within a period of five years after the entry of the Final Judgment, such defendant is required to obtain from the acquiring party, as a condition of the transfer, an agreement to be bound by the provisions of the Final Judgment.

It is the opinion of the Department of Justice that the proposed consent judgment provides provisions fully adequate to prevent a continuance or recurrence of the violations of the antitrust laws charged in the complaint, and to insure that liquor prices in Clovis, New Mexico, are determined in a free and competitive market. In the Department's view, the proposed consent judgment provides all of the relief that reasonably could have been obtained after a trial on the merits. Thus, in the Department's view, the disposition of the law suit without further litigation is appropriate.

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they may have had, were the proposed consent judgment not entered. However, this judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V

PROCEDURES AVAILABLE FOR MODIFICATION OF CONSENT JUDGMENT

The proposed Final Judgment is subject to a Stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court has found that entry of the proposed Judgment is in the public interest. As provided by the Antitrust Procedures and Penalties Act, any person wishing to comment on the proposed Judgment may do so during a sixty (60) day period by submitting such comments in writing to Dwight B. Moore, Chief, Los Angeles Field Office, Antitrust Division, U.S. Department of Justice, 1444 United States Court House, 312 North Spring Street, Los Angeles, Calif. 90012. Such comments, together with responses thereto, will be filed with the Court and published in the FEDERAL REGISTER. The Department of Justice will evaluate such comments and determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VI

ALTERNATIVE RELIEF PROPOSALS ACTUALLY CONSIDERED BY UNITED STATES

The proposed consent judgment provides more detailed and extensive relief than is specifically requested in the complaint. The only request for relief in the complaint not reflected in the proposed final judgment is the request that the defendants be perpetually enjoined from organizing a new association after their present association is dissolved. In this regard the decree provides for a five year prohibition against participation in any association of Clovis retail dealers and a perpetual prohibition against participation in any organization whose purposes or activities are contrary to the provision of the Final Judgment. The Department of Justice regards such relief as adequate in the circumstances.

The Department of Justice considered seeking an injunction prohibiting the defendants from utilizing any published retail price list or any retail prices prepared by another defendant, in the formulation of any retail price. The defendants objected that such a provision would prevent a defendant from unilaterally responding to a newspaper advertisement of a competitor in which prices were listed. In the Department's view, the Consent decree's prohibitions against the exchange of pricing information and against any suggestion of the use of published retail price lists, adequately assure against the recurrence of the alleged coercive behavior.

VII

DETERMINATIVE DOCUMENTS

Since there are no materials or documents which were determinative in formulating a proposal for a consent judgment, none are being filed by the plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

CROSSAN R. ANDERSEN,
ROBERT J. ROSE,
Attorneys, U.S. Department of Justice.

[FR Doc. 78-844 Filed 1-11-78; 8:45 am]

[7532-01]

NATIONAL COMMISSION ON NEIGHBORHOODS

PUBLIC MEETING

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act, (5 U.S.C. Appendix, I), announces a public meeting.

TIME AND DATE: Saturday, January 28, 1978; time and place of hearing to be announced.

PLACE: Baltimore, Md.; the exact location to be published as soon as known.

STATUS: Open to the public.

AGENDA: To be published as soon as known.

CONTACT PERSON:

Ms. Frances Phipps, Research Director, 202-632-6856.

JONATHAN STEIN,
Administrative Officer.

[FR Doc. 78-864 Filed 1-11-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

PLANNING OFFICE PANEL

Meeting

JANUARY 9, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Planning Office Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the first floor conference room from 9 a.m. to 5:30 p.m. on January 27, 1978.

The purpose of the meeting is to review NEH youth projects applications submitted to the National Endowment for the Humanities for projects beginning after May 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Acting Chairman's delegation of authority to close advisory committee meetings, dated August 2, 1977, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee, Management Officer.

[FR Doc. 78-893 Filed 1-11-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-460]

AIRCRAFT ACCIDENT—EVANSVILLE, IND.

Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9 a.m. (local time) on February 14, 1978, in the Florida Room of the Executive Inn, Evansville, Ind.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving a National Jet Services, Inc., Douglas, DC-3, N51071, which occurred December 13, 1977, at Dress Regional Airport, Evansville, Ind.

MARTIN SPEISER,
Senior Hearing Officer.

JANUARY 9, 1978.

[FR Doc. 78-886 Filed 1-11-78; 8:45 am]

[4910-58]

[N-AR 78-2]

RESPONSES TO SAFETY RECOMMENDATIONS

The National Transportation Safety Board has recently received letters in response to aviation, highway, pipeline, and railroad safety recommendations as follows:

Aviation: A077-17.—Federal Aviation Administration letter of December 20 is in response to the Safety Board's inquiry of November 4 which expressed concern that the funding level for the retrofit of approach light system structures with frangible materials and fittings is inadequate and will cause a delay beyond the 3- to 5-year completion date included in recommendation A-77-17. (See 42 FR 60237, November 25, 1977.)

FAA reports that a prototype installation, using the new low-impact resistant structures, is now being installed in Detroit, Mich. Considerable design effort has resulted in a structure that will cause minimal obstruction to aircraft while still maintaining the lights under strong wind, snow, and ice conditions, FAA states. To provide a clear approach area, FAA will need to relocate the present regulator substations from the clear zone, provide maintainable structures, and minimize interference to electronic aids. These factors, plus a more detailed assessment of the individual site locations and anticipated future year costs, indicate that the total cost will be $77 million, in contrast to the original $40 million estimate. FAA has contracted for value engineering services in an attempt to reduce the unit price of the low-impact resistant structures, but does not expect to be able to reduce cost to the extent of program accomplishment within the original $40 million estimate.

FAA will concentrate efforts in backfitting at airport locations with the highest exposure to aircraft movements. With the current estimated cost, FAA believes that it will be difficult to accomplish the entire task within the desired 5-year timeframe.

Aviation: A-77-52.—Federal Aviation Administration letter of December 23, referring to initial response of September 30 (42 FR 55957, October 20, 1977) wherein FAA indicated its intention to circulate a proposal to revise Handbook 7110.65 by requiring controllers to solicit readbacks of clearances containing altitudes or vectors, indicates that FAA has now modified its position.

FAA believes that the responsibility for clearly understood communications should be shared by pilots and controllers and that pilot readback of certain types of clearances should be mandatory. FAA is presently studying the feasibility of revising Federal Aviation regulation (FAR) 91 by requiring pilots of airborne aircraft to read back those parts of clearances/instructions containing altitudes or vectors. Should the study result in revising FAR 91 as proposed, FAA will consider circulating a proposed change to Handbook 7110.65, requiring controllers to solicit the readback should the pilot fail to comply with the provisions of FAR 91. As an interim measure, FAA will issue a notice informing controllers of the importance of readbacks of clearances containing altitudes/vectors, especially when the clearances are issued to provide standard separation. The project will require approximately 8 months to complete.

Highway: H-77- 23 and 24.—Letter of December 19 from the Colorado State Department of Highways responds to recommendations issued by the Safety Board following investigation of the accident involving a station wagon near Byers, Colo., October 16, 1976. (See 42 FR 58587, November 10, 1977.)

The recommendations asked the Department to expedite the review of State guardrail standards and implement recommended changes (H-77-23), and to make the necessary commitment of Federal or State funds for shielding the openings between twin bridge structures on the State's interstate system (H-77-24).

The Department notes that prior to March 1975 a budget limitation involving Federal funds was imposed which precluded the Department's mounting an exclusive accident elimination program. Since then Colorado has increased activity in constructing safety improvement projects on older portions of the interstate system. The Department has justified these projects, utilizing interstate contruction funds, when accident analyses indicated positive hazards.

Referring to recommendation H-77-23, the Department states that its design engineers disagree with the statement that Colorado's 1968 Standard M-606-AB does not conform with the 1977 AASHTO "Guide for Selecting, Locating, and Designing Traffic Barriers." Using the AASHTO guide criteria, the Department states that

the Standard essentially conforms. However, the Standard is being revised to include certain new innovations contained in the guide. The Department plans to have the standard completed and in use early in 1978.

In response to recommendation H-77-24, the Department's priorities for safety improvement projects will be assigned to the most critical locations. The Department will work cooperatively, with perhaps the staff of the Federal Highway Administration, in reviewing actual accident cases and formulating recommendations on corrective actions.

Pipeline: P-77-3.—Letter of December 22 from UGI Corp. is in response to the Board's recommendation to expedite, in conjunction with equipment manufacturers, the development of a survey unit that could be used to detect the location of sinkholes in the vicinity of cast-iron gas mains and to investigate "downward-looking" radar equipment as one possible means of surveying for sinkholes. The recommendations resulted from investigation of the gas explosions and fires which on August 8, 1976, destroyed two houses in Allentown, Pa. (See 42 FR 30701, June 16, 1977.)

UGI reports that after considerable investigation (a reference list is attached to UGI's letter) of the state of the art regarding existing knowledge of sinkhole development and existing or potential technology for indentifying areas of high risk, the following statements can be made:

1. Downward-looking radar does not offer much chance of success since current technology has been geared toward location of plastic pipe, etc., to depths not in excess of 10 feet. Potential sinkhold formations which might eventually cause near-surface subsidence are frequently located at depths of 20-120 feet. Finally, the interference or shielding from underground utilities, reinforced concrete, etc., which exist in a highly urban environment such as the Allentown-Bethlehem-Easton area would tend to render any surface-based detection device ineffective.

2. Another type of device, ground penetrating radar, has been used in certain mining applications and has greater depth potential than downward-looking radar, but is adversely affected by the same interference problems as well as a tendency to be severely affected by ground water.

3. Other techniques, such as soil resistivity measurement and airborne electromagnetic instruments, were considered but are not applicable to survey of urban areas.

4. The U.S. Department of the Interior, Bureau of Mines, is currently conducting research on seismic reflection and radar (microwave) detection techniques, although these are in the early stages of development.

5. The only technique now in use which might work is seismic detection, using boreholes, to get away from surface interference. It is a very high-cost technique and impractical to make numerous borings in an urban environment. The probability of an incident developing as a result of the numerous boreholes required is likely greater than the threat posed by the sinkhole activity.

UGI reports that even if the technology were developed to identify existing potential sinkholes, one further problem remains. The Allentown limestone formation extends under almost the entire Allentown-Bethlehem-Easton area. This limestone is considered to be more soluble and, therefore, prone to the development of sinkholes; in all likelihood, there are thousands of potential sinkhole formations, UGI states.

Pipeline: P-77-6 through 8.—Letter of December 15 from the Pennsylvania Gas & Water Co. is in response to recommendations issued following investigation of the explosion and fire last January 25 which destroyed a house near Williamsport, Pa. (See 42 FR 30701, June 16, 1977.)

Referring to P-77-6, which called for random examination of other welds on the subject pipeline, Penn Gas reports its decision to replace that line by inserting a polyethylene liner, a solution acceptable to the Public Utility Commission staff.

With reference to P-77-7, relating to training of field personnel, Penn Gas reports that it has a continuing program and notes that the State of Pennsylvania adopted Act No. 287 about 3 years ago to specifically prevent excavation work from damaging underground lines. This Act greatly improved Penn Gas control and cooperation with other construction activities.

Regarding P-77-8, dealing with liaison with applicable fire departments, Penn Gas reports that there is an active training program for all fire departments in its service area, with primary concentration on natural gas related fires.

Pipeline: P-77-15.—This recommendation resulted from the investigation of the natural gas explosion last March 13 at Monongahela, Pa., and called for the Materials Transportation Bureau of the U.S. Department of Transportation to enforce the notification requirements in 49 CFR 191.5, in view of the continuing noncompliance of pipeline operators. (See 42 FR 37459, July 21, 1977.)

MTB's response of December 20 reports that enforcement actions have recently been initiated against operators who failed to telephonically report leaks pursuant to 49 CFR 191.5. With regard to such actions against the operators involved in the 12 investigations referenced by the Safety Board in recommendation P-77-15, MTB notes that the Office of Pipeline Safety Operations has initiated seven enforcement actions against six of the nine operators. In the remaining five instances, enforcement action has not yet been taken or is considered to be inappropriate.

Consistent with the recommendation, MTB will continue to review the telephonic leak reports from gas operators to determine whether these reports are in accord with 49 CFR 191.5, which requires an operator to report certain leaks telephonically to OPSO "at the earliest practicable moment following discovery." As a result of this continuing review, MTB will determine if 49 CFR 191.5 needs to be revised to establish more definitive reporting requirements. To clarify the intent of the present regulation, the telephonic reporting requirements have been emphasized by OPSO in the February and May 1977 advisory bulletins and other contacts with the industry and industry associations.

Pipeline: P-77-27 through 33.—Letter of December 20 from Exxon Gas System, Inc., is in response to recommendations issued following investigation of the December 7, 1976, fire involving the company's gas compressor station near Robstown, Tex. (See 42 FR 58586, November 10, 1977.)

Referring to recommendation P-77-27, which asked that Exxon insure that studs on compressor and engine components are tightened to the number of foot-pounds of torque recommended by the equipment manufacturer, Exxon reports that procedures using calibrated torque wrenches have been implemented to insure that all gas containment studs and all assembly bolts of major engine and compressor components are tightened to the number of foot-pounds of torque recommended by the equipment manufacturer. The torques are rechecked each time they are disturbed due to normal maintenance requirements and regularly at intervals of 4,500 operating hours during major overhauls. To date, all valve cover studs and a number of other critical bolts have been checked. Exxon plans to complete checking all other critical studs by March 15, 1978. Ultrasonic testing of some bolts and studs has been performed but no formal schedule is currently in effect.

Recommendation P-77-28 asked Exxon to inspect emergency shutdown valves and their components at compressor stations at more frequent intervals than 1 year (monthly or quarterly) until equipment of proven reliability has been installed, tested, and shown to be responsive for longer periods of inactivity. Exxon reports that each emergency shutdown (ESD) system is visually inspected and physically operated on a monthly interval and checked for response to "fire," "manual," "high scrubber liquid level," "valve out of position," and, where applicable, "gas detector" signals. Exxon states that only stations 1, 2, 3, and 4 have gas detectors. These monthly tests will continue until the reliability of all components in the

ESD system have proven responsive for longer periods of inactivity.

Recommendation P-77-29 called for a total systems review of electric, air, and gas-operated emergency equipment, with particular emphasis on interconnected air systems and backup of dual-feed air systems in compressor stations. Exxon interprets this recommendation to apply to the compressor block valve control system rather than the station ESD (fire gate valve) control system. The block valve control systems are operational systems rather than emergency systems, and fail-safe operation and backup power are not necessary. some steps have been taken to make the block valve system at Station 1 fail-safe. Exxon says that the four new units are equipped with spring loaded, fail-safe actuators which will operate with loss of either power gas or instrument air.

In answer to P-77-30, which recommended that Exxon include, in emergency shutdown systems, a separate control to remotely operate valves that can independently blow down the station, Exxon states that a system which incorporates manual, remote control powered by a separate dedicated nitrogen supply has been designed to operate the station piping vent valves. Installation is 90 percent complete at station 1, final completion scheduled for early 1978. After testing and debugging at Station 1, this design will be used at all other stations.

Referring to P-77-31, which called for investigation of more dependable items of control equipment and replacement of existing solenoid and 4-way valves at fire gate valves with this equipment, Exxon reports that the station 1 ESD system has been redesigned in two phases; initial upgrading is installed and operable. Implementation of the second phase is awaiting delivery of equipment. Exxon says that one of these two designs will be applied at all other EGSI compressor stations. The first ESD system design phase incorporates an improved solenoid valve which eliminates one intermediate device but still required the 4-way valve. Reliability of the 4-way valve has been improved by a new lubrication system and periodic inspection and testing. The second design phase, which is preferable but untested, will employ a newly developed high pressure, high volume solenoid valve which will eliminate the 4-way valve. Tests of this design will begin in mid-January following receipt of the high volume solenoid valves.

Recommendation P-77-32 asked Exxon to designate critical valves on control lines (gas, air, and hydraulic) as to whether they should be normally open or closed, and place signs on these valves whenever the lines are shut down for maintenance or when the valves are not in their normal positions. Exxon will implement this recommendation within 90 to 180 days. The critical valves will be color-coded to indicate normal position and car-sealed in that position except when required in an abnormal position, in which case they will be tagged and logged.

Recommendation P-77-33 asked Exxon to train operating personnel from other stations and nearby operating divisions of the company on operating emergency transmission line valves and emergency station fire control valves and to furnish each nearby company office with a contingency plan book and drawings of all of the facilities they might be expected to operate. Exxon reports that training of company personnel in the function and operation of the emergency shutdown systems and pipeline block valves in their respective area is complete and continuing for new personnel. Personnel from certain nearby Exxon Co. U.S.A. offices have been furnished with emergency operating procedures and drawings of facilities; other company offices will be furnished with similar materials in the near future. Also, selected personnel are receiving on-site familiarization with the equipment on a continuing basis.

Railroad: R-75-4.—Amtrak's letter of December 15 is in response to the Safety Board's inquiry of November 4 (42 FR 60238, November 25, 1977) regarding the status of installation of emergency windows in older, conventional Amtrak passenger cars.

Amtrak states that it has recently identified certain series of cars for conversion to all-electric operation. These converted cars will be the basis of Amtrak's fleet of conventional cars to be retained for the next 10 years. Starting in February 1978, as these cars go through heavy overhaul and conversion to electric power, they will be fitted with emergency windows.

Also, Amtrak has identified a group of all-stainless steel cars, designated as "A-list," which are marked for retention in "as is" configuration. These cars will also be fitted with emergency escape windows as they undergo overhaul. Cars in this category will enter the program in March 1978.

These two programs will result in approximately 250 cars per year being equipped with the escape window modification. Amtrak anticipates that the conversion program will be completed by the first quarter of 1980.

Railroad: R-75- 6 and 7.—Letter of December 13 from New York's Metropolitan Transportation authority is in response to Safety Board inquiry of November 9 (42 FR 60239, November 25, 1977) as to the status and operational date of the cab signal-automatic speed control system on the Harlem and Hudson divisions.

MTA reports that it has received $7,300,000 to date from both the Urban Mass Transportation Administration and the New York State Department of Transportation. These funds will permit the installation of cab signalling-automatic speed control from "Rose" interlocking to Mount Vernon West on the Harlem Division. Construction on this segment should start this spring and be completed by December 1979. If funds become available on an annual continuing basis, the program should be totally operational in 1983, MTA stated.

Railroad: R-75-16.—Federal Railroad Administration letter of December 27 is in answer to the Safety Board's inquiry of November 4 (42 FR 60238, November 25, 1977) regarding progress of certain chemical research activities mentioned in FRA's July 11, 1975, response to this recommendation. The Board issued this recommendation following the explosion of a tank carload of monomethylamine nitrate solution at Wenatchee, Wash., on August 6, 1974.

FRA reports that the Office of hazardous Materials Operations, U.S. Department of Transportation, recently completed a request for a proposal for the development of a protocol for systematic hazardous materials transport hazard classification. To date, one prospective contractor has submitted a proposal which is being reviewed by the source selection committee.

FRA states that the purpose of this project is to implement an effective hazard classification system based on all relevant factors influencing the hazardousness of materials transportation. One of the major benefits of this system will be the avoidance of the risk of misclassification of hazardous materials. After the contract has been awarded, FRA said it will be better able to estimate the date of completion of the project.

Railroad: R-76-10.—Federal Railroad Administration letter of December 27 is in response to the Safety Board's request of November 2 (42 FR 60239, November 25, 1977) for additional information on the status of this recommendation, one of three recommendations resulting from the Alaska Railroad rear-end collision near Hurricane, Alaska, July 5, 1975.

FRA's response of July 12, 1976, indicated that the Alaska Railroad had instituted a formal rules educational program for all operating employees. At that time, approximately 75 percent of the operating employees had completed the program. FRA now states that it has recently contacted the Alaska Railroad Rules Examiner to determine the current status of the educational program. He advised that 95 percent of all operating employees have completed the program requirements to date. All operating employees

were to have been examined by the end of December. FRA has been assured that the program will not end when all employees have been tested once. It is a program of periodic qualifying and testing.

NOTE.—The above notice consists of summaries of safety recommendation response letters recently received by the Safety Board. Copies of the full text of these letters may be obtained at a cost of $4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 9, 1978.

[FR Doc. 78-885 Filed 1-11-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, REACTOR FUEL SUBCOMMITTEE

Meeting

The ACRS Reactor Fuel Subcommittee will hold a meeting on January 27, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to review the Design of the General Electric Co. new fuel and its use in the Edwin I. Hatch Nuclear Plant, Unit No. 2.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

FRIDAY, JANUARY 27, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the General Electric Co., the Georgia Power Co., and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therfor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, telephone 202-634-1374 between 8:15 a.m. and 5 p.m., e.s.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513.

Dated: January 5, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-816 Filed 1-11-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE EDWIN I. HATCH NUCLEAR PLANT, UNIT NO. 2

Meeting

The ACRS Subcommittee on the Edwin I. Hatch Nuclear Plant, Unit No. 2, will hold a meeting on January 28, 1978, in Room 1046, 1717 H St. NW., Washington, D.C. 20555 to review the application of the Georgia Power Co. for an operating license for Unit No. 2.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

SATURDAY, JANUARY 28, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Georgia Power Company, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, telephone 202-634-1920 between 8:15 a.m. and 5 p.m., EST.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513.

Dated: January 5, 1978.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 78-817 Filed 1-11-78; 8:45 am]

[7590-01]

[Docket Nos. 50-546A and 50-547A]

PUBLIC SERVICE CO. OF INDIANA, INC., AND WABASH VALLEY POWER ASSOCIATION

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated December 29, 1977:

You have requested our further advice pursuant to section 105c of the Atomic Energy Act of 1954, as amended, with respect to the above-captioned application. By letter to you dated April 15, 1975, we rendered antitrust advice with respect to Public Service Co. of Indiana's application to construct these units (40 FR 18511 (1975)). Subsequently we rendered antitrust advice with respect to the applications of Northern Indiana Public Service and East Kentucky Rural Electric Cooperative to purchase portions of these units (41 FR 53874 (1976), 42 FR 844 (1977)). You have now asked us to review the application of the Wabash Valley Power Association to purchase a portion of these plants.

WVPA is composed of 24 rural electric distribution systems which are located in northern Indiana and southern Michigan. At the present time, WVPA does not own or operate either generation or transmission facilities, The total electric load of its member systems is projected to exceed 550 megwatts in 1977. WVPA members presently meet their electrical requirements through wholesale purchases.

We have examined the information submitted by WVPA as well as other information relevant to competitive relationships in Indiana and Michigan. Our review of this information has disclosed no antitrust problems which would require a hearing by your Commission on the instant application.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by February 11, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity, Group Nuclear Reactor Regulation.

[FR Doc. 78-535 Filed 1-11-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14341; File No. SR-Amex-77-34]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("the Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 27, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follow:

AMERICAN STOCK EXCHANGE, INC. ("AMEX") STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex") proposes to amend Amex Rule 50 and the policies relating to membership to require that applicants for membership pass a floor qualification examination before being permitted to execute orders on the Floor of the Exchange. This amendment would conform the rule to current Amex practice and would parallel existing requirements for office members. (The text of amendments is attached as exhibit A).

An additional amendment to Rule 50 and the Guide to Admission of Members would make clear the Amex's authority to prescribe examinations for specialized market activities (*e.g.*, eligibility to trade particular new products) and would require that applicants pass an appropriate examination before engaging in such activities.

AMEX'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed amendments is to assure that only qualified persons are allowed to execute orders on the Floor of the Exchange.

The proposed amendments are designed to establish additional standards of training, experience and competence for Exchange members, as authorized by section 6(c) of the act, and are consistent with sections 6(b)(1) and 6(b)(2).

The Amex states that no comments were solicited or received from members or others and believes that no burden on competition will be imposed by the proposed rule changes.

On or before February 16, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six 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 and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 5, 1978.

EXHIBIT A.—AMERICAN STOCK EXCHANGE, INC.

AMENDMENT TO "ADMISSION OF MEMBERS—REGULAR MEMBERS"

Paragraph 6 of "Requirements—Regular Membership" is amended to read as follows:

The Exchange requires that the applicant have adequate experience to qualify him to be active in the phase of the securities business in which he proposes to engage as a member. If the candidate is to be active on the Floor of the Exchange, he must pass an examination before being permitted to execute orders on the Floor [without supervision], *and* [He] must also be trained under the supervision of an experienced Floor member for a sufficient period to learn Floor procedures. Specialist *and registered floor trader* candidates must [, in addition,] pass an *additional* examination after a period of training. *Other specialized examinations may be required from time to time.*

NOTE.—Brackets [ ] indicate material to be deleted and *italics* indicate material to be added.

AMERICAN STOCK EXCHANGE, INC.

AMENDMENT TO THE RULES OF THE BOARD OF GOVERNORS

Rule 50 is amended to read as follows:

[Member and Partner] Examination Requirements

Rule 50. (a) Every applicant for regular, options principal, associate or allied membership or for approval as a general partner or officer of an associate member organization shall pass a qualifying examination prescribed by the Exchange *prior to undertaking any active duties in the capacity for which application has been made,* unless the examination is waived by the Exchange.

Each such applicant shall, prior to his approval, agree with the Exchange that he will, within three months after either fail-

ing to pass the examination within one year of approval or failing the examination three times, whichever occurs first, dispose of his regular or options principal membership or resign as an allied member and [retire as a general partner of his regular or options principal member organization or] sever such business relations with his member organization as require him to be an allied member or retire as a general partner or officer of his associate member organization [except as provided in (1) or (2) below].

[(1) An applicant for regular membership who intends to act as a floor member and fails to qualify by passing the prescribed examination as required and who was at the time of his application qualified as an office member, partner or officer may, if he and his member organization so wish, retain his membership, continue in the member organization and act as an office member.

(2) An applicant for approval as an office member, partner or officer in a member organization who fails to qualify by passing the prescribed examination as required and who at the time of his application was qualified as a floor member may, if he and his member organization so wish, continue in the member organization and act as a floor member.

(b) Without Exchange consent, no regular member qualified as a floor member shall act as an office member for more than one year without passing the office partner examination or after failing the examination three times, whichever comes first, and no regular member qualified as an office partner shall act as a floor member for more than one year without passing the floor member examination or after failing the examination three times, whichever comes first.]

[(c)](b) Without Exchange consent no applicant for regular, options principal, associate or allied membership or for approval as a general partner or officer in an associate member organization shall be permitted to take any examination prescribed by the Exchange more than three times.

(c) The Exchange may require that a member pass additional examinations before undertaking particular types of activities.

NOTE.—[Brackets] indicate material to be deleted and italics indicate material to be added.

[FR Doc. 78-828 Filed 1-11-78; 8:45 am]

[8010-01]

[Release No. 14343; SR-Amex—77-27]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 5, 1978.

On September 28, 1977, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change amends article IV, section 2(o) of the Exchange constitution to provide that any notice mailed to a member or member organization at the last address registered at the Exchange shall be presumed to have been received by such member or member organization.

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. 14069 (October 10, 1977)) and by publication in the FEDERAL REGISTER (42 FR 60032 (November 23, 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.

More specifically, the proposed rule change is consistent with section 6(b)(7) of the Act, which requires exchanges to provide a fair procedure for the disciplining of members. The proposed rule change appears necessary to avoid claims that notices from the Amex were not received, and appears to constitute a fair procedure since Amex members are required to register their current addresses with the Exchange.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on September 28, 1977, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-818 Filed 1-11-78; 8:45 am]

[8010-01]

[Administrative Proceeding File No. 3-5347]

BANK OF AMERICA NATIONAL TRUST & SAVINGS ASSOCIATION, AS ORIGINATOR AND SERVICER

Application and Opportunity for Hearing

JANUARY 4, 1978.

Notice is hereby given that Bank of America National Trust & Savings Association (applicant), Bank of America Center, 555 California Street, San Francisco, Calif. 94104, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (1934 Act) for exemption of filing certain reporting requirements under section 113 and the operation of section 16 of the 1934 Act.

Section 12(b) of the 1934 Act provides that an issuer may register securities on a national securities exchange by filing a registration statement with both the exchange and the Securities and Exchange Commission which registration contains information as to the issuer and any person directly or indirectly controlling or controlled by the issuer as the Commission may require for the protection of investors or in the public interest.

Section 13 of the 1934 Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealings in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or issuers from the registration or periodic reporting provisions under section 12 and section 13 and may exempt from section 16 any officer, director, or beneficial owner of securities of the issuer, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states in part:

1. Applicant, a national banking association, is a wholly owned subsidiary of BankAmerica Corp. The common stock and certain long-term debt issues of BankAmerica Corp. are listed on the New York Stock Exchange and registered pursuant to section 12(b) of the 1934 Act.

In the absence of an exemption, the applicant would be required to file reports adhering to all the item requirements of the Forms 10-K, 10-Q, 8-K as well as reports pursuant to section 16 of the 1934 Act.

Accordingly, applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of the Forms 10-K and 8-K, as well as reports required pursuant to section 16 of the 1934 Act are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than January 30 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact

and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-819 Filed 1-11-78; 8:45 am]

[8010-01]

[Administrative Proceeding File Nos. 3-5288, 81-289]

DATA DOCUMENTS, INC.

Application and Opportunity for Hearing

DECEMBER 29, 1977.

Notice is hereby given that Data Documents, Inc. (applicant), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to sections 13 and 15(d) of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such information and documents required to be filed pursuant to such section 12 and such annual reports and such quarterly reports as the Commission may prescribe.

Section 15(d) of the 1934 Act provides that each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 12 of this title.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the provisions of sections 13 and 15(d) if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, income, or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The applicant states, in part:

(1) Applicant, a Nebraska corporation, is a nationwide manufacture-distribuor of a line of supplies for data processing installations;

(2) Dictaphone Corp. acquired 99.7 percent of applicant's outstanding equity securities pursuant to a tender offer of October 1976. There are currently approximately 1,500 minority shares held by approximately 70 shareholders;

(3) Applicant has outstanding $4,000,000 principal amount of 9¾ percent series A notes due July 1, 1983 (the notes). These notes are held by approximately 358 noteholders; and

(4) Dictaphone Corp. has delivered to applicant and to First National Bank & Trust Co. of Lincoln, trustee under the indenture pursuant to which the notes were issued, its guarantee of payment of principal and interest thereon. Dictaphone Corp. has also undertaken to file with the trustee copies of all reports filed with the Commission, copies of its annual audit report and to otherwise ensure the compliance of applicant with its obligations under the indenture, except that noteholders will be furnished the annual report of Ditaphone Corp. wherein the results of applicant will be reported on a consolidated basis.

Accordingly, applicant believes that the exemption order requested by it is appropriate because the notes are the only class of security issued by applicant still registered with the Commission, that it is the 1934 Act reports of Dictaphone Corp., not those of applicant in which investors would be primarily interested, and that the trustee, fiduciary for the noteholders, has assented to the application for exemption. Additionally, continued reporting would be burdensome and expensive to applicant.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than January 23, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-820 Filed 1-11-78; 8:45 am]

[8010-01]

[File No. 500-1]

GAC CORP.

Suspension of Trading

JANUARY 3, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock of GAC Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. (e.s.t.) on January 3, 1978, through January 12, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-821 Filed 1-11-78; 8:45 am]

[8010-01]

[Rel. No. 10083; 812-4249]

INTERNATIONAL INVESTORS, INC., and I.I.I. SECURITIES CORP.

Filing of an Application for an Order Exempting a Proposed Exchange of Shares from the Provisions

JANUARY 5, 1978.

Notice is hereby given that International Investors, Inc. ("International"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and I.I.I. Securities Corp., 122 East 42nd Street, New York, N.Y., its principal underwriter ("III"), filed an application on December 15, 1977, for an order of the Commission pursuant to section 6(c) of the Act exempting from the provisions of section 22(d) of the Act proposed transactions ("sales") pursuant to which shares of International will be issued at net asset value without a sales charge in exchange for shares of certain gold mining companies ("securities") held by Mondial Commercial, Ltd., a Liechtenstein limited company ("Mondial"), through two of their ac-

counts at the Swiss Credit Bank, the metric accounting unit survival contract ("MAUSC") subaccount and the sovereign contracts ("sovereign") subaccount (collectively, the "subaccounts"), in which approximately 512 persons have beneficial interests ("account holders"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

International has been informed that Progress Foundation, a Swiss charitable institution, owns all of the stock of Mondial. In November 1975, the Commission initiated enforcement proceedings in the U.S. District Court for the District of Columbia (the "District Court") against various individuals and entities, including Progress Foundation and Mondial. The Court appointed a special counsel (the "special counsel") on behalf of the account holders. Additionally, the Swiss Banking Commission issued a decree (the "Swiss decree") in June 1976 providing that all assets of the various Mondial subaccounts, including the subaccounts, be distributed to the investors in a manner to be approved by the Swiss Banking Commission and satisfactory to the Commission.

International has been advised by the special counsel that in furtherance of the Swiss decree, and in connection with settlement of the enforcement proceedings initiated by the Commission, plans calling for the complete distribution of the assets in the subaccounts were presented to the Swiss Banking Commission and the District Court for approval. The District Court approved such plans by order dated December 6, 1977. The Swiss Banking Commission is expected to consider the plans on January 19, 1978, and the special counsel has been advised that the staff of the Swiss Banking Commission has concluded that they are within the scope of the Swiss decree and that no reason appears why the plans will not be approved by the Swiss Banking Commission. The distribution plan calls for the sale of International shares in exchange for the Securities held by Mondial through the subaccounts. It is contemplated that the plan will avoid any possible adverse effects to the account holders that might otherwise result from an open market sale of the securities.

Applicants state that, ordinarily, sales of International's shares, are made through its underwriter, III, at their net asset value plus a sales charge. According to International's prospectus, the maximum sales charge is 8.50 percent, which is applicable to purchases of less than $10,000, and the sales charge decreases to 1.25 percent on purchases of $50,000 or more. The sales charge is reduced on shares purchased by an investor who purchases under an accumulation plan and no sales charge is imposed on reinvestment of income dividends or on the sale of International shares for investment to officers, directors, and bona fide, full-time employees of International, its investment adviser, or III, or on reinvestment of capital gains or on purchases made under exchange privileges with other open-end investment companies.

Applicants state that sales of International shares to the subaccounts will be made on the following basis: Each subaccount will deliver to International a written order for the purchase of International shares having an aggregate net asset value (as next computed following receipt of the order) equal to the net asset value of the securities delivered with such order to International by that subaccount. After receipt of appropriate purchase orders International proposes to issue its shares to the subaccounts in exchange for Securities owned by them, which had a market value of approximately $7,734,040 on December 8, 1977. The International shares are to be issued at the net asset value thereof, without a sales charge. The number of International shares to be issued in exchange for the securities of each subaccount will be determined by dividing the net asset value of the securities that each subaccount delivers by the net asset value per share of International's shares, both computed as of the time International's net asset value per share is next determined after that subaccount's delivery of a purchase order to International by the subaccounts will be valued in accordance with rule 2a-4(a)(1) under the Act and International's normal procedures for valuing its portfolio securities. The Board of Directors of International has determined that such valuation is appropriate. In making such determination the Board considered all factors which it deemed relevant, including: (i) The amount and quality of the securities to be acquired their markets and trading volumes and their compatibility with the investment policies and objectives of International, (ii) the fact that the sales will be consummated without expense to International, (iii) the benefits for the shareholders of International, (iv) the possible adverse effect on the issues now held by International if all the securities held by the subaccounts were sold simultaneously at whatever prices might be obtainable on that basis, (v) the ability of International to process its normal expected level of redemptions, and (vi) the possibility that prior to the sales some of the securities may be sold to provide for the payment of certain liabilities of the subaccounts.

International will accept only securities for which market quotations are readily available as of the date of the sale. International has determined that as of December 8, 1977, such market quotations are readily available for all the securities and, accordingly, presently intends to accept all the securities. The special counsel has advised International that he does not expect that the subaccounts will acquire additional securities or dispose of any of the securities before the sales, except that it may be necessary to sell a relatively small amount of the securities in order to provide for the payment of certain liabilities such as Swiss taxes and administration expenses. In the event securities are sold for such purpose, the special counsel has agreed that a list of the remaining securities will be provided to International and that no securities will be sold during the ten days prior to the consummation of the sales.

Applicants state that, had the purchase orders been delivered before the close of business on December 8, 1977, and the sales consummated on December 9, 1977, 834,308,522 shares of International having a net asset value of $9.27 each would have been issued. International has no current intention of selling any of the securities it receives in the above transactions within a relatively short period of time following their acquisition.

The special counsel has advised International that it will be requested to issues its shares directly to the appropriate account holders, or to persons acting on their behalf, in accordance with plans approved by the Court and to be approved by the Swiss Banking Commission. In all cases the person to whom International shares are issued will become the record owner of such shares. Upon the issuance of International shares to the account holders, an appropriate confirmation and copies of International's then current prospectus and its most recent report to shareholders will be delivered to each account holder. Sales will be made only to persons authorized to act for the subaccounts. Accordingly, although International anticipates that its shares will be issued directly to the account holders (or to persons acting on their behalf), no offer or sale will be made to the account holders in connection with the sales and they will exercise no investment discretion in connection therewith. International has been advised that together with International's confirmation, prospectus, and report, each account holder will receive a report from the special counsel concerning the distribution of International shares to the account holder. It should be noted that the subaccounts and International represent different types of investment media in that the subaccounts provide their account holders with an annuity type arrangement whereas International is not an annuity type investment.

International has determined, on the basis of the market prices of the Securities as of December 8, 1977, that International's-acquisition of the securities would not, on a pro forma basis giving effect to the completion of the sales, cause: (a) International to hold more than 10 percent of the outstanding shares of any one issuer, (b) securities of any one issuer to constitute more than 5 percent of the net assets of International, or (c) International to be in violation of any of its internal policies. Further, applicants state that no sale will be made to either subaccount unless: (i) A plan providing for the purchase of International shares by such subaccount has been approved by the Court and the Swiss Banking Commission, (ii) all securities to be acquired by International are acceptable to it on the date of the sale, (iii) such subaccount offers to International all securities held by the subaccount on the date of the sale, and (iv) evidence satisfactory to International is presented that the person effecting the sale on behalf of such subaccount has the authority to do so.

For Federal income tax purposes, the sales will be treated as taxable transactions for the subaccounts and their respective account holders, to the extent each is subject to such taxes. Because International will not acquire the securities pursuant to a plan of reorganization or liquidation, it will not be entitled to any loss carryover which may have been available to the subaccount. The tax basis of the securities in International's hands will be their fair market value, computed as provided above, at the close of business on the date(s) the subaccounts deliver their purchase orders. Because the securities will be acquired by International at their fair market value, no unrealized appreciation or depreciation will carry over to International.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company except at a current offering price described in the prospectus. The current public offering price of the shares of International as described in its prospectus is net asset value per share plus a sales charge. As noted above, such sales charge will not be applicable to the sales. Applicants state that without an exemption from section 22(d) of the Act International would be prohibited from issuing its shares to the subaccounts without a sales charge.

Applicants state that neither III nor International will bear any expenses in connection with the proposed sales, except that International will bear the ongoing transfer agent expenses customarily borne by it in connection with any of its outstanding shares and III will bear the cost of confirmations, prospectuses and shareholder reports to be distributed to the account holders. All other expenses, including fees and out-of-pocket costs of counsel, which arise in connection with the sales will be incurred by International's investment adviser, which will be reimbursed therefor by the subaccounts.

There is no connection between International and the subaccounts. The management of International considers the proposed acquisition by it of the securities in exchange for International shares to be at a fair price, arrived at by arms-length bargaining, and believes that the sales would be beneficial to the shareholders of International for the following reasons:

(a) Those expenses of International which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will be a smaller amount per share to the benefit of existing shareholders;

(b) The proposed acquisition will enable International to acquire at one time additional securities for its existing portfolio without affecting the market in such securities;

(c) The securities will be acquired by International at less expense than would be the case of securities of the same issuers were purchased in the open market, for the reason that there will be no brokers' commissions or dealer mark-ups in connection with the sales. In addition, no sales effort will be involved, and no sales costs or other costs (except the ongoing transfer agent expenses customarily borne by International in connection with any of its outstanding shares) will be incurred by International, in connection with the sales. Applicants argue that it seems only fair to recognize such costs savings and to pass them along to the subaccounts; and

(d) Applicants represent that, even assuming that 100 percent of the account holders should redeem their International shares promptly after the sales, the ability of International to process both such redemptions and its normal expected level of redemptions will not be jeopardized since International has sufficient cash on hand to be able to handle them.

Section 6(c) provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that in their opinion the terms of the sales are fair and reasonable and in the best interests of International and its shareholders, and, therefore, that granting of the requested exemption is consistent with the general purposes of the Act, and is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 30, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-822 Filed 1-11-78; 8:45 am]

[8010-01]

[Release No. 34-14344; File No. SR-MSRB-78-1.]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") is filing proposed amendments to rule G-3 (hereafter sometimes called the "proposed rule changes") as set forth below. The proposed rule changes designate the Board's examination requirements for qualification as a municipal securities representative. The proposed rule changes also provide, in effect, that qualification as a general securities representative is an alternative means of satisfying the Board's examination requirements. In addition, the proposed rule changes provide an exemption from the examination requirements for persons entering the municipal securities business as municipal securities representatives after December 1, 1975 who were qualified at the time of entry as general securities representatives or general securities principals, and who have actively performed the functions of a municipal securities representative since that time.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The purposes of the proposed rule changes are (1) to designate the Examination as satisfying the Board's examination requirements for qualification as a municipal securities representative; (2) to provide for qualification as a general securities representative as an alternative means of satisfying the Board's examination requirements for municipal securities representatives; and (3) to exempt from the examination requirements certain persons who were qualified as general securities representatives when they entered the municipal securities business.

EXAMINATION REQUIREMENTS FOR MUNICIPAL SECURITIES REPRESENTATIVES

Board rule G-3 generally requires that defined categories of municipal securities professionals, including municipal securities representatives, take and pass appropriate qualification examinations. The proposed rule changes provide that, subject to certain exceptions,[1] every municipal securities representative must take and pass the Examination or qualify as a general securities representative in order to qualify as a municipal securities representative. The provision for qualification as a general securities representative is conditional upon consummation of an agreement (hereafter called the "Proposed Agreement") among the Board, the National Association of Securities Dealers, Inc. (the "NASD") and the New York Stock Exchange, Inc. (the "NYSE") concerning the qualification requirements for general securities representatives, as more fully described below.

DEVELOPMENT OF EXAMINATION

(A) *Establishment and Operation of Advisory Committee.* In August 1976, the Board established the Professional Qualifications Advisory Committee (the "Advisory Committee") for the purpose of developing the Examination. The Advisory Committee consists of 13 persons with extensive experience in the securities industry, all of whom have performed the functions of a municipal securities representative or general securities representative over an extended period of time and most of whom supervise other persons in the performance of such functions. Advisory Committee members are or have been associated with securities firms and bank dealers and come from diverse geographic areas.

In order to assure that the Examination would test knowledge of subjects necessary for the performance of the functions of a municipal securities representative, the Advisory Committee analyzed such functions and developed a detailed outline of subjects based on such analysis. This outline was used as the basis for developing questions for the Examination and a study guide for the Examination. The outline also served as the basis for developing examination specifications (hereafter called the "Examination Specifications") which set forth the relative weight to be accorded to each of the subject areas on the Examination and, accordingly, the number of questions from each area to be included on each form of the Examination.

The Advisory Committee has met eight times since its inception. Representatives of Educational Testing Service of Princeton, New Jersey ("ETS"), the NASD, the NYSE and the Board participated in these meetings. At each meeting, members of the Advisory Committee presented draft questions which were discussed and revised as necessary or rejected. In addition to the appropriateness of the questions for the Examination, the Advisory Committee gave attention to the consistency of format and difficulty level between questions developed by the Advisory Committee and questions on the General Securities Registered Representative Qualification Examination (Series 7) (the "Series 7 Examination").

(B) *Pretest Program.* On September 29, 1977, the Board administered pretest examinations of the 340 questions then developed by the Advisory Committee. The purpose of the pretest program was to assess the reliability of the questions as a measure of knowledge and the relative difficulty of the questions. The Board retained the services of a representative of ETS as a consultant for the pretest program.

A total of 292 municipal securities representatives took the pretest examination. The results were analyzed by the NASD and ETS utilizing the same procedures as apply to the Series 7 Examination. The mean score of all persons taking the examination was 72 percent and the reliability factor of the questions was .94 out of a possible 1.00.

In November 1977, the Advisory Committee met and reviewed each of the questions identified in the pretest program as needing revision and made changes in such questions as necessary, resulting in the inclusion of 335 questions in the question bank for the Examination.

DESCRIPTION OF EXAMINATION

The Examination consists of a question bank containing the 335 questions approved by the Advisory Committee, an answer key and the Examination Specifications.[2] Each form of the Examination will consist of 100 questions chosen from the question bank in accordance with the Examination Specifications. In order to preserve the validity of the Examination as a means of determining the qualifications of municipal securities representatives, the Board is requesting, concurrent with the filing, that the Securities and Exchange Commission (the "Commission") grant confidential treatment to the Examination, pursuant to Commission rule 24b-2.

The proposed rule changes provide that the passing grade on the Examination will be determined by the Board. The Board has determined that the passing grade will be 70 percent, with all questions on each form of the Examination being weighted equally.

EFFECTIVE DATE OF EXAMINATION REQUIREMENTS

Under the terms of Board rule G-3(e)(vi), as proposed to be amended in a filing with the Commission dated November 25, 1977 (File No. SR-MSRB-77-18), the requirement to take the Examination will become effective six months following the date of first administration of the Examination (the "Effective Date"). A person subject to the examination requirements who presently acts as a municipal securities representative or becomes a municipal securities representative before the Effective Date will be re-

[1] See rule G-3(e) (ii) and (v).

[2] The Board plans to publish a study guide based on the Examination Specifications which will indicate the weight assigned to major subject categories on the Examination, but does not intend to publish the Examination Specifications.

quired to take and pass the Examination by the Effective Date in order to continue functioning as a municipal securities representative. A person who intends to become a municipal securities representative on or after the Effective Date will not be able to function as a municipal securities representative without having taken and passed the Examination or qualified as a general securities representative.

ALTERNATIVE QUALIFICATION AS GENERAL SECURITIES REPRESENTATIVE

The proposed rule changes also recognize qualification as a general securities representative as satisfying the board's examination requirements. Rule G-3(e)(ii) presently provides an exemption from the Board's examination requirements for persons who, on the date of Commission approval of the proposed rule changes (the "Approval Date"), are dully qualified as general securities representatives or general securities principals. The proposed rule changes would continue the exemption for general securities representatives beyond the Approval Date, conditional upon consummation of the Proposed Agreement. The purpose of such an exemption is to enable persons who wish to qualify as both general securities representatives and municipal securities representatives to do so by taking and passing one comprehensive examination. Under the Proposed Agreement, the Series 7 Examination would be modified to include a substantial number of questions from the question bank for the Examination, selected in accordance with the Examination Specifications, on each form of the Series 7 Examination. The Proposed Agreement also provides that the performance of general securities representatives on such questions will be monitored to assure that the Series 7 Examination as modified is an appropriate test of the qualifications of municipal securities representatives.

EXEMPTION FOR GENERAL SECURITIES REPRESENTATIVES QUALIFIED PRIOR TO APPROVAL DATE

The proposed rule changes provide an exemption from the Board's examination requirements for persons qualified as general securities representatives on the date they became municipal securities representatives and who continue to function as municipal securities representatives until the Approval Date. This proposed rule change affects persons who became associated with bank dealers after December 1, 1975 and who were, at the time of such association qualified as general securities representatives pursuant to the rules of the NASD or rule 15b8-1 of the Commission or general securities principals, but whose qualification as general securities representatives or general securities principals lapsed because they have been associated with a bank dealer for two or more years.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES.

The Board has adopted the proposed rule changes pursuant to the provisions of section 15B(b)(2)(A) of the Securities Exchange Act of 1934, as amended (the "Act"), which directs the Board to propose and adopt rules which

> provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless * * * such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors.

Section 15B(b)(2)(A) of the Act also provides that the Board may appropriately classify municipal securities brokers and municipal securities dealers and their associated personnel and require persons in any such class to pass tests prescribed by the Board.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES.

The Board has not solicited or received comments on the proposed rule changes. However, in the course of development of the Examination, the Board received substantial input from the Advisory Committee, representatives of ETS, the NASD and the NYSE, and participants in the Board's pretest program. In addition, the proposed exemption for persons who became municipal securities representatives after December 1, 1975 and were qualified as general securities representatives or general securities principals at the time they became municipal securities representatives is responsive to concerns expressed orally by members of the municipal securities industry and representatives of the federal bank regulatory agencies with regard to the status of certain bank dealer personnel.

BURDEN ON COMPETITION

The Board has concluded that any burden on competition imposed by its professional qualification rules, including the requirement to take and pass qualification examinations, is necessary and appropriate in furtherance of the purposes of the Act.

On or before February 16, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons of 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 changes 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 of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 5, 1978.

TEXT OF PROPOSED RULE CHANGES[1]

Rule G-3. Classification of Principals and Representatives; Numerical Requirements; Testing.

(e) Qualification Requirements for Municipal Securities Representatives.

(i) Except as otherwise provided in this section (e), every municipal securities representative shall take and pass *the Municipal Securities Representative Qualification Examination* [an appropriate qualification examination for municipal securities representatives prescribed by the Board by rule] prior to being qualified as a municipal securities representative. *The passing grade shall be determined by the Board.* [Such examination shall test such matters as the Board may deem pertinent.]

(ii) The requirements of paragraph (e)(i) shall not apply to any person associated with a municipal securities broker or municipal securities dealer who:

(A) Was, on December 1, 1975, actively performing the functions of a municipal securities representative and, during the period from such date

[1] Based on the text of rule G-3 as proposed to be amended in the Board's filing dated November 25, 1977 (File No. SR-MSRB-77-18). Italics indicate new language; [brackets] indicate deletions.

to ————,* [the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives,] has continuously performed such functions;

(B) On ————* [the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives] is duly qualified as a general securities representative or general securities principal with a registered securities association or in a general securities supervisory capacity with a national securities exchange; [or]

(C) If the municipal securities broker or municipal securities dealer with which such person is associated is subject to rule 15b8-1 under the Act (other than paragraph (d) thereof), is, on ————* [the effective date of a rule of the Board first prescribing a qualification examination for municipal securities representatives], duly authorized pursuant to rule 15b8-1(a)(1)(i) under the Act to engage in the activities specified therein;

(D) between December 1, 1975 and ———— became a municipal securities representative, and was, at the time of becoming a municipal securities representative, duly qualified as a general securities representative or general securities principal with a registered securities association or in a general securities supervisory capacity with a national securities exchange or duly authorized pursuant to rule 15b8-1(a)(1)(i) under the Act to engage in the activities specified therein, and between the time of becoming a municipal securities representative and ————* has continuously performed the functions of a municipal securities representative; or*

(E) becomes duly qualified as a general securities representative with a registered securities association on or after ————, and is duly qualified as such a general securities representative at the time such person becomes a municipal securities representative.*

(iii) Any person who ceases to be associated with a municipal securities broker or municipal securities dealer (whether as a municipal securities representative or otherwise) for two or more years at any time after having qualified as a muncipal securities representative in accordance with the requirements of paragraph (e)(i) of this rule or being exempted therefrom in accordance with paragraph (e)(ii) of this rule or having compliance with paragraph (e)(i) waived pursuant to paragraph (e)(v) of this rule shall take and pass the *Municipal Securities Representative Qualification Examination* [appropriate qualification examination for municipal securities representatives prescribed by the Board] prior to being qualified as a municipal securities representative *unless exempt therefrom pursuant to the provisions of subparagraph (e)(ii)(E) of this rule.*

(iv) The requirements of paragraph (e)(i) shall not apply to *any person* [persons] who *is* [are] qualified as *a* municipal securities *principal* [principals or general securites representatives] or general securities *principal* [principals] and who *becomes* [become] *a* municipal securities *representative* [representatives] *on or after* ————,* *Provided,* That such *person* [persons] shall take and pass the *Municipal Securities Representative Qualification Examination* [appropriate qualification examination for municipal securites representatives prescribed by the Board] within 90 days after becoming *a* municipal securities *representative* [representatives], *or qualify as a general securities representative with a registered securities association within 90 days after becoming a municipal securities representative.*

(v) The requirements of paragraph (e)(i) may be waived by a registered securities association with respect to a person associated with a member of such association, by the Commission with respect to a person associated with any other municipal securities broker or municipal securities dealer (other than a bank dealer), or by the appropriate regulatory agency with respect to a person associated with a bank dealer, in extraordinary cases in which such person demonstrates extensive experience in a field closely related to the business of such municipal securities broker or municipal securities dealer in municipal securities.

(vi) The requirements of paragraph (e)(i) shall become effective on ———— (six months following the date of the first administration of *the Municipal Securities Representative Qualification Examination*) [a qualification examination for municipal securities representatives designated by the Board].

[FR Doc. 78-829 Filed 1-11-78; 8:45 am]

*The date of approval by the Commission of the proposed rule changes.

[8010-01]

[Release No. 34-14345; File No. SR-MSRB-78-2.]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 4, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The text of the proposed rule change is as follows:

Rule A-4(d) *Action Without a Meeting.**

Action by the Board, other than action on proposed rules or proposed amendments to rules of the Board, may be taken without a meeting by written consent [signed by all members] of the Board setting forth the action so taken or by telephone poll of all members of the Board: *Provided,* That, in the case of action taken by telephone poll, the Board, at a meeting, or the chairman of the Board authorizes the action to be taken by such means. [Any action taken by telephone poll shall be confirmed at the next Board meeting.] *The Executive Director shall transmit to each Board member, as soon as practicable after a telephone poll is taken, a written statement setting forth the question or questions with respect to which the telephone poll was taken and the results of the telephone poll. Such statement shall also be entered in the minutes of the next Board meeting. In the case of action taken without a meeting by written consent or telephone poll, an affirmative vote of a majority of the whole Board is required.*

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSES OF PROPOSED RULE CHANGE

The purposes of the proposed rule change are to modify the voting requirement for Board action taken without a meeting to conform it to the voting requirement for Board action taken at a meeting; to establish a procedure for advising Board members promptly of the results of a telephone poll; and to provide for the recordation of the results of such a poll.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(I) of the Securities Exchange Act of 1934, as amended (the "Act"), which authorizes the Board to adopt rules providing for the operation and administration of the Board.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

Comments have not been solicited or received on the proposed rule change.

*The date of approval by the Commission of the proposed rule changes.

*Italics indicate additions; [brackets] indicate deletions.

BURDEN ON COMPETITION

The Board has determined that the proposed rule change does not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 2, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 5, 1978.

[FR Doc. 78-830 Filed 1-11-78; 8:45 am]

[8010-01]

[Release No. 14342; SR-NYSE-77-30.]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 5, 1978.

On November 14, 1977, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change rescinds Rule 438 which restricts members or member organizations from publishing the actual prices of bids or offers for listed securities in any publication.

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. 14194, (November 21, 1977)) and by publication in the FEDERAL REGISTER (42 FR 61100 (December 1, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

More specifically, the proposed rule change is consistent with Section 6(b)(5) and 6(b)(8) of the Act. Section 6(b)(5) of the Act prohibits an exchange's rules from permitting unfair descrimination among brokers and dealers and Section 6(b)(8) prohibits exchange rules from imposing any burden on competition necessary or appropriate in furtherance of the Act. The proposed rule change will enable NYSE members to compete more effectively in the third market and thus enhance competition among brokers and dealers and removes an unnecessary burden on competition.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on November 14, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-823 Filed 1-11-78; 8:45]

[8010-01]

[File No. 500-1]

STARR BROADCASTING GROUP, INC.

Suspension of Trading

JANUARY 4, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Starr Broadcasting Group, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10 a.m. (e.s.t.) January 4, 1978 through January 13, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-824 Filed 1-11-78; 8:45 am]

[8010-01]

[File No. 500-1]

TENNESSEE FORGING STEEL CORP.

Suspension of Trading

JANUARY 4, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Tennessee Forging Steel Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 3:40 p.m. (e.s.t.) on January 4, 1978, through January 13, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-825 Filed 1-11-78; 8:45 am]

[8010-01]

[File No. 500-1]

WESTAMERICA AUTOMOTIVE CORP.

Suspension of Trading

DECEMBER 29, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Westamerica Automotive Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1 p.m. (e.s.t.) on December 29, 1977 through midnight (e.s.t.) on January 7, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-826 Filed 1-11-78; 8:45 am]

[8010-01]

[File No. 500-1]

WESTERN GOLD MINING INC.

Suspension of Trading

DECEMBER 29, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Western Gold Mining Inc. being traded on a national securities exchange or otherwise is required in

the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1 p.m. (e.s.t.) on December 29, 1977 through midnight (e.s.t.) on January 7, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-827 Filed 1-11-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

REGION II—REGIONAL EXECUTIVE BOARD

Public Meeting

The Small Business Administration Region II Executive Board will hold a public meeting at 1:30 p.m., Thursday, January 26, 1978, in Room 3214, U.S. Federal Building, 26 Federal Plaza, New York, N.Y., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Ivan E. Irizarry, Regional Director, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1450.

Dated: January 6, 1978.

(Ms.) K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-800 Filed 1-11-78; 8:45 am]

[8025-01]

REGION III—REGIONAL EXECUTIVE BOARD

Public Meeting

The Small Business Administration Region III Executive Board will hold a public meeting at 1 p.m., Tuesday, January 24, 1978, in the Philadelphia District Office Conference Room, U.S. Small Business Administration, Philadelphia District Office, Suite 400, East Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pa., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. for further information, write or call Daniel P. Henson III, Regional Director, Suite 646, West Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004, 215-596-5901.

Dated: January 6, 1978.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-801 Filed 1-11-78; 8:45 am]

[8025-01]

REGION IV—REGIONAL EXECUTIVE BOARD

Public Meeting

The Small Business Administration Region IV Executive Board will hold a public meeting from 9 a.m. to 4:30 p.m., Thursday, January 19, 1978, in the Regional Office Conference Room, Room 502, 1375 Peachtree Street NE., Atlanta, Ga., to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Wiley S. Messick, Regional Director, U.S. Small Business Administration, 1375 Peachtree Street NW., 5th Floor, Atlanta, Ga. 30309, 404-257-4999.

Dated: January 6, 1978.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-797 Filed 1-11-78; 8:45 am]

[8025-01]

REGION VI—REGIONAL EXECUTIVE BOARD

Public Meeting

The Small Business Administration Region VI Executive Board will hold a public meeting from 1 p.m. to 4:30 p.m., Tuesday, January 17, 1978, in Room 7A23, 1100 Commerce Street, Dallas, Tex., to disucss such business as may be presented by members, the staff of the Small Business Administration, or others attending. For further information, write or call Fred S. Neumann, Regional Director, U.S. Small Business Administration, 1720 Regal Row, Suite 230, Dallas, Tex. 214-749-1261.

Dated: January 5, 1978.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-799 Filed 1-11-78; 8:45 am]

[8025-01]

REGION VII—REGIONAL EXECUTIVE BOARD

Public Meeting

The Small Business Administration Region VII Executive Board will hold a public meeting from 1 p.m. to 4 p.m., Wednesday, January 18, 1978, in Room 2506, Old Federal Building, 911 Walnut, Kansas City, Mo., to discuss such matters as may be presented by members, staff of the Small Business Administration, or other present. For further information, write or call Conrad E. Lawlor, Room 2311, 911 Walnut, Kansas City, Mo., 816-374-3316.

Dated: January 5, 1978.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 78-798 Filed 1-11-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

NEW YORK HARBOR VESSEL TRAFFIC SERVICE ADVISORY COMMITTEE

Open Meeting

The New York Harbor Vessel Traffic Service Advisory Committee will conduct an open meeting on Wednesday, February 15, 1978, in the Community Center, Building 301, Governors Island, New York. The meeting is scheduled to begin at 10:30 a.m.

The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

1. Discussion of a proposal that pilots serve in an advisory capacity in the Vessel Traffic Center.

2. Status report on the implementation of the New York Vessel Traffic Service presented by the Vessel Traffic Service Staff.

3. Comments and questions from the floor.

The New York Harbor Vessel Traffic Service Advisory Committee was established by the Commander, Third Coast Guard District to advise on the need for, and development, installation and operations of a Vessel Traffic Service for New York Harbor.

Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may obtain additional information or the summary of the minutes of the meeting by writing to: Commander P. C. Shearer, USCG, Project Officer, New York Vessel Traffic Service, Governors Island, New York, N.Y. 10004.

or by calling 212-264-0409.

This Notice is issued under section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. 1).

Dated: December 28, 1977.

B. E. THOMPSON,
Captain, U.S. Coast Guard, Chief of Staff, Third Coast Guard District.

[FR Doc. 78-869 Filed 1-11-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[Docket No. RFA 505-77-9]

PURCHASE OF REDEEMABLE PREFERENCE SHARES

Receipt of Application

Project. Notice is hereby given that the Utah Railway Co. ("applicant"), 1770 University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, has filed an application with the Federal Railroad Administration ("FRA") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale of the United States of redeemable preference shares ("shares") in the years 1978 and 1979 having an aggregate par value of $4,960,000. Applicant proposes to redeem the par value of the shares and to pay dividends on the shares under terms to be agreed upon between applicant and FRA so that payments will commence 11 years from the date of issuance of the shares and the par value of all shares will be redeemed within 30 years of their date of issuance.

The proceeds of the sale of the shares are to be used by the applicant: (1) To rebuild or overhaul 14 locomotives, (2) to replace road bed, ties, rail, and signal systems in the Mohrland-Hiawatha area and at all curves, steep grades, switch points, and bridge and tunnel approaches, and (3) to install a one-mile passing track and signal system at Healy, in accordance with the following schedule:

Project	Completion date	FRA funding
Locomotives	1979	$4,035,000
Track replacement	1978	700,000
Track installation	1978	225,000
Total		4,960,000

Justification for project. The applicant states that the project will assist in meeting the demands through 1980 for a dependable and efficient transportation system to move coal from Emery and Carbon Counties to other rail carriers for nationwide distribution.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. The application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA.

The comments will be considered by the FRA in evaluating the application. However, formal acknowledgment of comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505, Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: January 6, 1978.

Comment closing date: February 13, 1978.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 78-850 Filed 1-11-78; 8:45 am]

[4910-60]

Office of Hazardous Materials Operations

HAZARDOUS MATERIALS REGULATIONS

Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted November 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for emergency exemptions.

RENEWALS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
970-P	DOT-E 970	Liquid Carbonic Corp., Chicago, Ill	49 CFR 173.21(b), 173.300, 173.301.	To become a party to exemption 970. (See application No. 970-X). (Modes 1 and 2.)
2650-X	DOT-E 2650	FMC Corp., Philadelphia, Pa	49 CFR 173.223(a)(5), 178.35a-2.	To ship organic peroxide in a DOT specification 6D or 37M cylindrical steel overpack with inside 2SL polyethylene container. (Modes 1 and 2.)
2805-X	DOT-E 2805	Dow Chemical Co., Midland, Mich.; Allied Chemical Corp., Morristown, N.J.; Great Lakes Chemical Co., Houston, Tex.; Mobil Chemical Co., Beaumont, Tex.; SunOlin Chemical Co., Claymount, Del.	49 CFR 172.101, 173.315(a)(1)	To ship a flammable gas in specially designed and insulated non-DOT specification cargo tanks. (Mode 1.)
3216-X	DOT-E 3216	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Pennwalt Corp., Philadelphia, Pa.	49 CFR 173.314(c)	To ship certain compressed gases in a proposed DOT specification 110A3000W tank. (Modes 1 and 3.)
3307-P	DOT-E 3307	Explosive Products of Louisville, Inc., Louisville, Ky.; Strawn Explosives, Inc., Dallas, Tex.; Harrison Explosives, Inc., Duanesburg, N.Y.; Mountain State Bit Service, Inc., Morgantown, W. Va.; W. H. Burt Explosives, Inc., Moab, Utah; W. A. Murphy, Inc., El Monte, Calif.; Ohio Dynamite Co., Inc., Upper Sandusky, Ohio; Pacific Powder Pipe & Supply Inc., Olympia, Wash.; Seco, Inc., Fort Smith, Ark.; Lilly Ice & Bottling Works, Inc., Pemberton, W. Va.	49 CFR 173.154, 173.182(c)	To become a party to exemption 3307. (See application No. 3307-X). (Modes 1, 2, and 3.)
3353-P	DOT-E 3353	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.163(a)(7), 173.239(a)(2).	To become a party to exemption 3353. (See application No. 3353-X). (Modes 1 and 2.)
3415-X	DOT-E 3415	U.S. Department of Defense, Washington, D.C.	49 CFR 173.79, 173.92	To ship certain rocket motors, class A or class B explosives without overpacking. (Mode 1.)
3600-X	DOT-E 3600	do	49 CFR 172.101, 173.87, 172.300	To ship gas generators with empty rocket engine, class B or class C explosive. (Modes 1 and 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4007-X	DOT-E 4007	Matson Navigation Co., San Francisco, Calif.	49 CFR 173.119, 173.125	To ship certain hazardous materials in a non-DOT specification stainless steel portable tank. (Modes 1 and 3.)
4108-P	DOT-E 4108	Welding & Cutting Equipment Co., Newark, N.J.	49 CFR 173.315(a)	To become a party to exemption 4108. (See application 4108-X.)
4248-P	DOT-E 4248	Hi-Pure Chemicals, Inc., Edelman, Pa.; Fisher Scientific Co., Pittsburgh, Pa.	49 CFR 173.245(a)(27), 173.268(d).	To become a party to exemption 4248. (See application No. 4248-X.) (Modes 1, 2, and 3.)
4390-X	DOT-E 4390	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR Part 173	To ship certain hazardous materials in non-DOT specification glass carboy/polystyrene packagings. (Modes 1, 2, and 3.)
4400-X	DOT-E 4400	Airco Industrial Gases, Murray Hill, N.J.	49 CFR 172.101, 173.315(a)	To ship flammable and nonflammable gases in a non-DOT specification insulated cargo tank designed and constructed in accordance with section VIII of the ASME Code. (Modes 1 and 3.)
4459-X	DOT-E 4459	Lif-O-Gen, Inc., Cambridge, Md	49 CFR 173.302(a)(1), 173.304(a)(1), 173.328(a)(2), 173.353(a)(3), 178.37, 175.3.	To manufacture, mark, and sell non-DOT specification cylinders for shipment of various gases. (Modes 1, 2, and 4.)
5062-X	DOT-E 5062	Dow Chemical Co., Midland, Mich	49 CFR 173.315(a), 172.101	To ship a nonflammable compressed gas in a DOT specification MC-330 or MC-331 cargo tank. (Mode 1.)
5112-X	DOT-E 5112	Austin Powder Co., Cleveland, Ohio; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.62(a), 177.834(L)(1), 177.835(k).	To ship a class A explosive in specially designed kettle-drum-type aluminum containers. (Mode 1.)
5179-X	DOT-E 5179	Union Carbide Corp., Tarrytown, N.Y	49 CFR 173.302, 173.304, 178.45-17.	To ship certain flammable and nonflammable compressed gases in cylinders not marked to DOT specification 3T. (Modes 1 and 3.)
5234-X	DOT-E 5234	Ronson Corp., Ogletown, Del	49 CFR 172.300, 173.304(d)(3)	To ship a flammable compressed gas in a small gas appliance. (Modes 1 and 2.)
5456-X	DOT-E 5456	J. T. Baker Chemical Co., Phillipsburg, N.J.; Fisher Scientific Co., Fair Lawn, N.J.	49 CFR Part 173	To ship certain poison B and liquid corrosive materials in non-DOT specification glass carboy/polystyrene packaging. (Modes 1, 2, and 3.)
5485-X	DOT-E 5485	Union Carbide Corp., Tarrytown, N.Y	49 CFR 172.101, 173.315(a)	To ship liquefied helium in a non-DOT specification insulated cargo tank. (Mode 1.)
5559-X	DOT-E 5559	Miraldi Welding Supplies, Inc., Tacoma, Wash.	49 CFR 173.34(e)(15)(i), 175.3	To ship certain compressed gases in DOT specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A, or 3AA over 35 years old. (Modes 1, 2, and 4.)
5600-X	DOT-E 5600	Ozark-Mahoning Co., Tulsa, Okla.; Amoco Oil Co., Whiting, Ind.	49 CFR Part 173, 175.3	To ship certain hazardous materials in seamless sample cylinder complying with DOT specification 3A with certain exceptions. (Modes 1, 2, and 4.)
5600-P	DOT-E 5600	Atlantic Richfield Co., Houston, Tex	49 CFR Part 173, 175.3	To become a party to exemption 5600. (See application 5600-X). (Modes 1, 2, and 4.)
5652-X	DOT-E 5652	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.247(a)(11), 173.315(a)(1).	To ship a nonflammable compressed gas and a corrosive liquid in a non-DOT specification portable tank. (Mode 1.)
5662-X	DOT-E 5662	Dow Chemical Co., Midland, Mich.; Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.353(a), 173.353a	To ship class B poisonous liquids in a DOT specification 51 portable tank. (Modes 1, 2, and 3.)
5717-X	DOT-E 5717	U.S. Department of Defense, Washington, D.C.	49 CFR 173.382	To ship a certain irritating material in packages not presently authorized. (Modes 1 and 2.)
5746-X	DOT-E 5746	do	49 CFR 172.101, 173.145, 173.268, 176.83(b).	To ship expended rocket engines containing residual amounts of corrosive liquid or flammable liquid. (Modes 1, 2, and 3.)
5777-X	DOT-E 5777	do	49 CFR 172.101, 173.93(c)	To ship certain class B explosives in cylindrical-type metal containers. (Modes 1 and 2.)
5876-X	DOT-E 5876	FMC Corp., Philadelphia, Pa	49 CFR Part 107, Appendix B, 173.365, 178.241.	To ship a class B poison in several alternative multiwall paper bag packagings. (Modes 1, 2, and 3.)
5883-P	DOT-E 5883	PPG Industries, Pittsburgh, Pa	49 CFR 173.354(c)	To become a party to exemption 5883. (See application No. 5883-X.) (Modes 1 and 2.)
5945-X	DOT-E 5945	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.315, 178.245	To ship a nonflammable compressed gas in a DOT-51 insulated portable tank except water capacity is less than 1000 pounds. (Mode 1.)
5951-P	DOT-E 5951	Vulcan Materials Co., Birmingham, Ala.	49 CFR 173.314(c)	To become a party to exemption 5951. (See application No. 5951-X.) (Modes 1 and 2.)
6016-P	DOT-E 6016	Welding & Cutting Supply Co., Cleveland, Ohio.	49 CFR 173.315(a)	To become a party to exemption 6016. (See application No. 6016-X.) (Mode 1.)
6039-P	DOT-E 6039	Rohm & Haas, Co., Philadelphia, Pa	49 CFR 172.101, 173.315(a)	To become a party to exemption 6039. (See application No. 6039-X.) (Mode 1.)
6092-X	DOT-E 6092	MC/B Chemical Co., Norwood, Ohio; Fisher Scientific Co., Fair Lawn, N.J.	49 CFR 173.25(b)	To ship certain corrosive liquids in DOT specification 33A polystyrene cases overpacked in a fiberboard carton. (Modes 1 and 2.)
6122-X	DOT-E 6122	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.154(a)(9), 173.158(a)(2), 178.205-16.	To ship certain dry oxidizing materials in non-DOT specification packagings comparable to DOT specification 12B fiberboard boxes. (Modes 1 and 2.)
6128-X	DOT-E 6128	Hapag-Lloyd AG, Hamburg, Germany	49 CFR 173.119, 173.125(a), 173.245(a), 173.346(a); 46 CFR 90.05-35, 98.35-3.	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6145-X	DOT-E 6145	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR 173.154(a)	To ship certain oxidizing materials in a DOT specification MC-303, MC-304, MC-306, MC-307, MC-311, or MC-312 cargo tanks. (Mode 1.)
6232-X	DOT-E 6232	McDonnell Douglas Corp., St. Louis, Mo.	49 CFR 172.101, 173.87, 173.102, 173.108, 173.176, 175.3.	To ship a survival kit including mixed hazardous materials overpacked in an outer fiberboard box. (Modes 1, 3, and 4.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6253-X	DOT-E 6253	Hapag-Lloyd AG, Hamburg, Germany; Contrans, Hamburg, Germany; Interpool, Ltd., New York, N.Y.; Johnson Scan Star, San Francisco, Calif.; Bacardi International, Ltd., Miami, Fla.	49 CFR Part 173	To ship certain hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, and 3.)
6253-P	DOT-E 6253	Brostrom Shipping Co., Ltd., Gothenberg, Sweden; Cheminova A/S, Lemvig, Denmark.	49 CFR Part 173	To become a party to exemption 6253. (See application No. 6253-X.) (Modes 1, 2, and 3.)
6267-X	DOT-E 6267	Bio-Lab, Inc., Decatur, Ga.; Coastal Industries, Inc., Carlstadt, N.J.; Georgia Pacific Corp., City of Commerce, Calif.	49 CFR 173.217(a)	To ship certain oxidizing materials in a non-DOT specification double-faced fiberboard box. (Modes 1, 2, and 3.)
6296-X	DOT-E 6296	American Cyanamid Co., Wayne, N.J.; Olin Chemicals Group, Stamford, Conn.	49 CFR 173.377(g)	To ship certain class B poisons in DOT specification 44D multiwall paper bag. (Modes 1 and 2.)
6477-X	DOT-E 6477	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.66(c)	To ship a class A explosive in non-DOT specification packaging. (Modes 1 and 2.)
6526-X	DOT-E 6526	Dow Chemical Co., Midland, Mich	49 CFR 173.353(a)(3), 173.357(b)(7).	To ship class B poisonous liquids in DOT specification 4BA or 4BW steel cylinders. (Modes 1, 2, and 3.)
6530-P	DOT-E 6530	Tennessee Valley Authority, Chattanooga, Tenn.	49 CFR 173.302(c)	To become a party to exemption 6530. (See application No. 6530-X). (Modes 1 and 2.)
6554-X	DOT-E 6554	Georgia-Pacific Corp., Montebello, Calif.	49 CFR 173.154, 173.217	To ship certain dry oxidizing materials in non-DOT single-trip, molded, openhead, polyethylene containers. (Modes 1, 2, and 3.)
6563-P	DOT-E 6563	Liquid Carbonic Corp., Chicago, Ill.; Vital Air Oxygen Co., Cleveland, Ohio.	49 CFR 173.302(a)(1), 175.3	To become a party to exemption 6563. (See application No. 6563-X.) (Modes 1, 2, 3, 4, and 5.)
6583-X	DOT-E 6583	Phillips Petroleum Co., Bartlesville, Okla	49 CFR 173.249(a)(7)	To ship a corrosive material in DOT specification 51 portable tanks. (Mode 1.)
6616-X	DOT-E 6616	Fenwal Inc., Ashland, Mass	49 CFR 173.304(a)(1), 175.3	To ship non-flammable compressed gases in a non-DOT specification, spherical, steel pressure vessel in compliance with DOT specification 4BA with certain exceptions. (Modes 1, 2, 3, 4, and 5.)
6682-X	DOT-E 6682	Foote Mineral Co., Exton, Pa	49 CFR 173.206(a)(8)	To ship a flammable solid in DOT specification 21C fiber drum. (Modes 1 and 2.)
6685-X	DOT-E 6685	U.S. Department of Defense, Washington, D.C.	49 CFR 173.65(a), 177.834(L)	To ship a certain class A explosive in DOT specification 21C fiber drum. (Mode 1.)
6686-X	DOT-E 6686	Chilton Metal Products Division, Chilton, Wis.	49 CFR 173.304, 178.65	To ship a certain flammable compressed gas in DOT specification 39 nonrefillable steel cylinders. (Modes 1 and 2.)
6738-X	DOT—E 6738	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Texas Eastman Co., Longview, Tex.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6749-X	DOT-E 6749	Bio-Lab, Inc., Conyers, Ga.; Airwick Industries, Inc., Carlstadt, N.J.; Georgia-Pacific Corp., Montebello, Calif.; Tesco Chemicals, Marietta, Ga.	49 CFR 173.217(b)	To ship certain oxidizing materials in non-DOT specification single-trip drum overpacked in a single-wall corrugated fiberboard box. (Modes 1, 2, and 3.)
6757-X	DOT-E 6757	Degussa Central Transport Department, Frankfort, West Germany.	49 CFR 173.266(f)(2)	To ship hydrogen peroxide in a non-DOT specification aluminum portable tank. (Modes 1 and 3.)
6759-X	DOT-E 6759	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Atlas Powder Co., Dallas, Tex.; Hercules, Inc., Wilmington, Del.	49 CFR 177.835(g)(2), 173.87	To ship class A or B explosives in a IME 22 container or compartment. (Mode 1.)
6769-X	DOT-E 6769	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314, 173.315	To ship a liquefied compressed gas in insulated DOT specification MC-331 tank motor vehicle. (Modes 1 and 2.)
6816-X	DOT-E 6816	U.S. Department of Defense, Washington, D.C.	49 CFR 173.53(p)	To ship certain missiles equipped with liquid engines. (Modes 1 and 2.)
6824-X	DOT-E 6824	Bio-Lab, Inc., Conyers, Ga	49 CFR 173.217(a)	To ship certain oxidizing materials in specially designed polyethylene bottles, overpacked in double-wall fiberboard boxes. (Modes 1, 2, and 3.)
6824-P	DOT-E 6824	Georgia-Pacific Corp., Los Angeles, Calif.	49 CFR 173.217(a)	To become a party to exemption 6824. (See application No. 6824-X.) (Modes 1, 2, and 3.)
6843-X	DOT-E 6843	Stauffer Chemical Co., Westport, Conn	49 CFR 173.245(a), 175.3	To ship a corrosive liquid in DOT specification 5K nickel drums. (Modes 1, 2, 3, 4.)
6923-X	DOT-E 6923	Dow Chemical Co., Midland, Mich	49 CFR 172.101, 173.315(a)(1)	To ship a flammable gas in a non-DOT specification insulated cargo tank designed and constructed in accordance with the ASME code. (Mode 1.)
6958-P	DOT-E 6958	Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252(a)(5)	To become a party to exemption 6958. (See application 6958-X.) (Modes 1 and 3.)
6969-P	DOT-E 6969	Kauikeolani Childrens Hospital, Honolulu, Hawaii.	49 CFR 175.85(a)(2), 14 CFR 121.574(a), 135.114(a).	To become a party to exemption 6969. (See application 6969-X.) (Mode 5.)
6971-X	DOT-E 6971	Chem Service, Inc., West Chester, Pa	49 CFR 173.286(b), 175.3	To ship chemical kits (metal boxes or single- or multiple-drawer metal cases) in wooden or fiberboard overpacks. (Modes 1, 2, 3, and 4.)
6984-X	DOT-E 6984	Austin Powder Co., Cleveland, Ohio	49 CFR 173.66(g), 173.103(a), 177.835(g)(2)(i).	To become a party to exemption 6984. (See application No. 6984-X.) (Mode 1.)
7015-P	DOT-E 7015	Cities Service Co., Tulsa, Okla	49 CFR 173.315(a)(1), 172.101	To become a party to exemption 7015. (See application No. 7015-X). (Modes 1, 2, and 3.)
7035-X	DOT-E 7035	Owens-Illinois, Toledo, Ohio	49 CFR Part 173, 178.19	To manufacture, mark, and sell non-DOT specification reusable, molded polyethylene containers for shipment of corrosive liquids. (Modes 1, 2, and 3.)
7036-X	DOT-E 7036	McDonnell Douglas Astronautics Co., Huntington Beach, Calif.	49 CFR 173.304(a)(1), 175.3	To ship anhydrous ammonia in a heat pipe with ends welded. (Modes 1, 2, 3, 4, and 5.)
7094-P	DOT-E 7094	Tennessee Eastman Co., Kingsport, Tenn	49 CFR 172.101	To become a party to exemption 7094. (See application No. 7094-X.) (Mode 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7189-X	DOT-E 7189	Chugiak Aviation, Chugiak, Alaska	DOT-E 172.101, 175.30	To transport a flammable compressed gas in DOT specification 4BW240 cylinders or DOT specification 51 portable tanks. (Mode 4.)
7244-X	DOT-E 7244	United Airlines, Inc., San Francisco, Calif.	49 CFR 173.302, 173.304, 175.3, 175.85(a).	To transport organ transplant modules containing certain compressed gases. (Mode 5.)
7252-X	DOT-E 7252	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.93	To ship certain class B explosives in DOT specification 17H metal drums. (Mode 3.)
7253-X	DOT-E 7253	Lithium Corp. of America, Bessemer City, N.C.; Foote Mineral Co., Exton, Pa.	49 CFR 172.101	To stow certain corrosive solids on deck or under deck. (Mode 3.)
7260-X	DOT-E 7260	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 176.415(c)(1)	To load/handle/offload nitro carbo nitrate at nonisolated facilities in accordance with certain provisions. (Mode 3.)
7260-P	DOT-E 7260	Atlas Powder Co., Dallas, Tex.	49 CFR 176.415(c)(1)	To become a party to exemption 7260. (See application No. 7260-X.) (Modes 3.)
7266-P	DOT-E 7266	Georgia-Pacific Corp., Los Angeles, Calif.	49 CFR 173.217(b)	To become a party to exemption 7266. (See application No 7266.) (Modes 1, 2, and 3.)
7275-X	DOT-E 7275	Express Airways, Inc., Mojave, Calif	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To provide for the transportation of commercial shipments of certain class A, B, and C explosives. (Mode 4.)
7405-X	DOT-E 7405	Sigma Chemical Co., St. Louis, Mo	49 CFR 173.242, 175.3	To ship a corrosive liquid in non-DOT polyethylene bottles packed with nonhazardous materials in a chemical kit. (Modes 1, 2, and 4.)
7409-P	DOT-E 7409	Puerto Rico Maritime Shipping Authority, Elizabeth, N.J.	46 CFR 90.07-35, 98.35-3	To become a party to exemption 7409. (See application No. 7409-X.) (Mode 3.)
7470-P	DOT-E 7470	Ozark-Mahoning Co., Tulsa, Okla.	49 CFR Part 173, 179.200-18(b)(1), 179.201-1(a), 179.201-7.	To become a party to exemption 7470. (See application No. 7470-X.) (Mode 1.)
7491-X	DOT-E 7491	Process Engineering, Inc., Plaistow, N.H.	49 CFR 173.314(c), 172.101	To manufacture, mark, and sell non-DOT specification tank cars for shipment of certain flammable compressed gases. (Mode 2.)
7584-P	DOT-E 7584	Interox Groups of Co., England, Belgium, Germany, and Netherlands.	49 CFR 173.266	To become a party to exemption 7584. (See application No. 7584-X.) (Modes 1, 2, and 3.)
7720-X	DOT-E 7720	Williams, Dimond & Co., San Francisco, Calif.	49 CFR 173.119	To ship certain flammable liquids in a non-DOT specification stainless steel cargo tank. (Modes 1, 2, and 3.)
7724-X	DOT-E 7724	Atmospherics Inc., Fresno, Calif.; Colorado River Municipal Water District, Big Spring, Tex.	49 CFR Chapter I, Subchapter C.	To transport class A and B explosives, and ORM-A materials in connection with aerial dispensing operations. (Mode 4.)
7777-P	DOT-E 7777	Ozark-Mahoning Co., Tulsa, Okla.	49 CFR 173.248	To become a party to exemption 7777. (See application No. 7777-N.) (Modes 1, 2, and 3.)
7792-P	DOT-E 7792	Witco Chemical, New York, N.Y	49 CFR 172.204 (a), (d), 173.29(f)(2).	To become a party to exemption 7792. (See application No. 7792-N.) (Mode 2.)
7801-X	DOT-E 7801	International Proteins Corp., Fairfield, N.J.	49 CFR 173.995	To ship fish meal in a standard 40 foot closed freight container. (Mode 3.)
7802-X	DOT-E 7802	Bennett Industries, Pacoima, Calif.	49 CFR Part 173, Subpart F, 49 CFR 173, Subpart D, 178.19.	To manufacture, mark, and sell non-DOT specification removable-head molded polyethylene containers for shipment of corrosive liquids and flammable liquids. (Modes 1, 2, and 3.)

New Exemptions

7555-N	DOT-E 7555	Provost Cartage, Inc., Ville D'Anjou, Quebec, Canada.	49 CFR 173.263(a)(10), 173.265(b)(4), 172.101.	To ship certain hazardous materials in a non-DOT specification fiberglass reinforced plastic cargo tank. (Mode 1.)
7650-N	DOT-E 7650	I.C.I. United States, Inc., Wilmington, Del.	49 CFR 173.315	To ship certain nonflammable compressed gases in a non-DOT specification steel portable tank. (Modes 1 and 3.)
7678-N	DOT-E 7678	Gibson Cryogenics, Lakeside, Calif.	49 CFR 172.101	To manufacture, mark, and sell non-DOT specification portable tanks for shipment of a nonflammable gas. (Mode 3.)
7696-N	DOT-E 7696	Encoat Chemicals Corp., Philadelphia, Pa.	49 CFR 176.410(d)	To ship an oxidizing material in accordance with 49 CFR 176.410(d) (5), (6), (7), with certain exceptions. (Mode 3.)
7726-N	DOT-E 7726	Hughes Aircraft Co., Culver City, Calif.	49 CFR 173.34(d), 173.302, 175.3	To manufacture, mark, and sell non-DOT specification pressure vessels for shipment of nonflammable gases. (Modes 1 and 4.)
7731-N	DOT-E 7731	Minnesota Valley Engineering, New Prague, Minn.	49 CFR 172.101, 173.315(a)(1)	To manufacture, mark, and sell non-DOT specification insulated, triple shell portable tanks for shipment of liquid helium. (Modes 1, 2, and 3.)
7751-N	DOT-E 7751	Chemical Systems Inc., Chicago, Ill	49 CFR 173.245b(5)	To ship certain corrosive solids in non-DOT fiber drum with a polyethylene bag liner. (Modes 1 and 2.)
7767-N	DOT-E 7767	Hydraulic Research Textron, Pacoima, Calif.	49 CFR 173.304(a)(1), 175.3, 178.47.	To manufacture, mark, and sell non-DOT specification welded steel cylinders for shipment of nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
7823-N	DOT-E 7823	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.246	To ship an oxidizer in a non-DOT specification welded stainless steel cylinder. (Modes 1, 2, and 3.)
7824-N	DOT-E 7824	Petrolite Corp., St. Louis, Mo	49 CFR 173.119	To ship certain flammable liquids in a marine portable tank designed and built in accordance with section VIII of the ASME code and 46 CFR Part 64. (Modes 1 and 3.)
7836-N	DOT-E 7836	Carus Chemical Co., Inc., La Salle, Ill.	49 CFR 173.194	To ship a certain oxidizer in a 5-ply multiwall bag complying with DOT specification 44C with certain exceptions. (Modes 1 and 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		New Exemptions—Continued		
7837-N	DOT-E 7837	Barber Steamship Lines, Inc., New York, N.Y.	49 CFR 172.101	To transport cigarette lighters charged with a flammable gas in nonventilated freight containers. (Mode 3.)
7839-N	DOT-E 7839	Texstar Chemical Corp., Kearney, N.J	49 CFR 173.297	To ship titanous sulfate solution in DOT 21P/2SL and 21P/2U containers. (Mode 1.)
		Emergency Exemptions		
EE7861-N	DOT-E 7861	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 172.101(6)(b), 175.30(a)(1).	To ship poisonous liquids in DOT specification 5B metal drums. (Mode 4.)
EE7877-N	DOT-E 7877	McDonnell Douglas Corp., St. Louis, Mo.	49 CFR 173.119(b)	To ship flammable liquids in non-DOT specification 55-gallon capacity, 18-gage steel drums. (Mode 1.)
EE7878-N	DOT-E 7878	E. R. Squibb Co., New Brunswick, N.J	49 CFR 172.101(6)(b), 175.3, 175.30(a)(1).	To ship a flammable liquid in a DOT-17H steel drum. (Mode 4.)
EE7880-N	DOT-E 7880	Shell Oil Co., Houston, Tex.	49 CFR 173.24(a), 173.306(a)(3); Part 107, appendix B(1).	To ship suspect defective nonflammable gas containers, packaged as prescribed in 49 CFR 173.306(a)(3), to a disposal site. (Mode 1.)
EE7889-N	DOT-E 7889	E. R. Squibb Co., New Brunswick, N.J	49 CFR 172.101(6)(b)	To ship a corrosive liquid in approximately ten DOT-17C 55-gallon-capacity drums. (Mode 4.)

DENIALS

4041-X Request by Hercules Inc., Wilmington, Del.—To ship certain high explosives in DOT specification 37A or 17H drums, denied November 15, 1977 as being unnecessary. (Docket HM-139 obviates the need.)

4988-X Request by Advanced Instruments, Inc., Needham Heights, Mass.—To ship ethylene oxide in inside aluminum cartridges, denied November 28, 1977 as being unnecessary.

6948-X Request by Valley Chemical Co., Greenville, Miss.—To ship certain Class B poisons in DOT specification 51 portable tanks by private carriage, denied November 18, 1977 as being unnecessary. (HM-139 obviates the need.)

6948-X Request by Cleveland Chemical Co., Cleveland, Miss.—To ship certain Class B poisons in DOT specification 51 portable tanks by private carriage, denied November 18, 1977 as being unnecessary. (HM-139 obviates the need.)

6994-P Request by Carter-Wallace, Inc., Cranbury, N.J.—To become a party to Exemption 6994 authorizing the use of specification 2P container with a thinner wall thickness, denied November 7, 1977.

7608-N Request by Olin Chemicals Group, Stamford, Conn.—To ship corrosive materials and oxidizers in various type packagings, denied November 14, 1977.

7644-N Request by Lawrence W. Bierlein, Washington, D.C.—To authorize construction of the DOT 37A drums with less than full curl construction to hold the head on, denied November 14, 1977 as being unnecessary.

7650-N Request by Imperial Chemical Industries, Ltd., Runcorn, Cheshire, England—To ship dichlorodifluoromethane and monochloropentafluoroethane in a non-DOT specification portable tank supported within an ISO frame, denied November 4, 1977.

7712-N Request by Nepera Chemical Company, Inc., Harriman, N.Y.—For shipment of a pyrophoric liquid in a portable tank, denied November 7, 1977.

7713-N Request Axel Johnson Corp., San Francisco, Calif.—To transport by vessel packages containing a nonflammable gas and Class C explosives or Class B explosives in a liferaft, denied November 8, 1977.

7716-N Request by Atlas Powder Co., Dallas, Tex.—That the maximum weight for limited quantities of oxidizers be increased to 40 pounds in one package, denied November 28, 1977.

7717-N Request by American Cyanamid Co., Wayne, N.J.—To ship certain waste chemicals in single-trip or nonreusable packaging without requalifying them in accordance with present standards, denied November 7, 1977.

7750-N Request by Diamond Shamrock Chemical Company, Morristown, N.J.—To ship a water treatment compound, liquid, in a DOT specification 57 portable tank, equipped with a DOT specification 2SL liner, denied November 18, 1977.

7782-X Request by Eastman Kodak Co., Rochester, N.Y.—To waive stowage requirements for shipments of hazardous materials in limited quantities when loaded in transport vehicles and freight containers, denied November 15, 1977 as being unnecessary.

7784-N Request by Calgon Corp., Pittsburgh, Pa.—To ship radioactive material without marking shipping name on the package, denied November 10, 1977.

7786-N Request by Damon Corp., Westwood, Mass.—To ship educational and instructional material containing certain hazardous materials without listing them individually on shipping papers and without markings and labels on the outside shipping containers, denied November 7, 1977.

7793-N Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.—To ship hexachlorocyclopentadiene as a corrosive liquid in portable tanks, denied November 18, 1977.

7832-N Request by Department of Energy, Washington, D.C.—To ship cryogenic liquid neon and deuterium in a non-DOT specification cargo tank, denied November 28, 1977.

7843-N Request by Reliance Electric Co., Cleveland, Ohio—To ship packages of certain cyanide solutions without poison labels, denied November 7, 1977.

WITHDRAWALS

6802-X Request by Fitch Industrial & Welding Supply, Lawton, Okla.—To ship certain nonflammable liquefied compressed gases in a non-DOT specification truck mountable cargo tank designed and constructed in accordance with section VIII of the ASME code, withdrawn November 18, 1977.

7082-X Southern California Chemical Co., Inc., Santa Fe Springs, Calif.—To become a party to DOT-E 7082, withdrawn November 22, 1977.

7856-N Request by Olin Corp., East Alton, Ill.—To ship black powder in DOT specification 21C fiber drums, withdrawn November 29, 1977.

J. R. GROTHE,
CHIEF, EXEMPTIONS BRANCH,
OFFICE OF
Hazardous Materials Operations.

[FR Doc. 78-416 Filed 1-11-78; 8:45 am]

[4910-60]

Materials Transportation Bureau

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

DATES: Comments by February 13, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Each mode of transportation for which a particular exemption is re-

quested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

NEW APPLICATION

Application No.	Applicant	Regulation(s) affected	Nature of application
7894-N	Weyerhaeuser Co., Plymouth Meeting, Pa.	49 CFR 173.186	To authorize shipment of paper waste, wet, in bales (modes 1, 2).
7895-N	Dow Corning, Midland, Mich.	49 CFR 173.280	To authorize shipment of diphenyldichlorosilane and phenyltrichlorosilane in DOT 51 portable tanks (modes 1, 3).
7896-N	Monsanto Co., St. Louis, Mo.	49 CFR 173.245, 173.365.	To authorize shipment of certain class B poisons and corrosive liquids in non-DOT IMCO type II portable tanks (modes 1, 3).
7897-N	Hugonnet SA, Paris, France	49 CFR 173.119, 173.125, 173.128(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.144, 173.245(a), 173.346(a), 173.605(a), 173.630(b).	To authorize shipment of certain flammable, corrosive, and poison B liquids in non-DOT portable tanks (modes 1, 2, 3).
7898-N	U.S. Department of Defense, Washington, D.C.	49 CFR 173.145(a).	To authorize shipment of methylhydrazine in specification 103CW stainless steel tank cars and 103A-ALW aluminum tank cars (mode 2).
7899-N	Dow Chemical Co., Midland, Mich.	49 CFR 173.302(a), 175.3.	To authorize shipment of a gas chromatograph containing cylinders charged with air, nitrogen and hydrogen (modes 1, 2, 5).
7900-N	Agrico Chemical Co., Tulsa, Okla.	49 CFR 173.315	To authorize shipment of anhydrous ammonia in non-DOT cargo tanks with a design pressure of 250 psig (mode 1).
7901-N	Hugonnet SA, Paris, France	49 CFR 173.119	To authorize shipment of methanol solution of tetra methyl ammonium hydroxide in an IMCO type I portable tank (modes 1, 2, 3).
7903-N	Oxy Metal Industries Corp., Warren, Mich.	49 CFR 173.202(a), 175.3.	To authorize use of shipping papers which show the hazard class followed by the proper shipping name (modes 1, 2, 3, 4, 5).
7905-N	Applied Equipment, Van Nuys, Calif.	49 CFR 173.302, 175.3, 178.65.	To authorize manufacture of a non-DOT nonreusable cylinder for shipments of nitrogen or dry air (modes 1, 2, 4).
7906-N	Sargent Industries, San Francisco, Calif.	49 CFR 173.108, 175.3.	To authorize shipment of class C explosives in packages exceeding 100 lb gross weight (modes 1, 4, 5).
7907-N	Hercules Inc., Wilmington, Del.	49 CFR 173.127, 173.184.	To authorize shipment of nitrocellulose wet with water or alcohol in a non-DOT fiber drum (modes 1, 2).
7908-N	Hugonnet SA, Paris, France	49 CFR 173.119	To authorize shipment of 5-fluord-2 methyl-1 (p-methylthiobenzyl) in an IMCO type I portable tank (modes 1, 2, 3).

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 6, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 78-846 Filed 1-11-78; 8:45 am]

[4910-60]

EXEMPTION APPLICATIONS

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal of Exemption or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein. Normally, the modes of transportation would be identified and the nature of application would be described. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments by January 30, 1978.

ADDRESSED TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
3293-X	Air Products and Chemicals, Inc., Allentown, Pa.	3293
3302-X	Do	3302
3302-X	Chemetron Corp., Chicago, Ill	3302
3737-X	U.S. Department of the Army, Washington, D.C.	3737
4239-X	Fenwal Inc., Ashland, Mass	4239
4404-X	SunOlin Chemical Co., Claymont, Del.	4404
5454-X	Allied Chemical Corp., Morristown, N.J.	5454
5520-X	Pennwalt Corp., Philadelphia, Pa.	5520
5526-X	Allied Chemical Corp., Morristown, N.J.	5526
5867-X	Stauffer Chemical Co., Westport, Conn.	5867
5912-X	United States Lines, Inc., New York, N.Y.	5912
6145-X	Kerr-McGee Chemical Corp., Oklahoma City, Okla.	6145
6173-X	Allied Chemical Corp., Morristown, N.J.	6173
6250-X	National Aeronautics and Space Administration, Washington, D.C.	6250
6299-X	Minnesota Valley Engineering, New Prague, Minn.	6299
6333-X	Allied Chemical Corp., Morristown, N.J.	6333
6464-X	Bay State Gas Co., Canton, Mass.	6464
6464-X	Fitchburg Gas & Electric Light Co., Canton, Mass.	6464
6464-X	Public Service Electric & Gas Co., Newark, N.J.	6464
6464-X	L. P. Transportation, Inc., Chester, N.Y.	6464
6464-X	Boston Gas Co., Malden, Mass	6464
6501-X	Goex, Inc., Cleburne, Tex	6501
6607-X	Bio-Lab, Inc., Conyers, Ga	6607

Application No.	Applicant	Renewal of exemption
6614-X...	Continental Chemical Co., Sacramento, Calif.	6614
6629-X...	Fenwal Inc., Ashland, Mass.....	6629
6637-X...	Advanced Chemical Technology, city of Industry, Calif.	6637
6672-X...	Tavco, Inc., Chatsworth, Calif	6672
6686-X...	Airco Welding Products, Union, N.J.	6686
6688-X...	Norris Industries, Los Angeles, Calif.	6688
6720-X...	Sea-Land Service, Inc., Elizabeth, N.J.	6720
6755-X...	Lincoln Welding Supply Co., Lincoln, Nebr.	6755
6774-X...	Hydraulic Research Textron, Pacoima, Calif.	6774
6787-X...	Advanced Chemical Technology, City of Industries, Calif.	6787
6798-X...	Allied Chemical Corp., Morristown, N.J.	6798
6838-X...	Douglas Aircraft Co., Long Beach, Calif.	6838
6883-X...	Hedwin Corp., Balitimore, Md.,	6883
6959-X...	Stauffer Chemical Co., Westport, Conn.	6959
6964-X...	Union Carbide Corp., Bound Brook, N.J.	6964
7011-X...	Advanced Chemical Technology, City of Industries, Calif.	7011
7056-X...	Virginia Chemicals, Inc., Portsmouth, Va.	7056
7060-X...	Federal Express Corp., Memphis, Tenn.	7060
7072-X...	Container Corporation of America, Wilmington, Del.	7072
7094-X...	Diamond Shamrock Corp., Cleveland, Ohio.	7094
7227-X...	Airco Industrial Gases, Houston, Tex.	7227
7228-X...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7228
7234-X...	Do.....	7234
7280-X...	U.S. Department of the Navy, Washington, D.C.	7280
7409-X...	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	7409
7480-X...	Air Products and Chemicals Inc., Allentown, Pa.	7480
7528-X...	Central Steel Drum Co., Newark, N.J.	7528
7541-X...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7541
7578-X...	U.S. Department of the Army, Washington, D.C.	7578
7622-X...	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	7622
7626-X...	General Steamship Corp., Ltd., San Francisco, Calif.	7626
6464-X...	Fall River Gas Co., Fall River, Mass.	6464
3307-P....	Gulf Oil Chemicals Co., Merriam, Kan.	3307
3563-P....	U.S. Department of Commerce, Silver Spring, Md.	3563
3992-P....	Olin Chemicals Group, Stamford, Conn.	3992
5951-P....	SEC Corp., El Paso, Tex	5951
5972-P....	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	5972
6614-P....	Sun Swimming Pool Chemicals, Livonia, Mich.	6614
6616-P....	Charles R. Teas & Co., Chicago, Ill.	6616
6616-P....	C. A. Sabah & Co., Inc., Concord, Calif.	6616
6616-P....	Glenmart Co., Inc., Los Angeles, Calif..	6616
6616-P....	All Fire Protection, Inc., Mineola, N.Y.	6616
6672-P....	Department of Energy, Washington, D.C.	6672
6927-P....	Great Lakes Chemical Corp., West Lafayette, Ind.	6927
7005-P....	Tank Container International, Schaumberg, Ill.	7005
7052-P....	National Semiconductor Corp., Santa Clara, Calif.	7052
7060-P....	Pocono Airlines Inc., Avoca, Pa.	7060
7066-P....	Societe Anonyme Pour L'Industrie Chimique, France.	7066
7503-P....	Tank Container International, Schaumberg, Ill.	7503
7695-P....	do.....	7695
7792-P....	Cosden Oil & Chemical Co., Dallas, Tex.	7792
7792-P....	American Petrofina Company of Texas, Dallas, Tex.	7792
7792-P....	Mobil Oil Co., New York, N.Y.	7792

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 CFR U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on January 6, 1978.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc. 78-847 Filed 1-11-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of meetings and site visits by the National Highway Safety Advisory Committee's Adjudication and Alcohol Subcommittee. The subcommittee will conduct a business meeting on January 29 from 5:30 p.m. to 7:30 p.m. in the Cavalier Room of the Four Seasons Motor Inn on Carlisle Boulevard NE., Albuquerque, N. Mex.

The subcommittee is planning to make site visits to several New Mexico Indian Reservations from January 30 through February 3 to collect information on the problems in adjudicating alcohol-related driving offenses among various Indian nations.

Following the site visits, the subcommittee will hold a business meeting on February 3 from 8:30 a.m. to 10:30 a.m. at the Albuquerque Hilton Inn on University Street in Albuquerque, N. Mex., to discuss the findings from the sites visited and to begin preparation of the report.

Attendance at the business meetings is open to the interested public but limited to the space available. With the approval of the chairman, members of the public may present oral statements at the meetings. Any member of the public may present a written statement to the subcommittee at any time.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on January 6, 1978.

WM. H. MARSH,
Executive Secretary.

[FR Doc. 78-746 Filed 1-11-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[No. 564]

ASSIGNMENT OF HEARINGS

JANUARY 9, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 143517 Empire Trucking Co., now being assigned February 14, 1978, for hearing at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 95540 (Sub-No. 990), Watkins Motor Lines, Inc., now being assigned March 8, 1978, for hearing at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 133966 (Sub-No. 49), North East Express, Inc., now being assigned March 8,

1978, for hearing at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 116101 M1, Quick Air Freight, Inc., now assigned January 16, 1978, at Columbus, Ohio, is cancelled and transferred to Modified Procedure.

MC 120257 (Sub-39), K. L. Breedne & Sons, Inc., now assigned January 17, 1978, at Little Rock, Ark. is cancelled, and transferred to Modified Procedure.

MC-C-9754, Carolina Coach Co., Inc. v. Hopkins Motor Coach, Inc. and MC 48315 (Sub-7), Hopkins Motor Coach, Inc., now being assigned February 7, 1978, for continued hearing at the offices of the Interstate Commerce Commission in Washington, D.C., commencing at 10:30 a.m. local time.

MC 114761 (Sub-11), Getter Trucking, Inc., now assigned January 31, 1978, at Houston, Tex. is cancelled, application dismissed.

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

[FR Doc. 78-887 Filed 1-11-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 9, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before January 27, 1978.

FSA No. 43487, Southwestern Freight Bureau, Agent's No. B-723, on annual volume rates on tank-car loads of paranitrochlorobenzene between East St. Louis, Ill. and St. Louis, Mo. on the one hand and, Baytown, Houston, and Texas City, Tex., on the other, in supplement 25 to its tariff 12-K, ICC 5272, to become effective February 5, 1978. Grounds for relief—market competition and rate relationship.

By the Commission.

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

[FR Doc. 78-878 Filed 1-11-78; 8:45 am]

[7035-01]

[Notice No. 280]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carriers, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before February 13, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77450, filed December 5, 1977. Transferee: CHIPPEWA TRANSPORT CO., 1616 Terminal Drive, Saginaw, Mich. 48601. Transferor: Mackinaw Co., 1500 Pine Street, Essexville, Mich., 48732. Applicants' representative: John W. Bryant, 900 Guardian Building, Detroit, Mich., 48226. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 129290 and MC 129290 (Sub-No. 2), issued April 5, 1968, and May 11, 1977, respectively, as modified by order dated July 1, 1977, as follows: *Cement*, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corp. as Essexville, Mich., to points in Indiana and Ohio; and *cement*, in bulk, in tank vehicles, from the plantsite of Aetna Cement Corp. at Essexville, Mich., to the port of entry on the United States-Canada Boundary line at Detroit, Mich. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-77464, filed December 19, 1977. Transferee: JOEL E. HARTUNG, doing business as JOEL HARTUNG TRUCKING, Rte. 1, Elmwood, Wis. 54740. Transferor: Jack W. VanSchoonhoven, doing business as Jack W. Van, Box 43, Elmwood, Wis. 54740. Applicants' representative: F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 36179, issued November 14, 1963, as follows: General commodities (with usual exceptions). From South St. Paul, Minneapolis, and St. Paul, Minn., to points in the towns of Spring Lake, Gilman, El Paso, Rock Elm, and Union, Pierce County, Wis., between Elmwood, Wis., and points in the towns of Weston and Eau Galle, Dunn County, Wis., the town of Rock Elm, Pierce County, Wis., and the town of Waterville, Pepin County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, Newport and Minneaoplis, Minn. *Agricultural commodities* and *livestock*, from points in the towns of Spring Lake, Gilman, El Paso, Rock Elm, and Union, Pierce County, Wis., to South St. Paul, Minneaoplis, St. Paul, and Newport, Minn. *Flour* and *feeds*, from Hastings, Minn., to Eau Galle, Wis., and points within 15 miles of Eau Galle, Wis. *Livestock, feeds, flour*, and *farm machinery and parts*, between Eau Galle, Wis., and points within 15 miles of Eau Galle, Wis., on the one hand, and, on the other, Minneaoplis, St. Paul, South St. Paul, and Newport, Minn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77467, filed December 20, 1977. Transferee: BRAZEAU TRANSPORT, INC., 6600 Chemin St. Francois, Ville, St. Laurent, Quebec, Canada. Transferor: Provincial Oil Carriers Co. Ltd., 6360 Notre Dame St. East, Montreal, Quebec, Canada. Applicants' representative: Edwared L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, N.J. 07006. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 135115 (Sub-No. 1), issued September 13, 1972, as follows: *Fuel oil, liquid asphalt, and gasoline*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located in New York, New Hampshire, Vermont, and Maine to points in New York, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77475, filed December 28, 1977. Transferee: THOMAS J. WOODBURN, doing business as QUALITY TRANSFER & STORAGE CO., Route 235 North, P.O. Box 97, Lexington Park, Md. 20653. Transferor: L & M Van Lines, Inc., Route 235 North, P.O. Box 97, Lexington Park, Md. 20653. Applicants' representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 135252 (Sub-No. 1) issued March 8, 1972, as follows: *Used Household Goods* with restrictions, between points in Saint

Marys, Calvert, Charles, and Prince Georges Counties, Md. Transferee presently holds no authority from the Commission. Application has not been filed for temporary authority under Section 210a(b).

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

[FR Doc. 78-876 Filed 1-11-78; 8:45 am]

[7035-01]

[Volume No. 52]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

JANUARY 6, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition maters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 119547 (Sub-No. 27) (M1) (notice of filing of petition to modify certificate), filed October 10, 1977. Petitioner: EDGAR W. LONG, INC., Route 4, Zanesville, Ohio 43701. Petitioners representative: Richard Brandon, POB 97, Dublin, Ohio 43017. Petitioner holds a motor *common carrier* certificate in No. MC 119547 (Sub-No. 27) issued April 5, 1973, authorizing transportation over irregular routes of *glassware,* from the plantsite and warehouse facilities of Federal Glass Co. at Columbus, Ohio to New Orleans, La. and points in that part of West Virginia on and east of a line beginning at the West Virginia-Virginia State line near Bluefield, W. Va. and extending along West Virginia Highway 20 to junction with West Virginia Highway 4 near Rock Cave. W. Va. thence north along West Virginia Highway 4 to the junction of U.S. Highway 219 to the West Virginia-Maryland State line, and to points in Alabama, Arizona, California, Colorado, Georgia, Idaho, Mississippi, Montana, New Mexico, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The authority being restricted to the transportation of shipments originating at the named origins. Petitioner, by the instant petition seeks to modify the above numbered certificate by removing the following language "the plantsite and warehouse facilities of Federal Glass Company of".

No. MC 119628 (notice of filing of petition to add an additional contracting shipper), filed October 7, 1977. Petitioner: GARMARC TRANSPORTATION CO. INC., 10 Independence St., Rochester, N.Y. 14611. Petitioner's representative: S. Michael Richards, POB 225, Webster, N.Y. 14580. Petitioner holds a motor *contract carrier* permit in No. MC 119628, issued May 24, 1965, authorizing transportation over irregular routes, of: *Meats, meat products, and meat byproducts,* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates; between Rochester, N.Y. on the one hand and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify its permit by the addition of the name of Double B Packing as an additional contracting shipper.

MC 128021 (Sub-No. 9), MC 128021 (Sub-No. 19) M1 (notice of filing of petition to add an origin and destination point), filed September 12, 1977. Petitioner: DIVERSIFIED TRUCKING CORP., 306 Columbus Parkway, Opelika, Ala. 38601. Petitioners representative: Robert E. Tate, P.O.B. 517, Evergreen, Ala. 36401. Petitioner holds a motor *contract carrier* Certificate in No. MC 128021 (Sub-No. 9) issued December 10, 1094 and MC 128021 (Sub-No. 19) issued April 12, 1976, over *irregular routes* transporting in MC 128021 (Sub-No. 9): *Charcoal, vermiculite, and hickory chips in bags, charcoal lighter fluid (naphtha distillate), and waxed impregnated fireplace logs,* from Springfield, Oreg. to points in Idaho, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California, under continuing contract or contracts with the Kingford Co. of Louisville, Ky. And over *irregular routes* transporting in MC 128021 (Sub-No. 19) as pertinent, *materials and supplies used in the manufacture of charcoal, vermiculite, and hickory chips, charcoal ligher fluid (naphtha distillate), and waxed impregnated fireplace logs,* from points in Idaho, Utah, Colorado, Nevada, Washington, Arizona, Wyoming, and California to Springfield, Oreg.; under continuing contract or contracts with Kingsford Co., Division of Clorox Co. of Louisville, Ky. By the instant petition, petitioner seeks to modify its Permit MC 128021 in part to add Medford, Oreg. as an origin under MC 128021 (Sub-No. 9) and as a point of destination under MC 128021 (Sub-No. 19).

No. MC 138297 (Sub-No. 4) (M1) (notice of filing of petition to substitute a point of destination), filed October 12, 1977. Petitioner: CENTRAL FLORIDA COACH LINES, INC., POB 127, Mountaintop, Pa. 18707. Petioner's representative: Joseph Hoary, 121 South Main Street, Taylor, Pa. 18517. Petitioner holds a motor *common carrier* Certificate in No. MC 138297 (Sub-No. 4), issued May 16, 1977, authorizing transportation over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between the following named points as well as points within 10 miles thereof: Cocoa Beach, Orlando, St. Augustine, and Tallahassee, Fla., Cartersville and Savannah, Ga., Lexington, Ky., Chicago, Ill., New Orleans, La., Worcester, Mass., Minneapolis, Minn., St. Louis, Mo., Somerville, N.J., Lumberton, N.C., Boston Heights, Bowling Green, and Perrysburg, Ohio, Buck Horn, Dillsburg, Hazelton, Philadelphia, and White Haven, Pa., and Fredericksburg, Va. The authority granted is restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation on separate automobile transporters pursuant to the authority set forth in No. MC 142317 (Sub-No. 1). By the instant petition, petitioner seeks the substitution of Lima, Ohio in lieu of Bowling green, Ohio, contained in the territorial description of the authority granted in MC 138297 (Sub-No. 4).

No. MC 139206 (M-1), Petition for modification of permit to add additional contracting shipper, filed December 15, 1977. Petitioner: F.M.S. TRANSPORTATION, INC., P.O. Box 1597, Maryland Heights, Mo. 63043. Petitioner's Representative: E. Stephen Heisley, 666 11th Street NW., Suite 805, Washington, D.C. 20001. By permit served December 6, 1977, petitioner is authorized to conduct operations, as a *contract carrier,* by motor

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

vehicle, over irregular routes, transporting: (1) *Textiles and textile products, chemicals, and materials, equipment and supplies,* used in the sale, manufacture, processing, production, and distribution of textiles and textile products and chemicals (except commodities in bulk), between Arlington, Laredo, Brenham, and Houston, Tex., Wellsville, Mo., and Johnson City, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) (a) *stereo speakers with cabinets, grills, and bases,* and (b) *parts and accessories* for the commodities in (2) (a) above, and (3) *materials, equipment, and supplies,* used in the manufacture, sale, processing, production, packaging, and distribution of the commodities in (2) above (except commodities in bulk), between Santa Ana, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The operations authorized herein are limited to the following conditions: (1) said operations are limited to a transportation service to be performed under a continuing contract or contracts, with Chromalloy American Corp. In the instant petition for modification of permit, petitioner seeks to add Chromalloy Electronics Corp. of St. Louis, Mo. as an additional contracting shipper in the aforesaid permit No. MC 139206.

Note.—Petitioner has also filed a motion to dismiss the instant petition on the grounds that the relief requested in the aforesaid petition is not required by the Commission's rules and regulations or its decisions. Chromalloy Electronics Corp. is a subsidiary of petitioner's present contracting shipper.

No. MC 140581 (Sub-No. 2) M1 (notice of filing of petition to modify certificate), filed October 12, 1977. Petitioner: TOMMY HAGWOOD, d.b.a. HAGWOOD ENTERPRISES, Route 1, Box 222A, Trafford, Ala. 35172. Petitioner's representative: William Jackson Jr., 3426 North Washington Boulevard, POB 1267, Arlington, Va. 22210. Petitioner holds a motor *common carrier* certificate in No. MC 140581 (Sub-No. 2), issued February 2, 1977, authorizing transportation over irregular routes, transporting: *Used automobiles,* in truckaway service, between points in California, Oregon, Washington, and Montana, on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas. Between points in California, Oregon, and Washington, on the one hand, and on the other, points in Nebraska. Between points in Montana, on the one hand, and on the other, points in Illinois and Missouri. Between points in Nebraska, and Ohio on the one hand, and on the other, points in Arkansas, Kansas, Mississippi, Oklahoma, and Texas. Between points in Tennessee, on the one hand, and on the other, points in Arkansas, Kansas, Nebraska, Oklahoma, and Texas (except from Memphis, Tenn., to points in Oklahoma and Texas, and, Houston and Freeport, Tex., to points in Tennessee. Between points in Arkansas, on the one hand, and on the other, points in Kansas, Missouri, and Oklahoma. Between points in Texas and Oklahoma, on the one hand, and on the other, points in Mississippi, except from Houston and Freeport, Tex., to points in Mississippi. Restriction: The authority granted herein is restricted to the transportation of used automobiles originating at or destined to the facilities of Littleton Leasing & Investment Co., Inc., or used automobiles owned or leased by Littleton Leasing & Investment Co., Inc. By the instant petition, petitioner seeks to modify the certificate by deleting the restriction set forth in the last paragraph of his certificate MC 140581 (Sub-No. 2).

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if not representative is named.

No. MC 110563 (Sub-No. 193) (Republication), filed December 8, 1976, published in the FEDERAL REGISTER issue of January 13, 1977, and republished this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. The Initial Decision of the Administrative Law Judge, dated October 4, 1977, and served October 13, 1977, became the order of the Commission by a notice dated November 2, 1977, and served November 21, 1977. Said Initial Decision finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Confectionary* (except in bulk), in vehicles equipped with mechanical refrigeration, from Chicago and Carol Stream, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities utilized by E. J. Brach & Sons, Division of American Home Products Corp., located or near Chicago and Carol Stream, Ill., and restricted to traffic originating at the named origin points and destined to the named destination States; that applicant is fit, willing, and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include Maine, New Hampshire, Ohio, and Vermont as additional destination points as reflected in applicant's actual grant of authority.

No. MC 113678 (Sub-No. 653) (Republication), filed February 7, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. An Order of the Commission, Review Board Number 2, dated September 12, 1977, and served September 26, 1977, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *Mineral micronutrients* used in the manufacture of plant and animal food (except in bulk), (1) from Beckemeyer, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and (2) from Cedartown, Tifton, and Arlington, Ga., and Lakeland, Fla., to points in the United States in and west of Ohio, Kentucky, Tennessee, and Alabama (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's actual grant of authority.

No. MC 115162 (Sub-No. 352) (Republication), filed March 7, 1977, published in the FEDERAL REGISTER issue of April 21, 1977, and republished this issue. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). An Order of the Commission, Review Board Number 3, dated September 15, 1977, and served September 26, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Doors, door parts,* and *materials and supplies* used in the manufacture of doors, except commodities in bulk, in tank vehicles, (1) between Cameron, Tex., on the one hand, and, on the other, points in Oklahoma, Louisiana, and Mississippi, and (2) between Tupelo, Miss., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Pennsylvania, West Virginia, and Texas, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to reflect applicant's actual grant of authority.

No. MC 142028 (Sub-No. 4) (Republication) (Correction), filed December 7, 1976, published in the FEDERAL REGISTER issues of January 13, 1977, and December 8, 1977 and republished as corrected this issue. Applicant: TRAVIS TRUCKING CO., INC., R.D. No. 1, Benton, Pa. 17814. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth St. NW., 366 Executive Bldg., Washington, D.C. 20005. By order of the Commission in No. MC 142028 (Sub-No. 4), entered August 4, 1977, and served August 10, 1977, Travis Trucking Co., Inc. was substituted as applicant in this proceeding in lieu of Eli G. Travis, d.b.a. Travis Trucking Co. An Order on Further Proceedings, Review Board Number 3, dated September 20, 1977, and served October 4, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpick dispensers,* and *sporting goods and accessories,* from the facilities of Forster Manufacturing Co. Inc., at or near Wilton, Maine, to points in New Jersey (except points north of a line beginning at the intersection of New Jersey Highway 33 and the Pennsylvania-New Jersey State line and extending east over New Jersey Highway 33 to the intersection of New Jersey Highway 33 and U.S. Highway 130, thence over U.S. Highway 130 to the junction of U.S. Highway 130 and New Jersey Highway 33 and continuing east over New Jersey Highway 33 to the Atlantic Ocean at a point south of Asbury Park, N.J.), Delaware, Pennsylvania, Maryland, Virginia, New York (except New York, N.Y., and Nassau and Suffolk Counties, N.Y.) and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate (1) the grant of common carrier authority in lieu of contract carrier authority; and (2) the grant of service to named points in New York. The purpose of this republication is to include the applicant's actual request of authority which was inadvertently omitted in a previous FEDERAL REGISTER notice.

No. MC 141278 (Sub-No. 4), filed February 27, 1976, published in the FEDERAL REGISTER issue of April 8, 1976, and republished this issue. Applicant: CHARLES W. SIRCY CORP., 434 Atlas Drive, Nashville, Tenn. 37072. Applicant's representative: Roland M. Lowell, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. By Order of the Commission in No. MC 141278 (Sub-No. 4), dated November 30, 1977, Indiana Refrigerator Lines, Inc. (P.O. Box 552, Muncie, Ind. 47305) was substituted as applicant in this proceeding in lieu of Charles W. Sircy Corp. The same Order, Division 1, Acting as an Appellate Division, served December 8, 1977, finds on further consideration that the present and future public convenience and necessity require operation by the substituted applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides, skins, and pieces therefrom and commodities in bulk), (1) from Nashville and Clarksville, Tenn., and Kinston, N.C., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming), restricted against the transportation of shipments from Kinston, N.C., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (2) from points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Iowa, Kansas, Michigan, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, Utah, Washington, and Wyoming) to Nashville and Clarksville, Tenn.; and (3) from points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Michigan, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, and Wyoming) to Kinston, N.C. The substituted applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is (1) to indicate the substitution of applicant in this proceeding; and (2) to indicate the grant of common carrier authority in lieu of contract carrier authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not

intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 730 (Sub-No. 410), Filed November 21, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, calif. 94612. Applicant's representative: E. E. Reddick (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Air Coolers or Air Conditioners*, with or without heating apparatus, between the plant site of McQuay-Perfex Industries, located in Faribault, Minn., on the one hand, and on the other, all points in the United States (excluding Hawaii and Alaska).

NOTE.—Common Control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minnesota or San Francisco, Calif.

No. MC 5623 (Sub-No. 36), filed November 21, 1977. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, Okla. 74105 Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt storage silos and component parts thereof*, from the plantsite of CMI Corp. located at or near Oklahoma City, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 11207 (Sub-No. 408), filed November 16, 1977. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pipe, Pipe fittings, hydrants, valves, valve boxes and water boxes*, from Holt, Ala. to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala. or Montgomery, Ala.

No. MC 13123 (Sub-No. 92), filed November 21, 1977. Applicant: WILSON FREIGHT COMPANY, a corporation, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Applicant's representative: Milton H. Bortz 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the site of K-Mart Corp. located in Coweta County, Ga., as an off-route point in connection with carrier's otherwise authorized regular route operations.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio.

No. MC 19778 (Sub-No. 100), filed November 21, 1977. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION CO., a corporation, Suite 508, 516 West Jackson Boulevard, Chicago, Ill. 60606. Applicant's representative: Jerome Anderson, Suite 100 Transwestern Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, from Sioux Falls, S. Dak., to points in that part of Oklahoma on and east of U.S. Highway 81.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Pierre, S. Dak.

No. MC 63417 (Sub-No. 119), filed November 18, 1977. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, N.C., to points in the states of Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia; (2) *Materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and *returned empty malt beverage containers* (except commodities in bulk), from points in the states of Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia, to Eden, N.C.

NOTE.—If oral hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 69116 (Sub-No. 196), filed November 21, 1977. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of National Presto Industries, Inc., Canton Sales and Storage Co. Division, at or near Canton, Miss., as an off-route point in connection with applicant's otherwise authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., Memphis, Tenn., or Chicago, Ill.

No. MC 73165 (Sub-No. 424), filed November 21, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, boilers and boiler parts (valves), coal crusher-feeders and burners, fabricated steel weldments, steel castings, and steel plate*, from plant sites of Riley Stoker Corp., located at, Erie, Pa. and Sapulpa, Okla. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 75406 (Sub-No. 44), filed November 15, 1977. Applicant: SUPERIOR FORWARDING CO., INC., 2600 South Fourth St., St. Louis, Mo. 63118. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between junction U.S. Highway 79 and Arkansas Highway 86 and junction Arkansas Highway 86 and U.S. Highway 49, serving all intermediate points, including Holly Grove, Ark.; from junction U.S. Highway 79 and Arkansas Highway 86, over Arkansas Highway 86 to junction U.S. Highway 49, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 105375 (Sub-No. 74), filed November 15, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Joseph A.

Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of CF Industries, Inc. located at or near Albany, Ill., to points in Illinois, Iowa, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn.

No. MC 106674 (Sub-No. 269), filed November 21, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards and materials and supplies* as are used for installation and distribution of the aforementioned products (except commodities in bulk) from Danville, Va. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill. or Indianapolis, Ind.

No. MC 107445 (Sub-No. 13), filed November 15, 1977. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, Ind. 46225. Applicant's respresentative: K. Clay Smith, 940 West Troy Avenue, Indianapolis, Ind. 46225. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and iron and steel extrusions*, from the facility of Curtiss-Wright Corp., at Buffalo, N.Y. to points in the United States (exept Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y. or Indianapolis, Ind.

No. MC 109397 (Sub-No. 375), filed November 21, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Bulk conveyor systems, pressure vessel systems, heating and cooling systems, antipollution systems;* and (2) *parts, equipment and accessories* for items in (1) above; from Houston, Tex. to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Houston or Dallas, Tex.

No. MC 110064 (Sub-No. 5), filed November 21, 1977. Applicant: BILL MEEKER, 1632 N. Mosley, Wichita, Kans. 67202. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Malt Beverages and Advertising Matter*, from Milwaukee, Wis. to Wichita, Kans., under a continuing contract or contracts with S&M Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 112989 (Sub-No. 57), filed November 18, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Building, 200 SW. Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *plastic or rubber*, expanded, from the plantsites of The General Tire and Rubber Co. at Orange and Hayward, Calif., to points in Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Oreg. or San Francisco, Calif.

MC 115162 (Sub-No. 395), filed November 21, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk, in tank vehicles) and *filters*, from points in Marion County, Tenn. to points in the United States (except Alaska and Hawaii), restricted to traffic originating at points in Marion County, Tenn.; (II) *Materials, supplies and equipment* used in the manufacture, sale, and distribution of the commodities named in Part I above (except commodities in bulk, in tank vehicles) from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky, to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.; and (III) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk, in tank vehicles) and *filters* from points in Ohio, New York, Rhode Island, Pennsylvania, West Virginia to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 115651 (Sub-No. 37), filed November 10, 1977. Applicant: KANEY TRANSPORTATION, INC., 7222 W. Cunningham Road, Rockford, Ill. 61102. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce as a *common carrier* by motor vehicle over irregular routes transporting: *Solvents*, in bulk, in tank vehicles, from the plantsite and storage facilities of Amsco Division, Union Oil Co., located at or near Lemont, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin.

NOTE.—(1) Applicant states that common control may be involved. (2) If a hearing is deemed necessary applicant requests that hearing be held in Chicago, Ill.

MC 117686 (Sub-No. 194), filed November 21, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Such *commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, from Northfield, Minn. to Fargo, N. Dak.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn. or Omaha, Nebr.

No. MC 120181 (Sub-No. 8) filed November 14, 1977. Applicant: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, Mo. 63077. Applicant's representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Potosi, Mo., and the Missouri plantsites, mining sites, milling sites, property, and storage facilities of the St. Joe Lead Co. and the Meramec Mining Co., and points within 5 miles thereof, on the one hand, and, points in Kansas, Mo., and Oklahoma, on the other.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC. 123407 (Sub-No. 400) (correction), filed August 29, 1977, previously Noticed in the FEDERAL REGISTER issue of October 6, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Building and construction materials, and iron and steel articles,* from the plant sites or warehouses of Penn-Dixie Steel Corp. at or near Albuquerque, N. Mex.; Denver, Colo.; Blue Island, Joliet and Chicago, Ill.; Grand Rapids, Lansing, Petroskey, Holland, and Detroit, Mich.; Toledo and Columbus, Ohio; Winterset, Centerville, and West Des Moines, Iowa; Fort Wayne and Kokomo, Ind.; Jackson, Miss.; Kingsport, Knoxville, and South Pittsburg, Tenn.; Salisbury, N.C.; Atlanta, Ga.; Nazareth, Pa.; and Milwaukee, Wis.; to points in the United States (except Alaska and Hawaii), restricted against the transportation of iron and steel articles, from Joliet, Ill., to points in Kansas, Minnesota, Nebraska, and South Dakota, and further restricted against the transportation of iron and steel articles, from Kokomo, Ind., to points in Delaware, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Dakota, Pennsylvania, South Dakota, Texas, West Virginia, and Wisconsin; and (2) *materials and supplies* used in the manufacture of building and construction materials and *iron and steel articles,* from points in the United States (except Alaska and Hawaii), to origin point listed in Part (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.; or Indianapolis, Ind. The purpose of this correction is to clarify restrictions to the operations requested in Part (1). Prehearing conference: January 31, 1978, at 9:30 a.m. local time, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 124947 (Sub-No. 87), filed November 21 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting silos, steel, knocked down and parts; unloaders; tanks, grain storage; filter tanks, parts and accessories, from Buckner, Ky. to New Mexico, Texas, Oklahoma, Nebraska, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky. or Cincinnati, Ohio.

No. MC 133689 (Sub-No. 158), filed November 21 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112: Applicant's representative: Robert P. Sack. P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes transporting: (1) such merchandise as is dealt in by discount and variety stores (except foodstuffs and commodities in bulk) and (2) Foodstuffs (except commodities in bulk) in mixed shipments with commodities described in (1) above. From Jersey City, N.J.; Newark, N.J. and Boston, Mass. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, restricted to shipments originating at the named origins and destined to the facilities of K Mart Corp. at the specified destinations.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minnesota.

No. MC 134183 (Sub-No. 3), filed November 18 1977. Applicant: C.E. ZUMSTEIN, d.b.a. C.E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, Ohio 45338. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Casket components, steel stampings, and doors,* and (2) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities in (1) above, between Richmond, Indiana, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Johnson Sheet Metal Works Corp.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Toledo, Ohio.

No. MC 135684 (Sub-No. 58), filed November 21, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Rd., Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic products, from Bohemia, Long Island, N.Y., to points in Illinois, Michigan, Minnesota, and Ohio.*

NOTE.—Applicant holds contract carrier authority in No. MC 87720 (Sub-No. 145) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 136285 (Sub-No. 28) (Amendment), filed September 14, 1977, published in the FEDERAL REGISTER of November 3, 1977, and republished as amended this issue.

Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular-routes, transporting: *Clay, floorsweeping compounds and absorbents,* from points in Thomas County, Ga., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, Texas, and Louisiana, (except points in Georgia and Flordia.) The purpose of this amendment is to broaden the commodity description.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 136605 (Sub-No. 39), filed November 16, 1977. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski, (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the construction, erection, installation and packaging of precut log and wood homes and buildings, from points in that part of the United States in and west of Michigan, Indiana, Illinois, Missouri, Arkansas, and Texas, except Alaska and Hawaii, to the plantsite and storage facilities of Real Log Homes, Inc. located near Missoula, Mont.; and (2) *Windows, doors, and millwork,* between the plantsites and storage facilities of Real Log Homes, Inc. located at points in Oregon, Montana, Wisconsin, Arkansas, and California, restricted in (1) and (2) to traffic originating at or destined to the plantsites and storage facilities of Real Log Homes, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Billings or Missoula, Mont.

No. MC 138073 (Sub-No. 2), filed November 18, 1977. Applicant: BUF-AIR FREIGHT, INC., 160 Sugg Road, Cheektowaga, N.Y. 14225. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between air freight facilities at or near the Greater Buffalo International Airport, Cheektowaga, N.Y., on the one hand, and, on the other, points in Allegany, Cattaraugus, and Chautauqua Counties, N.Y., and points in Elk, McKean,

and Warren Counties, Pa. Restricted to the transportation of traffic (a) having a prior or subsequent movement by air, and (b) picked up and delivered on the same day.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Buffalo, N.Y. Common control may be involved.

No. MC 138468 (Sub-No. 3) (correction), filed August 29, 1977, and published in the FEDERAL REGISTER issue of October 20, 1977, and republished this issue. Applicant: BI-COUNTY TRUCKING, INC., Route 1, Box 210, Warden, Wash. 98857. Applicant's representative: Charles C. Flower, 303 East D Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, between Adams, Benton, Franklin, Grant, Walla Walla, and Yakima Counties, Wash., and Baker, Gilliam, malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties, Oreg., and Latah, Kootenai, Nez Pierce, and Shoshone Counties, Idaho; (2) *Liquid fertilizer*, between Whitman County, Wash., and Benewah, Latah, and Lewis Counties, Idaho; (3) liquid feed supplements, between Grant County, Wash., and Missoula, Ravelli, and Teton Counties, Mont., a nonradial movement. The purpose of this republication is to correct applicant's territorial description in (2) above.

NOTE.—If a hearing is determined necessary, applicant requests it be held at Yakima, Wash.

No. MC 139495 (Sub-No. 287), filed November 21, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except in bulk), from Temple, Tex., to Alabama, Arkansas, Arizona, California, Colorado, Georgia, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, and Tennessee; and (2) *materials and supplies* used in the manufacture and distribution of plastic articles from Alabama, Arizona, Arkansas, California, Colorado, Georgia, Florida, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Minnesota, Missouri, New Jersey, New Mexico, Oklahoma, Oregon, Pennsylvania, and Tennessee, to Temple, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140755 (Sub-No. 48), filed November 21, 1977. Applicant: BRAY TRANSPORTS, INC., 1401 North Little Street, P.O. Box 270, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid propane gas*, in bulk, in tank vehicle, from Conway, Kans., or Jasper, Mo., to Grafton, Wis.; Winchester, Ky.; Mason and Cincinnati, Ohio; and Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Joplin or Kansas City, Mo. Common control may be involved.

No. MC 140927 (Sub-No. 6), filed November 21, 1977. Applicant: F. J. CAREY, Jr., TRANSPORTATION, INC., 35 Brett Street, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Brockton, Mass., to points in Rhode Island and Connecticut.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 143165 (Sub-No. 2), filed November 21, 1977. Applicant: CHARLES W. McCLELLAND, d.b.a. McCLELLAND LUMBER TRANSPORT, Route 3 Park Road Court, Union, Mo. 63084. Representative: Charles W. McClelland (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and blocking material, from the lumber mill and yard of Merritt Lumber Co., Inc., at or near Steelville, Mo., to Portage, Burns Harbor, Gary, Valparaiso, and Hammond, Ind.; Chicago Heights, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, under a continuing contract or contracts with Merritt Lumber Co., Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis or Jefferson City, Mo.

No. MC 143291 (Sub-No. 1) (correction), filed August 1, 1977, published in the FEDERAL REGISTER issue of September 8, 1977, and republished as corrected this issue. Applicant: RAYLS BROTHERS TRANSFER, INC., North Dixie Highway, Box 342, Hoopeston, Ill. 60942. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, unfrozen, from the plantsites and facilities of Joan of Arc Co., Inc., at Hoopeston and Princeville, Ill., to points in Indiana, Iowa, Kentucky, Michigan, and Missouri. The purpose of this correction is to substitute Princeville, Ill., for Princeton, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 143921, filed October 31, 1977. Applicant: BAMA EXPRESS, INC., P.O. Box 222, Tuscaloosa, Ala. 35401. Applicant's representative: Donald B. Sweeney, Jr., 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing paper, building paper, roofing cement, asphaltum, roofing asphalt, prepared roofing, prepared shingles, filter felt, and materials and supplies* used in the installation thereof (except liquid in bulk, in tank vehicles) from Tuscaloosa County, Ala., to points in Georgia, Florida, South Carolina, North Carolina, Virginia, Kentucky, Tennessee, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, and Mississippi; (2) *materials and supplies* used in the manufacture of items in (1) above (except liquid in bulk, in tank vehicles), from the destination States in (1) above, to Tuscaloosa County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tuscaloosa, Ala., or Birmingham, Ala.

No. MC 143973 (Sub-No. 2), filed November 17, 1977. Applicant: JAN-AIR DELIVERY, INC., BAC Building, Greater Buffalo International Airport, Cheektowaga, N.Y. 14225. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between air freight facilities at or near the Greater Buffalo International Airport, Cheektowaga, N.Y. on the one hand, and, on the other, points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, and Wyoming counties, N.Y., and points in Elk, McKean, and Warren Counties, Pa., (1) Restricted to the transportation of shipments having an immediate prior or subsequent movement by air. (2) Restricted to the transportation of shipments to be picked up and delivered on the same day.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

No. MC 143987, filed November 15, 1977. Applicant: M. KORSON & CO., INC., 91 Washington Street, Somerville, Mass. 02145. Applicant's attorney: James E. Mahoney, 84 State

Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, paperboard, and pulpboard products* from Lawrence, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; and (2) *materials, supplies, and equipment* used in the manufacture of paper, paper products, paperboard, and pulpboard products from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania to Lawrence, Mass. The authority sought under parts 1 and 2 above is restricted to traffic moving under a continuing contract or contracts with Lawrence Paperboard Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass., or Providence, R.I. Applicant holds motor common carrier authority in MC 8022 (Sub-No. 1), therefore dual operations may be involved.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13462. Authority sought for purchase by COATS FREIGHT-LINES, INC., 2619 N Street, Omaha, Nebr., 68107, of a portion of the operating rights of Iowa Packers Xpress, Inc., P.O. Box 231, Spencer, Iowa, 51301, and for acquisition by Elmer Adams, 2619 "N" Street, Omaha, Nebr., 68107, of control of such rights through the purchase. Applicants' attorney: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr., 68501. Operating rights sought to be transferred: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), as a common carrier over irregular routes from the plantsite and storage facilities of Missouri Beef Packers, Inc., located at or near Holton, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with restrictions; meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., located at or near Denison and Iowa Falls, Iowa to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with restrictions; meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fort Dodge and Mason City, Iowa, Luverne, Minn., and Dakota City, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, The District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13464. Authority sought for purchase by NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, Minn., 56073, of a portion of the operating rights of Hiawatha Produce Co., 4195 Fourth Street, Winona, Minn., 55987, and for acquisition by Barry Bloedel, P.O. Box 347, New Ulm, Minn., 56073, of control of such rights through the transaction. Vendee's attorney: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn., 55102: Vendor attorney: Allan B. Torhorst, 217 East Jefferson St., P.O. Box 190, Burlington, Wis., 53105. Operating rights sought to be transferred: Foodstuffs, except commodities in bulk, as a common carrier over irregular routes, from the facilities of Land O'Lakes, Inc., at or near Hudson, Iowa, to points in Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the origin and destined to the destination States; Foodstuffs, except commodities, in bulk, as a common carrier over irregular routes, from points in Minnesota and Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of traffic originating at the facilities of Land O'Lakes, Inc., at the above named origins and destined to the above named destinations; Butter, cheese, dried milk powder, eggs, oleomargarine, and poultry products, as a common carrier, over irregular routes, from the facilities of Land O'Lakes, Inc., in Minnesota, Chippewa Falls, Eau Claire, Greenwood, Marshfield, Monroe, Reedsburg, Sauk City, Spencer, Union, Center, Whitehall, and Wyocena, Wis., and Chicago, Ill., to points in Connecticut, Maine, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the above named facilities and destined to the above destination points; as more fully described in Certificate No. MC 135032 (Sub-No. 2, Sub-No. 10 and Sub-No. 16) Vendee is authorized to operate as a common carrier in all 48 States and the District of Columbia under authority in Certificate No. MC 139482 and Subs thereunder. Application has been filed for temporary authority under Section 210a(b).

No. MC-F-13470. Authority sought for purchase by 2-G TRANSPORTATION, INC., 10 East Minnesota Street, Savage, Minn., 55378, of the operating rights of H. B. Nelson & Sons, Inc.; Rodger L. Nelson and Richard D. Nelson, P.O. Box 241, Alexandria, Minn., 56308, and for acquisition by David J. Gilligan, 3901 Heritage Hills Drive, Bloomington, Minn., 55420, of control of such rights through the transaction. Applicants' attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Operating rights sought to be transferred: Used bluegrass stripping machines, during the season extending from June 1 to July 31, both inclusive,

of each year, as a common carrier over irregular routes between points in the territory embracing points in that part of Iowa on and west of U.S. Highway 65 and on and south of U.S. Highway 30; Highway 212 and on and west of a line beginning at Minneapolis, Minn. and extending along Minnesota Highway 169 to Grand Rapids, Minn., thence along Minnesota Highway 38 to Effie, Minn., thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to Big Falls, Minn., and thence along U.S. Highway 71 to International Falls, Minn.; points in that part of Missouri on and west of U.S. Highway 65 and on and north of U.S. Highway 50; points in that part of Nebraska on and east of U.S. Highway 183; and those in that part of South Dakota on and east of U.S. Highway 83. Bags for bluegrass strippings and seeds, during the season extending from June 1 to July 31, both inclusive, of each year, from Kansas City, Mo., to the above-described points in Minnesota and South Dakota, except Minneapolis, Minn., and Sioux Falls, S. Dak., from Barnesville, Minn., to the above-described points in South Dakota, except Minneapolis, Minn., and Sioux Falls, S. Dak., from Barnesville, Minn., to the above-described points in South Dakota. Malt Beverages, from Minneapolis, Minn., to Wahpeton, N. Dak., Beverages and water, from Minneapolis-St. Paul, Minn., to points in North Dakota. Malt beverages from Milwaukee, Wis., to points in Minnesota (except Minneapolis-St. Paul and its commercial zone, as defined by the Commission) and points in North Dakota, from Belleville, Ill., to points in Minnesota and North Dakota, from St. Louis, Mo., to points in that part of Minnesota on or north of U.S. Highway 12 (except Minneapolis-St. Paul and its commercial zone, as defined by the Commission), and points in North Dakota. Malt beverages, from Olympia, Wash. to points in Minnesota; and Empty containers, pallets, and returned shipments of malt beverages, from points in Minnesota to Olympia, Wash. Supplies materials and equipment used in the manufacture, advertising, and distribution of malt beverages, from points in Minnesota to Olympia, Wash.; Antifreeze and lubricating oils and greases, in containers, oil and grease dispensing equipment, hydraulic system components, agricultural crop spray oils, and cleaning agents and solvents, as a contract carrier over irregular routes from Minneapolis and St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, and points in that part of Iowa on and north of U.S. Highway 20, with restrictions: Said operations are limited to a transportation service to be performed, under a continuing contract or contracts with Farm-Oyl Co., of Minneapolis, Minn. Vendee is authorized to operate as a common carrier in Minnesota, Wisconsin, and Illinois. Application has been filed for temporary authority under section 210a(b).

NOTE.—This application was previously filed and docketed MC-FC-77128. Publication of the prior filed 212(b) application took place on June 6, 1977, on page 28954 of the FEDERAL REGISTER. The applicant also filed for temporary authority under section 210a(b). The temporary authority application was published in the FEDERAL REGISTER On May 24, 1977 on page 26499. The temporary authority application was granted June 6, 1977, and served June 22, 1977. The 212(b) application was dismissed for lack of jurisdiction. The applicants were informed to file a section 5 application.

No. MC-F-13474. Authority sought for control by HORN TRANSPORTATION, INC., 3008 East 4th Street, Pueblo, Colo. 81001, of Cargo and Transportation Services, Inc., 530 East 4th Street, Pueblo, Colo., 81002, and for acquisition by John B. Thompson, 344 Mead, Pueblo, Colo., 81001, of control of such rights through the transaction. Applicants' attorneys: John H. Lewis, 1650 Grant St. Building, Denver, Colo., 80203, and H. James Maxwell, 1221 Baltimore, 6th Floor, Kansas City, Mo., 64105. Operating rights sought to be controlled: General commodities, with exceptions as a common carrier over regular routes between Pueblo, Colo. and Manzanola, Colo., serving all intermediate points within 15 miles of Fowler, Colo.: From Pueblo over U.S. Highway 50 to Manzanola, and return over the same route; General commodities, with exceptions as a common carrier over regular routes between Pueblo, Colo. and Scott City, Kans., serving the intermediate points of Blende, Baxter, Vineland, Boone, Olney Springs, Crowley, Ordway, Sugar City, Arlington, Haswell, Eads, Chivington, Brandon, Sheridan Lake, and Towner, Colo., and Tribune, Whitelav, Selkirk, Leoti, Merienthal, and Modoc, Kans.: From Pueblo over Colorado Highway 96 to the Colorado-Kansas State line, and thence over Kansas Highway 96 to Scott City, and return over the same route, with restrictions; General commodities, with exceptions as a common carrier over irregular routes between points within 15 miles of Fowler, Colo. on the one hand and, on the other, points in Colorado. Vendee is authorized to operate as a common carrier in all 48 states (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 29555 (Deviation No. 21), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Building, St. Paul, Minn. 55104, filed December 28, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa, over U.S. Highway 65 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Missouri Highway 23, thence over Missouri Highway 23 to junction Interstate Highway 70, thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Des Moines, Iowa, over U.S. Highway 6 to junction U.S. Highway 275 near Council Bluffs, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71 near Clarinda, Iowa, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

No. MC 30204 (Deviation No. 27), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed December 22, 1977.Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Newark, N.J., over Interstate Highway 95 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highways 13 and 40, thence over U.S. Highway 13 via the Chesapeake Bay Bridge-Tunnel to Norfolk, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Newark, N.J., over U.S. Highway 1 via Baltimore, Md., to Richmond, Va., thence

over U.S. Highway 60 to Norfolk, Va., and return over the same route.

No. MC 30204 (Deviation No. 28), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed December 22, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Pennsylvania Highway 291, thence over Pennsylvania Highway 291 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highways 13 and 40, thence over U.S. Highway 13 via the Chesapeake Bay Bridge-Tunnel to Norfolk, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Philadelphia, Pa., over U.S. Highway 1 via Baltimore, Md., to Richmond, Va., thence over U.S. Highway 60 to Norfolk, Va., and return over the same route.

No. MC 30204 (Deviation No. 29), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., filed December 22, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction Interstate Highway 64, thence over Interstate Highway 64 to Norfolk, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 1 to Richmond, Va., thence over U.S. Highway 60 to Norfolk, Va., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A. 57606 (Partial correction), filed October 5, 1977, published in the FEDERAL REGISTER issue of November 3, 1977, and republished as corrected this issue. Applicant: GEORGE B. SELKO, doing business as GE BE FREIGHT LINE, 3009 Bradshaw Road, Sacramento, Calif. 95827. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: *General commodities*, between the following points, serving all intermediate points on said routes and all off-route points within 20 miles thereof: (1) Redding and Sacramento on Interstate Highway 5, (2) Redding and Yuba City on Interstate Highway 99, (3) Yuba City and Glenbrook Heights on State Highway 20, (4) Yuba City and Manteca on State Highway 99, (5) Sacramento and Colfax on Interstate Highway 80, (6) Sacramento and Placerville on State Highway 50, (7) Sacramento and the San Francisco Territory on Interstate Highway 80, (8) Stockton to Interstate Highway 80 on State Highway 4, (9) Stockton and the San Francisco Territory on Interstate Highways 5, 205, and 580, and (10) the San Francisco Territory as set forth in Appendix A. Applicant may use any and all highways and roads between the areas described for operating convenience (except that Applicant may not transport any shipments of the following: (1) *Used household goods, personal effects and office, store, and institution furniture, fixtures, and equipment*, not packed in accordance with the crated property requirement set forth in Item 5 of Minimum Rate Tariff 4-B, (2) *Automobiles, trucks, and buses*, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, (3) *livestock*, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or ethers, (4) *liquids*, compressed gasses, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles, (5) commodities when transported in bulk in dump trucks or in hopper-type trucks, (6) commodities when transported in motor vehicles equipped for mechnical transit, (7) *cement*, (8) *logs*, (9) articles of unusual or extraordinary value, and (10) shipments (in vehicles equipment with mechnical refrigeration systems). San Francisco Territory.—San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean, thence easterly along said County Line to a point one mile west of State Highway 82, southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road, southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately two miles southwest from Simla to Permanent, easterly along Pollard Road, to West Parr Avenue, easterly along West Parr Avenue to Capri Drive, southerly along Capri Drive, to Division Street, easterly along Division Street, to the Southern Pacific Co. right-of-way, southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits, easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road), northeasterly along South Bascom Avenue, to Foxworthy Avenue, easterly along Foxworthy Avenue, to Almaden Road, southerly along Almaden Road to Hillsdale Avenue, easterly along Hillsdale Avenue to State Highway 82, northwesterly along State Highway 82 to Tully Road, northeasterly along Tully Road, and the prolongation thereof to White Road, northwesterly along White Road, to McKee Road, southwesterly along McKee Road, to Capitol Avenue, northwesterly along Capitol Avenue to State Highway 238 (Oakland Road), northerly along State Highway 238 to Warm Springs, northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward, northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue, easterly along Seminary Avenue to Mountain Boulevard, northerly along Mountain Boulevard to Warren Boulevard (State Highway 13), northerly along Warren Boulevard to Broadway Terrace, westerly along Broadway Terrace to College Avenue, northerly along College Avenue, to Dwight Way, easterly along Dwight Way to the Berkeley-Oakland Boundary Line, northerly along said boundary line to the Campus Boundary of the University of California, westerly, northerly, and easterly along the campus boundary to

Euclid Avenue, northerly along Euclid Avenue, to Marin Avenue, westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to San Pablo Avenue (State Highway 123), northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond, southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street, westerly along said waterfront and shoreline to the Pacific Ocean, southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

NOTE.—The purpose of this partial correction is to indicate the correct (1) named of applicant, and (2) territory sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-741 Filed 1-11-78; 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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[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: 10. Docket 31749, Transatlantic specific commodity rate on books proposed by TWA (Memo No. 7685, BFR, BIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Staff indicated in today's meeting that Memorandum for Board Action No. 7685, entitled, "Transatlantic specific commodity rate on books proposed by TWA," should be deleted from the calendar for January 5 because, upon review, staff found a factual error which cannot be revised in time for submission of a revised Order to the Board for consideration on January 5. Accordingly, the following Board Members voted that agency business requires the deletion of Item 10 from the January 5 agenda and that no earlier announcement of this deletion was possible: Chairman Alfred E. Kahn, Acting Vice Chairman G. Joseph Minetti, Member Elizabeth E. Bailey.

[S-57-78 Filed 1-10-78; 9:47 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, January 17, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: 1. *Litigation Authorization: General Counsel Recommendations:* Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977. 2. *Revised Phasing Plan for Field Office Structure.*

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This Notice Issued January 10, 1978.

[S-60-78 Filed 1-10-78; 2:27 pm]

[6730-01]

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: January 18, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Monthly report of actions taken by the Managing Director pursuant to delegated authority.

2. Agreement No. 7680-36: Modification of the American West African Freight Conference to establish intermodal authority.

3. Agreement No. 9238-8: Modification of the Greece/United States Atlantic Rate Agreement to extend its scope to inland points in Greece; specify voting requirements; revise self-policing procedures; establish a financial guarantee; and make other administrative changes.

4. Agreement No. 10285: Establishment of rate agreement between the Straits/New York Conference and four mini-landbridge carriers.

5. Emergency Surcharges in the North and South Atlantic trades.

6. Docket No. 77-31: Chevron Chemical International, Inc. v. Barber Blue Sea Line—Consideration of request for oral argument.

7. Informal Docket No. 411(F): Supreme Ocean Freight Corporation FMC—1331 v. All Caribbean, Inc.—Review of dismissal of proceeding.

8. Informal Docket No. 387(I): Pan American Health Organization v. Moore-McCormack Lines, Inc.—Review of Decision of Settlement Officer.

PORTIONS CLOSED TO THE PUBLIC

1. Docket No. 77-23: Agreement No. 10294—Petition of hearing counsel for clarification of order of investigation.

2. Docket No. 75-45: *Madeplac S.A. Industria de Madeiras* v. *L. Figueiredo Navegacao, S.A.*, a.k.a. Frota Amazonica, S.A.—Consideration of initial decision on demand.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-63-78 Filed 1-10-78; 2:27 pm]

[4910-58]

4

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, January 19, 1978 [NM-78-3].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first three items will be open to the public; the fourth item will be closed. (Exemption 9B of the Government in the Sunshine Act.)

MATTERS TO BE CONSIDERED:

1. *Aircraft accident report.*—Southern Airways, Inc., DC-9-31, N1335U, New Hope, Ga., April 4, 1977.

2. *Aircraft accident report.*—Allegheny Airlines, Inc., Douglas DC-9, N99V, Philadelphia, Pa., June 23, 1976.

3. *Discussion.*—Communications with accident investigation parties.

4. *Discussion.*—Report by the Bureau of Technology on Boeing 747 Aircraft, as requested by the Imperial Iranian Air Force.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.

[S-61-78 Filed 1-10-78; 2:27 pm]

[7590-01]

5

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: 11 a.m., Monday, January 16, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing on possible impropriety in the use of NMSS's analysis of California Energy Commission's interim report on reprocessing and high level waste disposal.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

JANUARY 9,1978.

[S-59-78 Filed 1-10-78; 11:39 am]

[8010-01]

6

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 16, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, January 17, 1978, at 10 a.m. A closed meeting will be held on Tuesday, January 17, 1978, immediately following the open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members responsible for the calendared matters may be present.

The general counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, January 17, 1978, at 10 a.m., will be:

1. Freedom of Information Act appeal by Frederic J. Milberg, Esq. concerning access to an internal document regarding Pathcom, Inc.

2. Consideration of proposed rule change filed by the Depository Trust Co. to permit the inclusion of interchangeable municipal bonds among the company's eligible securities.

3. Consideration of the delegation of authority to the Director of the Division of Corporation Finance to grant certain exemptive orders on routine applications under the Securities Exchange Act of 1934.

The subject matter of the closed meeting scheduled for Tuesday, January 17, 1978, immediately following the open meeting, will be:

Formal orders of investigation.

Referral of investigative files to Federal, State, or self-regulatory authorities.

Freedom of Information Act appeal.

Settlement of administrative proceeding.

Chapter XI proceeding.

Other litigation matters.

FOR FURTHER INFORMATION CONTACT:

Julian T. Pierce at 202-376-7155 or Linda Schneider at 202-755-1118.

JANUARY 9, 1978.

[S-58-78 Filed 1-10-78; 9:47 am]

[8240-01]

7

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: January 19, 1978, 9 a.m.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

PORTIONS CLOSED TO THE PUBLIC (9 a.m.)

1. Consideration of internal personnel matters.

2. Review of ConRail proprietary and financial information for monitoring and investment purposes.

3. Review of Delaware and Hudson Railway Co. proprietary and financial information for monitoring and investment purposes.

4. Review of Missouri-Kansas-Texas Railroad Co. proprietary and financial information for monitoring and investment purposes.

5. Litigation report.

PORTIONS OPEN TO THE PUBLIC (1 p.m.)

6. Approval of minutes of the December 13, 1977, Board of Directors meeting.

7. Consideration of selection of new ConRail Director.

8. Report on ConRail monitoring.

9. Consideration of ConRail drawdown request for February 1978.

10. Consideration of recommending ConRail waivers to Finance Committee.

11. Consideration of section 211(h) ConRail loan application.

12. Missouri-Kansas-Texas Railroad Co. request for change in loan repayment schedule.

13. Consideration of further loans to D&H.

14. Determination of incentive prices for N.Y. Harbor floating equipment.

15. Contract actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4250.

[S-62-78 Filed 1-10-78; 2:27 pm]

[7910-01]

8

THE RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, January 17, 1978; 9 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Division meeting concerning MBAssociates, fiscal year ended April 1, 1973.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 10, 1978.

GOODWIN CHASE,
Chairman.

[S-64-78 Filed 1-10-78; 3:16 pm]

[7910-01]

9

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 1584, January 10, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 17, 1978, 10 a.m.

CHANGES IN MEETING: Date of meeting changed to Wednesday, January 18, 1978, 10 a.m. Addition of matter 6 to the previously announced agenda.

MATTER TO BE CONSIDERED: 6. Determination of clearance or excessive profits: MB Associates, fiscal year ended April 1, 1973.

STATUS: Open to public observation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistantant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 10, 1978.

GOODWIN CHASE,
Chairman.

[S-65-78 Filed 1-10-78; 3:16 pm]

[6355-01]

10

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: January 19, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

1. Recommendation to accept corrective action plans: McGraw-Edison Co. console humidifiers and combination air cleaner/humidifiers—ID 77-24. The staff has recommended that the Commission accept corrective action plans implemented by the McGraw-Edison Co. and Montgomery Ward to deal with a possible fire and smoke hazard associated with certain models of humidifiers and of combination air cleaners/humidifiers manufactured by McGraw-Edison.

2. Petition on football helmets and shoes, CP 77-7. In this petition, Dr. A. C. Larcher, chiropractic physician, has asked the Commission to initiate a proceeding to develop mandatory safety standards for football helmets and shoes.

3. Electrical extension cords. The Commission will consider options for action to address mouth burns and electric shock hazards associated with extension cords.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-66-78 Filed 1-10-78; 3:24 pm]

[6355-01]

11

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: January 18, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

Carcinogen policy. The staff will brief the Commission on proposed policy and procedural guidelines describing how CPSC will proceed when presented with information on a substance that may present a potential carcinogenic hazard to humans if it is present in consumer products. The briefing will be divided in two principle segments as follows: 9:30 a.m.—Scientific/technical considerations. 2:00 p.m.—Resource implications.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-67-78 Filed 1-10-78; 3:24 pm]

[7035-01]

12

INTERSTATE COMMERCE COMMISSION.

JANUARY 10, 1978.

TIME AND DATE: 9:30 a.m., Tuesday, January 17, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open regular conference.

MATTERS TO BE CONSIDERED:

1. Finance Docket No. 28583 (Subs 1 and 2), Burlington Northern Inc.—Control and merger—St. Louis-San Francisco Railway Co., and securities application under section 20a of the Interstate Commerce Act. (Briefing, discussion, and possible voting on the question of whether to accept or reject the control and merger application).

2. Incentive per diem project. (Review of recommendations, briefing, and discussion.)

3. Ex Parte No. 252 (Sub-No. 2), incentive per diem—gondolas. Briefing by Bureau of Economics staff and discussion.

4. Interpretation of section 203(a)(15) of the Interstate Commerce Act—Definition of "contract carrier by motor vehicle." (Briefing by Commission staff and discussion.)

CONTACT PERSON FOR MORE INFORMATION:

Office of Information and Consumer Affairs, Douglas Baldwin, Director, telephone 202-275-7252.

[S-68-78 Filed 1-10-78; 3:52 pm]

federal register

THURSDAY, JANUARY 12, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

SERVICE LEARNING CENTERS, EDUCATIONAL INFORMATION CENTERS, AND TRAINING PROGRAM FOR SPECIAL PROGRAMS, STAFF AND LEADERSHIP PERSONNEL

Administration of Programs and Contract Awards

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 128]

SERVICE LEARNING CENTERS PROGRAM

Administration

AGENCY: U.S. Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed rules govern the administration of the Service Learning Centers program authorized by the Education Amendments of 1976. The Service Learning Centers program will provide remedial and other special services to students enrolled at institutions of higher education.

DATES: Comments on or before February 13, 1978. Hearing will be held in Washington, D.C., February 2, 1978; St. Louis (Clayton), Mo., January 25, 1978; Los Angeles, Calif., January 27, 1978, and Tallahassee, Fla., January 30, 1978, beginning at 10 a.m.

ADDRESSES: Comments should be sent to Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, U.S. Office of Education, Room 3514, ROB-3, 7th and D Streets SW., Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 a.m. and 4 p.m., Monday through Friday.

Hearings will be held in the following places on the dates specified below:

(a) Washington, D.C.—Hearing on January 23, 1978—University of the District of Columbia, Van Ness Campus, Building No. 9, Room A-05, 4200 Connecticut Avenue NW.

(b) St. Louis (Clayton), Mo.—Hearing on January 25, 1978—Washington University, Brown Hall, School of Social Work, Room 100, Skinker and Lindell Boulevard.

(c) Los Angeles, Calif.—Hearing on January 27, 1978—California State—Los Angeles, University Student Union, Union Room 313, 5154 State University Drive.

(d) Tallahassee, Fla.—Hearing on January 30, 1978—Florida A & M University, Embassy Room, University Union, Boulevard Street.

FOR FURTHER INFORMATION CONTACT:

Barbara W. Freeman, telephone 202-245-2511.

SUPPLEMENTARY INFORMATION: Service Learning Centers will be designed to provide remedial and other special services for students enrolled or accepted for enrollment in institutions of higher education and other postsecondary educational institutions serving a substantial number of disadvantaged students. The Centers will also serve, as a concentrated effort, to coordinate and supplement the ability of the beneficiary institution to furnish necessary services to enable disadvantaged students to complete their educational program at these institutions.

Service Learning Centers may not be funded in any fiscal year in which the appropriation for the special programs for students from disadvantaged backgrounds (talent search, upward bound, special services for disadvantaged students, and educational opportunity centers) is less than $70,331,000; and if and when funds are made available to establish and operate or expand service learning centers, a center cannot be placed at an institution which is conducting a special services for disadvantaged students project. The comments received in response to the notice of intent to issue regulations published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52414) were considered in the development of this proposed rule. The comments were basically concerned with the participation of students from other than low-income families; defining disadvantaged student; establishing what constituted a substantial number of disadvantaged students; and the application of the term "severe rural isolation." There was no basic agreement among the commenters which could be used to emphatically establish programmatic emphasis in any particular direction in the development of the proposed rules.

Suggestions are specifically requested regarding reporting requirements that should be instituted to document the effectiveness of the operation of service learning centers. Reporting requirements, which will be the basis for the development of Office of Education reporting forms, are being formulated. When these requirements are developed, they will be published in the FEDERAL REGISTER for your review and comments.

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

(Catalog of Federal Domestic Assistance Program No. pending, Learning Centers Program.)

Dated: September 6, 1977.

JOHN ELLIS,
Acting United States Commissioner of Education.

Approved: November 14, 1977.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 128, to read as follows:

PART 128—SERVICE LEARNING CENTERS

Sec.

128.1 Scope and purpose—general provisions regulation.
128.2 Definitions.
128.3 Eligible applicants.
128.4 Eligible participants.
128.5 Applications.
128.6 Funding criteria.
128.7 Program requirements.
128.8 Matching and cost-sharing.
128.9 Student records.
128.10 Reporting requirements. [Reserved]
128.11 Salary and wage rates.
128.12 Travel.
128.13 Allowable costs.

AUTHORITY: Sec. 417B, Title IV of the Higher Education Act of 1965, as amended by sec. 124, Title I, Pub. L. 94-482, 90 Stat. 2094-2095 (20 U.S.C. 1070d-1), unless otherwise noted.

§ 128.1 Scope and purpose—general provisions regulation.

(a) The regulation in this part governs the administration of the Service Learning Centers program. Services provided under this program are designed to assist in enabling youths from low-income families who have academic potential, but who may lack adequate secondary school preparation, who may be physically handicapped, or who may be disadvantaged because of severe rural isolation, to complete programs of postsecondary education. Centers funded under this program shall: (1) Provide remedial and other special services for students who are enrolled or accepted for enrollment at institutions of higher education and other postsecondary educational institutions serving a substantial number of disadvantaged students, and (2) serve as a concentrated effort to coordinate and supplement the ability of these institutions to furnish services to disadvantaged students.

(b) The Commissioner will pay up to 90 percent of the cost of establishing and operating or expanding Service Learning Centers. However, the Commissioner will not make grants to carry out this program in any fiscal year in which the amount appropriated for carrying out the special programs for students from disadvantaged backgrounds (Title IV-A-4 of the Higher Education Act of 1965, as amended), is less than $70,331,000.

(c) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter relating to fiscal, administrative, and other matters (general provisions for Office of Education programs—45 CFR Part 100a).

(20 U.S.C. 1070d-1.)

§ 128.2 Definitions.

For the purpose of this part:

"Academic potential" means having the ability to complete a postsecond-

ary educational program, with supportive services, at the institution which is the recipient of the grant, as documented by the written recommendations of counselors or teachers, personal interviews, or standardized measurement instruments.

"Combinations of institutions of higher education" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

(20 U.S.C. 1141(j).)

"Institution of higher education" means an educational institution as defined in sections 1201(a) and 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a); 20 U.S.C. 1088(b).)

"Low-Income family" means a family whose taxable income does not exceed $6,000.

(20 U.S.C. 1070d-1.)

"Other postsecondary educational institution" means an institution in a State that is legally authorized by that State to provide, and does provide, a program of postsecondary education.

(20 U.S.C. 1070d-1.)

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

"Taxable income" means gross income minus the exemptions and deductions allowed under the Internal Revenue Code.

(20 U.S.C. 63; 20 U.S.C. 1070d-1.)

"Youth" means a person aged 14 through 27.

(20 U.S.C. 1070d-1.)

§ 128.3 Eligible applicants.

(a) The commissioner is authorized to make grants to and contracts with institutions of higher education, other postsecondary institutions, and combinations of such institutions serving a substantial number of disadvantaged students.

(b) For purposes of this part, an institution will be considered as serving a substantial number of disadvantaged students if at least 500 students at the institution come from families whose taxable income does not exceed $6,000. A combination of institutions must have a combined total of 500 students who come from families whose taxable income does not exceed $6,000.

(c) A combination of institutions receiving a grant or contract under this part shall vest responsibility for administering the project in one of the participating institutions or in an agency established or designated by the institutions for carrying out the project on their behalf. A combintion of institutions or an applicant institution that wishes to designate an agency to carry out the project on its behalf must designate or establish that agency prior to the submission of its application. The combination of institutions must also vest responsibility for administering the project in one of the participating institutions or in the agency prior to such submission.

(d) An institution in which responsibility for administering the project has been vested or an agency which has been established or designated by a combination of institutions must have a written agreement setting forth the duties and responsibilities of each participating institution prior to the submission of its application, and must include this agreement in its application for funds.

(e) If an applicant is carrying out a special services for disadvantaged students project, and the grant period will overlap for at least 30 days with the grant period of a proposed Service Learning Center project, the applicant may not receive a grant under this part.

(20 U.S.C. 1070d-1.)

§ 128.4 Eligible participants.

A student is eligible to receive services under this part if the student:

(a) Is a citizen or national of the United States, or is in the United States for other than a temporary purpose and is or intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands;

(b) Is enrolled or accepted for enrollment in a program of study leading to a postsecondary certificate or degree at an institution which is the recipient of a grant or contract under this part; and

(c) Comes from a low-income family.

(d) Notwithstanding paragraph (c) of this section, one-third of project participants may come from other than low-income families.

(20 U.S.C. 1070d-1.)

§ 128.5 Applications.

(a) Applicants for grants or contracts to establish and operate or expand a Service Learning Center must file an application with the Commissioner before the closing date established annually by the Commissioner.

(b) Applicants for grants or contracts to establish and operate a Service Learning Center must supply the following information:

NEED

(1) The full-time equivalent (FTE) enrollment at the institution for the academic term preceding the submission of the application; and the number of students from low-income families included in that count;

(2) A description of the institutional resources and existing student supportive services that will be incorporated into the operation of the Center.

DESIGN

(3) The manner in which funds received under this part will be used to coordinate and supplement the ability of the institution to furnish supportive services to eligible students;

(4) The method to be used to identify eligible students to ensure that at least two-thirds of the students served in the Center will be from low-income families;

(5) A description of the manner in which a needs assessment will be conducted for those students who will need prolonged services to overcome their academic deficiencies;

(6) A description of the direct and referral services the Center will offer and the manner in which the services will be provided. If services are not centralized, the applicant must specify how services will be provided in a coordinated manner;

(7) The plan to document the effectiveness of the Center in providing participants with sufficient academic skills to complete their course of study at the institution;

RESOURCES AND ORGANIZATION

(8) A description of the manner in which the applicant will orient the faculty and staff of the institution to increase their ability to meet the needs of low-income and other eligible students;

(9) A description of: (i) The Center's proposed staffing pattern, (ii) the required professional qualifications and experiences, duties, and salary range for each professional category, and (iii) the plan for in-service training for the staff; and

BUDGET

(10) A proposed budget, including the sources and amount of the non-Federal share.

(c) Applicants for grants or contracts to expand a Service Learning Center must, in addition to the information requested in paragraph (b), of this section provide:

RESOURCES AND ORGANIZATION

(1) A description of the current activities of the Center;

(2) Documentation of the effectiveness of the Center, including the number of students served; and

(3) The current operating budget of the Center for the year preceding this application, including the Federal and non-Federal sources of funds.

(20 U.S.C. 1070d-1.)

§ 128.6 Funding criteria.

(a) *Continuation awards.* Priority will be given to a request for funds for the continuation of a project that (1) was begun in a prior fiscal year and (2) was approved for a multi-year work period that has not expired. (continuation award)

(b) *Conditions for approval.* Requests for continuation awards will be approved only if (1) the need continues to exist for the services provided by the Center;

(2) Satisfactory progress has been made in implementing the approved work plan and in achieving the Center's goals and objectives, as indicated by site visits, progress reports, and other relevant data;

(3) The Center continues to offer promise of success in enabling students to complete their postsecondary education;

(4) All required reports have been received and accepted by the Commissioner; and

(5) Funds are available to continue the Center.

(c) *New awards.* Except as provided in paragraphs (a) and (b) of this section, the Commissioner will select applicants to be funded under this part on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following additional criteria:

NEED

(1) The number of students to be served and the number of such students from low-income families;

(2) The adequacy of the institutional resources and existing student supportive services;

DESIGN

(3) The quality of the plan to coordinate and supplement institutional resources and existing student supportive services to deliver academic and supportive services to eligible students;

(4) The adequacy of the plan to ensure that at least two-thirds of the students served in the Center will be from low-income families;

(5) The comprehensiveness of the needs assessments that will be done for students before providing prolonged services to overcome their academic deficiencies;

(6) The comprehensiveness of the services offered by the Center and the manner in which services will be provided;

(7) The quality of the plan to document the effectivenss of the Center in enabling participants to perform with sufficient academic skills in the institution;

RESOURCES AND ORGANIZATION

(8) The quality of the plan to ensure that the faculty and staff of the institution are aware of the existence of the Service Learning Center and will be supportive of its efforts to meet the needs of eligible students.

(9) The quality of the plan to staff the Center with personnel with appropriate qualifications and experiences, including the quality of the plan for in-service training;

(10) If the applicant is requesting funds to expand a Center, the extent to which the applicant has successfully operated a Center that was comparable or identical to one authorized under this part, in terms of (i) numbers served, (ii) quality of program design, (iii) documented effectiveness, and (iv) reasonableness of the cost of operating the Center; and

BUDGET

(11) The extent to which the proposed budget reflects the activities to be undertaken in the Center.

(d) In evaluating an application for a new award, the Commissioner will use the following weights:

(1) Need—25 points
(2) Design—35 points
(3) Resources and organization—35 points
(4) Budget—5 points

(e) In selecting applications for funding, the Commissioner will consider the need for the Center at an applicant's institution as compared to the needs of all applicants for a Center.

(20 U.S.C. 1070d-1.)

§ 128.7 Program requirements.

(a) Each Center must:

(1) Identify and select eligible students. The Center must perform a comprehensive needs assessment of each student who will need prolonged services to determine those academic and other educational deficiencies which need to be corrected to enable that student to be graduated;

(2) Prôivide personal, career, and academic counseling and guidance, and tutoring in those areas that affect the student's academic performance;

(3) Provide remedial and other special services. Other special services means classes or clinics in skills development, including test-taking, library skills and basic research skills necessary for preparation of papers and reports;

(4) Provide referrals to health, employment, housing, and legal resources to resolve noneducational problems related to academic success;

(5) Use instructional methods or special curricula in classes or clinics when necessary to enable students to complete required and prerequisite courses in a reasonable period of time;

(6) Use institutional facilities and staff to provide pre-service and in-service training for the Center's staff;

(7) Engage a full-time director with demonstrated professional and administrative skills who will be given authority to administer the Center in accordance with this part and to expend Center funds, and who will be consulted with regard to the development and implementation of institutional practices and procedures that relate to the retention and graduation of eligible students; and

(8) Engage of staff that has professional qualifications and experience to carry out the proposed activities and services.

(b) Each Center must serve at least 500 students. Up to one-third of the students served may be from other than low-income families.

(20 U.S.C. 1070d-1.)

§ 128.8 Matching and cost sharing.

(a) Grantees receiving funds under this part to conduct a Service Learning Center shall provide at least one-tenth of the cost of operating the Center. The matching share may be derived from in-kind, cash, and/or other contributions.

(b) In-kind and other contributions must represent activities or services that are required or integral to the operation of a Service Learning Center.

(c) Volunteer services that are contributed to the Center may be considered as part of the grantee's matching share only if the volunteer is providing services in a trade or profession in which the volunteer is professionally qualified or is recognized as qualified through extensive experience.

(d) Rates for volunteers should be consistent with those rates which the grantee pays for similar work in its other activities. In cases where the kinds of skills required for the federally assisted activities are not found in the grantee's other activities, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(e) Each Center funded under this part shall maintain records that document the frequency of using in-kind contributions and volunteer services in satisfying the matching share.

(20 U.S.C. 1070d-1.)

§ 128.9 Student records.

(a) Each Center funded under this part must develop and utilize a record-keeping system which allows for accurate program accountability.

(b) To document the progress of each student receiving prolonged services who participates in the skills de-

velopment clinics and special or remedial classes at the Center, that student file must include:

(1) Documentation, such as a copy of the previous year's income tax form, supporting the student's eligibility as defined in § 128.4(c);

(2) A list of the student's current courses, grades from the last academic term or the current term (for freshmen), class level, and pre-admission test scores, such as SAT, ACT;

(3) An assessment of the student's academic strengths and weaknesses, and the program support developed to improve the student's skills;

(4) Documentation of counseling, tutoring, and any referrals for services; and

(5) Documentation showing the measurement of progress and other reports that relate to the academic development of the student.

(20 U.S.C. 1070d-1.)

§ 128.10 Reporting requirements. [Reserved]

§ 128.11 Salary and wage rates.

(a) The salaries paid to Center staff under this part shall be comparable to the salaries paid to persons with similar positions within the grantee institution.

(b) The minimum rate of compensation that may be paid to Center employees, including students, shall be the minimum wage required to be paid by the institution under applicable Federal, State, or local law.

(c) The Center should, as much as possible, utilize the existing personnel of the institution to provide the services offered in the Center.

(20 U.S.C. 1070d-1.)

§ 128.12 Travel.

In accordance with the cost principles set forth in Appendix C to Parts 100 through 100d of this title, the following travel is authorized:

(a) Staff travel to professional and educational conferences specifically related to Center development;

(b) Staff travel to OE-sponsored meetings, when approved in writing, by the Commissioner;

(c) Staff travel to OE-sponsored training programs; and

(d) Other travel specifically approved by the Commissioner in writing and in advance of such travel.

(20 U.S.C. 1070d-1.)

§ 128.13 Allowable costs.

(a) The Commissioner will pay up to 90% of those costs that are reasonably related to the establishment or expansion and operation of a Center. Such costs may include:

(1) Remedial classes if the grantee institution does not provide remedial classes in the same subject matter as part of its program of instruction;

(2) In-service training of Center staff;

(3) Purchase of audio/visual equipment and supplies for use in learning labs or developmental clinics; and

(4) Curriculum development.

(b) Costs that may not be charged against the grant include the following:

(1) The costs involved in the recruitment of students for enrollment at the grantee institution;

(2) The construction or purchase of new buildings and the extensive modification or major repair of existing buildings;

(3) The purchase of major equipment, unless approved in writing by the Commissioner;

(4) The payment of tuition, stipends, or any other form of student financial support;

(5) Research; and

(6) Cultural activities, food, and entertainment costs.

(c) Grantees under this part will be allowed indirect costs as authorized in accordance with item 4c, Appendix A, Parts 100 thru 100d of the General Provisions for Office of Education Programs.

(20 U.S.C. 1070d-1.)

[FR Doc. 78-887 Filed 1-11-78; 8:45 am]

[4110-02]

[45 CFR Part 137]

EDUCATIONAL INFORMATION CENTERS PROGRAM

Administration

AGENCY: U.S. Office of Education, DHEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: These proposed rules, which amend Title 45 to add a new part, Part 137, will govern the administration of the Educational Information Centers Program. This program was authorized by the Education Amendments of 1976 and will provide funds to States to establish Centers to provide educational information, guidance, and counseling and referral services to persons residing in the Center's service area.

DATES: Comments must be received on or before: February 13, 1978. Hearing will be held in Washington, D.C., February 2, 1978; St. Louis (Clayton), Mo., January 25, 1978; Los Angeles, Calif., January 27, 1978 and Tallahassee, Fla., January 30, 1978, beginning at 10 a.m.

ADDRESSES: Comments should be sent to the Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, U.S. Office of Education, Room 3514, ROB-3, 7th and D Streets, SW., Washington, D.C. 20202. Comments will be available for public inspection at the above office, between 8:30 a.m. and 4 p.m., Monday through Friday.

Hearings will be held in the following places on the dates specified below:

(a) Washington, D.C.—Hearing on January 23, 1978:
University of the District of Columbia, Van Ness Campus, Building No. 9, Room A-05, 4200 Connecticut Avenue, NW.

(b) St. Louis (Clayton), Mo.—Hearing on January 25, 1978:
Washington University, Brown Hall—School of Social Work, Room 100, Skinker and Lindell Boulevard.

(c) Los Angeles, Calif.—Hearing on January 27, 1978:
California State—Los Angeles, University Student Union, Union Room 313, 5154 State University Drive.

(d) Tallahassee, Fla.—Hearing on January 30, 1978:
Florida A&M University, Embassy Room, University Union, Boulevard Street.

FOR FURTHER INFORMATION CONTACT:

Mary K. Smith, Telephone: 202-245-2511.

SUPPLEMENTARY INFORMATION: The Educational Information Centers Program is designed to provide States with funds to plan, establish, and operate Educational Information Centers. Centers are to make available educational information, guidance, counseling and referral services to all individuals in a State.

A Notice of Intent to Issue Regulations was published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52414-52415). The Notice set forth those issues on which the Office of Education sought direction in developing the proposed rules. The comments received in response to the Notice of Intent were considered in the development of these rules.

A number of the substantive comments related to the defining of reasonable access, reasonable distance, reasonable time and to the locating of the Educational Information Centers within the States. The majority of commenters suggested that each State be permitted to define access, distance and time in terms of the State's particular, unique situation. Since States vary a great deal in geography, population density, and services currently available for the dissemination of eductional information and since no standare definition for these terms would be fairly and equally applicable to all States, the Office of Education concurs and has permitted each State to define these terms.

Other commenters suggested that the locating of the Educational Information Centers within the States should be a decision left to the States. These proposed rules permit States to choose the sites since they best know their needs of their population.

Many commenters, including those representing comminity colleges and propriety schools, have expressed concern about the development and implementation of the State Plan. Most earnestly hope that agencies, individuals, and schools will be involved in planning and establishing Educational Information Centers. These proposed rules require States to involve individuals, including potentials users of the Centers, public and private agencies, organizations and institutions in the development of the State Plan and to submit an assurance that such groups and individuals were involved.

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

(Catalog of Federal Domestic Assistance Program Number pending; Educational Information Centers Program.)

Dated: August 30, 1977.

JOHN ELLIS,
Acting U.S. Commissioner of Education.

Approved: December 19, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 137, to read as follows:

PART 137—EDUCATIONAL INFORMATION CENTERS PROGRAM

Sec.
137.1 Purpose and scope—general provisions.
137.2 Definitions.
137.3 Allotment of funds.
137.4 Educational Information Centers program requirements.
137.5 State plan requirements—initial year.
137.6 State plan amendments.
137.7 Approval of the State plan.
137.8 Reports.
137.9 Allowable costs—matching requirement.

AUTHORITY: Sec. 418A, 418B, Title IV of the Higher Education Act of 1965 as added by sec. 125 of Title I, Pub. L. 94-482, 90 Stat. 2096-2098 (20 U.S.C. 1070d-2-1070d-3), unless otherwise noted.

§ 137.1 Purpose and scope—general provisions.

(a) This part establishes regulations for the Educational Information Centers program. The purpose of the Educational Information Centers program is to provide educational information, guidance, counseling, and referral services to all individuals in a State through Centers located within a reasonable distance of all residents in a State, including those individuals residing in rural areas. The Commissioner will make a grant to each State which submits an approved State plan to pay the Federal share of the cost of planning, establishing, and operating the Centers.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter relating to fiscal, administrative, and other matters (General Provisions for Office of Education Programs—45 CFR Part 100b).

(20 U.S.C. 1070d-2-1070d-3.)

§ 137.2 Definitions.

For the purpose of this part:

"Educational Information Center" means an institution or agency, or combination of institutions or agencies, organized to provide educational information, guidance, counseling, and referral services for a geographical area now greater than that which will afford all persons within the area reasonable access to the services of the Center.

(20 U.S.C. 1070d-2.)

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1141(b); 1088(a).)

§ 137.3 Allotment of funds.

(a) For each fiscal year, the Commissioner will allocate to each State which has submitted an approved plan an amount which bears the same ratio to the appropriation as the population of that State bears to the total population of all States submitting an approved State plan. However, subject to the availability of funds, no State submitting an approved plan shall receive less than $50,000.

(b) If the appropriation for a fiscal year is insufficient to permit the award of the $50,000 minimum, then the appropriation will be divided equally among each of the participating States.

(c) In making allocations under this section, the Commissioner will use the latest available census data.

(20 U.S.C. 1070d-2(b).)

§ 137.4 Educational Information Centers program requirements.

(a) Each State receiving funds under this part may make grants to and contracts with institutions of higher education as defined in sections 1201(a) and 491(b) of the Higher Education Act of 1965; combinations of such institutions as defined in section 1201(j) of that Act; public and private agencies; and local educational agencies as defined in section 1201(g) of that Act which are acting in combination with an institution of higher education, for the purpose of planning, establishing, and operating Educational Information Centers.

(b) An Educational Information Center must make its services available to all residents of the State who reside within a reasonable geographic distance of the Center.

(c) Educational Information Centers must provide to persons residing in the area served by the Center the following services:

(1) Information and talent search sevices designed to seek out and encourage participation in full-time and part-time postsecondary education or training of persons who could benefit from such education or training if it were not for cultural or financial barriers, physical handicap, deficiencies in secondary education, or lack of information about available programs or financial assistance;

(2) Information and referral services with regard to:

(i) Available postsecondary education and training programs and the procedures and requirements for applying and gaining acceptance to these programs;

(ii) Available Federal, State, and other financial assistance, including information on procedures to be followed in applying for such assistance;

(iii) Available assistance for job placement or for gaining admission to postsecondary education institutions offering education programs designed to prepare persons for careers or for retraining, continuing education, or upgrading of skills;

(iv) Competency-based learning opportunities, including opportunities for testing of existing competencies for the purpose of certification, awarding of credit, or advanced placement in postsecondary education programs;

(v) Guidance and counseling services designed to assist persons from the area served by the Center in identifying postsecondary education or training opportunities, including part-time opportunities for individuals who are employed, which are appropriate to their needs and in relationship to each individual's career plans; and

(vi) Remedial or tutorial services designed to prepare persons for postsecondary education opportunities or training programs, including such serv- ices provided to persons enrolled in postsecondary education institutions within the area served by the Center.

(d) Services may be provided by a Center either directly or by way of contract or other agreement with agencies and institutions within the area to be served by the Center.

(20 U.S.C. 1070d-2; 1141(a)(g)(j); 1088(b).)

§ 137.5 State plan requirements—initial year.

(a) Any State desiring to receive its allotment under this part for the ini-

tial year must submit a State plan to the Commissioner, in accordance with the forms and instructions which will be furnished for this purpose. The State plan must include:

(1) The name of the official designate by the Governor as responsible for submitting the State plan and to whom communications concerning the plan shall be directed;

(2) The name of the State agency or institution which will be responsible for administering and implementing the State plan;

(3) A description of the involvement of individuals, public and private agencies, organizations and institutions in the development of the State plan. This description shall include a list of those agencies, organizations, institutions and individuals;

(4) A schedule for establishing or expanding the Centers, within a reasonable period of time, so as to make their services available to all residents of the State;

(5) A comprehensive plan for providing the required program activities including:

(i) Specific goals and objectives,

(ii) The development of various educational information systems, and,

(iii) The manner in which the State will monitor the accuracy and timeliness of the information being disseminated;

(6) A plan for:

(i) Surveying the State to identify those organizations and agencies which already provide comparable information, referral and guidance services, such as occupational and career information systems, and

(ii) Coordinating the activities of the Center with the activities of those agencies and organizations;

(7) The policies and procedures to be used in selecting the location of each Center;

(8) The criteria which will be followed by the State in selecting the recipients of grants or contracts as permitted by section 137.4(a);

(9) A description of the monitoring process to be used to assure that adequate progress is being made toward achieving the goals of the program;

(10) A budget itemized the approximate amount of funds that will be needed during the first year for:

(i) Developing and administering the State plan for that year; and

(ii) Establishing or expanding and operating the Educational Information Centers for that year. This budget shall provide a breakdown of the Federal and non-Federal amounts;

(11) The activities to be funded if the State's allotment is less than the amount the State indicated it needed in subparagraph (10) of this paragraph; and

(12) The source and amount of the State, local, and/or private funds which will be used to meet the non-Federal share.

(b) The State plan must also include the following assurances and certifications:

(1) A certification by the appropriate State legal officer that:

(i) The State agency or institution has the authority under State law to develop, submit, and administer or supervise the administration of the plan; and

(ii) All of the provisions contained in the plan or amendment are consistent with State law;

(2) An assurance that the State has provided for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under the plan, including any such funds paid by the State to agencies, organizations and/or institutions for the purpose of carrying out the activities under section 137.4;

(3) An assurance that State, local and/or private funds will be provided to meet the non-Federal share of the cost of planning, establishing and operating Educational Information Centers; and

(4) An assurance that, in the development of the State plan, the State has consulted with and asked for input from a variety of public and private agencies, organizations, institutions, and individuals, including potential consumers.

(20 U.S.C. 1070d-3.)

§ 137.6 State plan amendments.

(a) The State plan must be amended annually to reflect any change in the information submitted pursuant to § 137.5. The State plan amendment must be submitted at the time and in the format prescribed by the Commissioner and must contain the following information:

(1) A description of the revisions or changes in the State plan submitted pursuant to § 137.5 and their relationship to the State's comprehensive plan for establishing or expanding and operating Educational Information Centers. The amendment shall contain any changes in the locations of the Centers and in the services provided;

(2) A description of the activities which are to be carried out in planning, establishing, and operating Educational Information Centers for that year;

(3) A report of the progress the State has made during the award period toward accomplishing the goals and objectives of its State plan;

(4) The problems the State encountered which prevented it from meeting its goals and objectives;

(5) The location of Educational Information Centers currently operating;

(6) A description of the program activities and services being provided through each Center;

(7) A budget itemizing the approximate amount of funds that will be needed during the next program year for:

(i) Updating and administering the State plan for the next program year;

(ii) Establishing or expanding and operating the Educational Information Centers. This budget shall provide a breakdown of Federal and non-Federal amounts; and

(8) The source and amount of the State, local, and/or private funds which will be used to meet the non-Federal share of the cost of planning, establishing, and operating Educational Information Centers for that year.

(b) The annual State plan amendment shall also contain the assurances and certifications required under § 137.5(b).

(20 U.S.C. 1070d-3.)

§ 137.7 Approval of the State plan.

(a) The Commissioner will approve each State plan which he determines meets the requirements of § 137.5 and will notify the applicant of the granting, conditioning, or withholding of approval in each case.

(b) The Commissioner will approve each annual State plan amendment which he determines meets the requirements set forth in § 137.6.

(20 U.S.C. 1070d-3.)

§ 137.8 Reports.

The State shall prepare and submit to the Commissioner, on the forms which will be provided, within 90 days after the close of the grant period:

(a) An annual financial report for the grant period which sets forth

(1) The total outlays and unpaid obligations;

(2) The amount and source of the State's matching funds;

(3) The amount of funds from all sources which were spent for administrative purposes; and

(4) The amount of unobligated funds allotted under this part which will remain at the end of the grant period; and

(b) An annual performance report which contains:

(1) A list of grants and contracts made during that year, including:

(i) The name of the grantee or contractor;

(ii) A description of services provided under the grant or contract;

(iii) The locations where services were provided; and

(iv) The amount of funds, from all sources, involved; and

(2) A report on the number of individuals served by the total program and the services provided them.

(20 U.S.C. 1070d-2.)

§ 137.9 Allowable costs—matching requirement.

(a) The Commissioner will pay up to 66⅔ percent of the costs reasonably related to the administration of the State plan, and the planning, establishing, and operating of Educational Information Centers.

(b) The State must provide 33⅓ percent of the costs reasonably related to the administration of the State plan, and the planning, establishing, and operating of Educational Information Centers to meet the non-Federal matching requirement. The matching requirement may be met with State, local or private funds.

(20 U.S.C. 1070d-2.)

[FR Doc. 78-888 Filed 1-11-78; 8:45 am]

[4110-02]

[45 CFR Part 139]

TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

Award of Contracts

AGENCY: U.S. Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This part proposes rules for the awarding of contracts to provide training to staff and leadership personnel who specialize in improving the delivery of services to students assisted by the projects of the Special Programs for Students from Disadvantaged Backgrounds. These programs include Talent Search, Upward Bound, Special Services for Disadvantaged Students, Educational Opportunity Centers and Service Learning Centers.

DATES: Comments on or before: February 18, 1978. Hearings will be held in Washington, D.C., January 23, 1978; St Louis (Clayton), Mo., January 25, 1978; Los Angeles, Calif., January 27, 1978 and Tallahassee, Fla., January 30, 1978, beginning at 10:00 a.m.

ADDRESSES: Comments should be sent to Bureau of Higher and Continuing Education, Division of Student Services and Veterans Programs, U.S. Office of Education, Room 3514, ROB-3, Washington, D.C. 20202. Comments will be available for public inspection at the above for public inspection at the above office, between 8:30 a.m. and 4 p.m., Monday through Friday.

Hearings will be held in the following places on the dates specified below:

A. WASHINGTON, D.C.—HEARING ON JANUARY 23, 1978

University of the District of Columbia, Van Ness Campus, Building No. 9, Room A-05, 4200 Connecticut Avenue NW.

B. ST. LOUIS (CLAYTON), MISSOURI—HEARING ON JANUARY 25, 1978

Washington University, Brown Hall—School of Social Work, Room 100, Skinker and Lindell Boulevard.

C. LOS ANGELES, CALIFORNIA—HEARING ON JANUARY 27, 1978

California State—Los Angeles, University Student Union, Union Room 313, 5154 State University Drive

D. TALLAHASSEE, FLORIDA—HEARING ON JANUARY 30, 1978

Florida A & M University, Embassy Room, University Union, Boulevard Street.

FOR FURTHER INFORMATION CONTACT:

Mary K. Smith, telephone 202-245-2511.

SUPPLEMENTARY INFORMATION: Contracts will be awarded to institutions of higher education and other appropriate public agencies and nonprofit private organizations in accordance with procedures authorized by procurement laws and regulations. Each contract will be specific as to the needs to be met and the staff and leadership personnel to be trained.

NOTE.—the Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program Number Pending; Training Program for Special Programs Staff and Leadership Personnel.

Dated: July 15, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: October 13, 1977.

JOSEPH A. CALIFANO, Jr.
Secretary of Health, Education, and Welfare.

Chapter I of Title 45 of the Code of Federal Regulations is amended by adding a new part, Part 139, to read as follows:

PART 139—TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

Sec.

139.1 Scope and purpose—procurement regulations.
139.2 Definitions.
139.3 Eligibility for awards.
139.4 Eligible participants.
139.5 Training program activities.
139.6 Allowable costs.

AUTHORITY: Sec. 417B(f), Higher Education Act of 1965, as added by sec. 124(c) of Title I, Pub. L. 94-482, 90 Stat. 2095 (20 U.S.C. 1070d-1(f), unless otherwise noted.

§ 139.1 Scope and purpose—procurement regulations.

(a) The regulation in this part governs the awarding of contracts to provide training for staff and leadership personnel who will specialize in improving the delivery of services to students participating in Special Programs projects. The contracts will support the operation of short-term training institutes and in-service training programs to improve the skills of staff and leadership personnel.

(b) Contract awards under this part are subject to applicable provisions of Federal and Department procurement regulations contained in 41 CFR Chapters 1 and 3.

(20 U.S.C. 1070d-1(f).)

§ 139.2 Definitions.

For the purpose of this part:

"Institution of higher education" means an educational institution as defined in Sections 1201(a) and 491(b) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a); 1088(b).)

"Leadership personnel" includes persons engaged in directing or providing services to students participating in Special Programs projects, such as teachers, teacher trainers, secondary and postsecondary school administrators, supervisors, researchers, State consultants, and school psychologists.

(20 U.S.C. 1070d-(f).)

"Special Programs" means the Upward Bound, Talent Search, Special Services for Disadvantaged Students, Educational Opportunity Centers, and Service Learning Centers Programs.

(20 U.S.C. 1070-1(f).)

§ 139.3 Eligibility for awards.

Institutions of higher education and other appropriate public agencies and nonprofit private organizations are eligible to receive contracts under this part.

(20 U.S.C. 1070d-1(f).)

§ 139.4 Eligible participants.

(a) The following individuals may be trained:

(1) Special Programs project directors and staff who are employed to deliver services to students;

(2) Other staff and leadership personnel in institutions or agencies that have Special Programs projects and who are directly involved in the delivery of services to students served by these projects; and

(3) Other leadership personnel who are directly involved in the education of students served by Special Programs projects.

(b) The Commissioner will establish the category of personnel to receive training in each institute or program.

(20 U.S.C. 1070d-1(f).)

§ 139.5 Training program activities.

(a) The Commissioner may throughout each fiscal year award contracts for various training projects. The Commissioner will establish the type and length of training to be offered by each institute or program.

(b) The Commissioner may contract for the following activities:

(1) Training participants about:

(i) Testing and measurement techniques which effectively diagnose the educational needs of disadvantaged youth participating in Special Programs projects;

(ii) Effective new methods and techniques used to teach required secondary and postsecondary subjects to those disadvantaged youth whose educational needs are the result of inadequate secondary school preparation, severe rural isolation, or physical handicap;

(iii) Diagnostic and prescriptive teaching methods which remediate the educational needs of participants in Special Programs projects;

(iv) Teaching techniques for the differentiated learning styles of disadvantaged youth;

(v) Teaching techniques effective with those of limited English-speaking ability; and

(vi) The various Federal student financial aid programs;

(2) Training participants to develop programmatic and management systems for Special Programs projects which will enhance individual project performance as well as program effectiveness. This may include developing:

(i) New curricula and delivery systems;

(ii) Effective and appropriate diagnostic measurements of academic skills and motivation;

(iii) Effective evaluation strategies and measurements for use in the Special Programs; and

(iv) Management techniques for Special Programs projects;

(3) Technical assistance and in-service training at currently funded Special Programs projects; and

(4) The development of in-service training programs for Special Programs staff and leadership personnel.

(20 U.S.C. 1070d-1(f).)

§ 139.6 Allowable costs.

Allowable costs under awards pursuant to this part will be determined in accordance with the cost principles described in 41 CFR Part 1-15, and may include the costs of employing a small staff to carry out the activities required by the contract.

(20 U.S.C. 1070d-1(f).)

[FR Doc. 78-889 Filed 1-11-78; 8:45 am]

Federal Register

THURSDAY, JANUARY 12, 1978
PART III



ENVIRONMENTAL PROTECTION AGENCY

■

PUBLIC PARTICIPATION IN SOLID WASTE MANAGEMENT

Interim Guidelines

[6560-01]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 823-8]

PART 249—PUBLIC PARTICIPATION IN SOLID WASTE MANAGEMENT

Interim Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Interim Guidelines.

SUMMARY: This rule sets forth the minimum guidelines for involving the public in the development, revision, implementation and enforcement of any regulation, guideline, information or program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580). These guidelines apply to all EPA Offices concerned with the Act, other Federal agencies carrying out activities mandated by the Act, and to State and substate entities receiving financial assistance under the Act.

DATES: Comments must be received on or before February 13, 1978.

EFFECTIVE DATE: February 13, 1978.

ADDRESSES: Written comments may be addressed to the Deputy Assistant Administrator for Solid Waste, (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Geraldine Wyer, Office of Solid Waste, WH-562, U.S. Environmental Protection Agency, Washington, D.C. 20460. Phone: 202-755-9157.

SUPPLEMENTARY INFORMATION: Section 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, (the Act), states that "public participation in the development, revision, implementation, or enforcement of any regulation, guideline, information, or program under this Act, shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish minimum guidelines for public participation in such processes."

These guidelines are a general statement of policy, setting forth objectives for public participation in the development and implementation of the programs authorized under the Act. They also describe the provisions required in a minimum public participation program for solid and hazardous waste management activities at Federal, State and substate levels. In addition, the guidelines call for a summary report of public participation efforts conducted by EPA and those State and substate entities receiving financial assistance under the Act and give minimum procedural guidelines for public hearings.

The guidelines require that other regulations to be issued by EPA under the authority of the Act include a separate section on public participation containing provisions for implementing these guidelines. The EPA grant regulations pertaining to solid waste management grants also require a public participation program element, and the work program under the grant regulations will have to include a program of public participation consistent with these guidelines.

These guidelines are based on the evident intent of Congress that public participation and information under the Act is to be accorded new significance, and that special attention and resources will be required for such participation and for public education and information programs.

Implementation of these public participation guidelines is a condition of performance by the States and local governments receiving financial assistance under this Act. Failure to comply with the provisions of these guidelines may subject the Administrator, State governments and substate entities receiving financial assistance under this Act to citizen suits under Section 7002(a) (1) and (2) of the Act.

Public Information and Education

The Act contains several provisions which make possible a high degree of public understanding, and without which public participation can be rendered ineffectual. Section 8003 calls for the Administrator to develop, collect, evaluate, and coordinate information on nine key areas of solid waste management. The Administrator also is required to establish and maintain a central reference library in which the materials produced will be available to State and local governments and other persons at reasonable times. Section 8003 requires the Administrator to implement a program for the rapid dissemination of information on solid and hazardous waste management, and resource conservation. In addition, Section 8003 requires that the Administrator develop and implement educational programs to promote citizen understanding of the need for environmentally sound solid waste management practices. Unless material provided is understood, public participation will not prove meaningful. Therefore, EPA will make special efforts to insure that the public and the media understand the complex technical information produced. This will be accomplished through the use of a broad range of communication tools as described in the guidelines.

Guideline Development

Regional public meetings were held throughout the country during February and March, 1977, to promote general understanding of the Resource Conservation and Recovery Act of 1976, and to solicit the views of the public regarding its implementation. Public participation was discussed, and the comments pertinent to public participation from these meetings were considered in the development of these guidelines. In addition, a draft of these guidelines was circulated for review and comment to all State solid waste management agencies, all EPA Regional Offices, various other elements of EPA, selected public and environmental interest groups, conservation groups, other interested persons and other Federal agencies. Copies were also distributed in accordance with the Office of Management and Budget (OMB) Circular No. A-85 review requirements. A public meeting was held at EPA in Washington, D.C. on July 1, 1977, at which time the draft guidelines were discussed and additional comments were received. All comments received were reviewed and considered in the preparation of these guidelines.

Discussion of Comments

A number of comments suggested that the guidelines have a provision for the reimbursement of some or all of the costs of participation by individuals and groups. The commenters argued that full public participation in administrative proceedings carried with it a heavy financial burden, and that without some form of reimbursement many individuals and organizations would be effectively barred from participation. In addition, the commenters urged that the provisions in 7004(b) were not only to "encourage" public participation, but that the Administrator and the States were also to "assist" in public participation, and the best way of providing this "assistance" would be to include a reimbursement provision in the guideline.

EPA recognizes that participation in rulemaking procedures can impose a significant financial hardship on groups and individuals with worthwhile views and arguments to present, and agrees that the legal arguments advanced have considerable merit. A program to extend governmental financial assistance to such persons deserves serious consideration. Explicit statutory authority to compensate participants in rulemakings has been delegated to EPA by Section 6 of the Toxic Substances Control Act (TSCA), 90 Stat. 2003, 2020-27 (October 11, 1976). As stated in interim regulations implementing that Section, 42 FR

60911, EPA is deferring steps to establish such programs in other areas until experience under TSCA can be gathered and evaluated. Within six months the data from the TSCA pilot program should be in; financial assistance under the Solid Waste Disposal Act will be readdressed at that time.

Additional comments suggested that a set percentage of a project's budget should be spent on public participation and earmarked for that purpose. The EPA Grant Regulations do not require that set percentages of funds be earmarked for the various other activities required under the Act. Since the proper implementation of these guidelines depends so heavily on sensitivity and judgment on a case-by-case basis, EPA does not feel that an exception should be made with regard to these guidelines. However, a requirement for public participation has been incorporated in the EPA Grant Regulations pertaining to solid and hazardous waste management program support grants, which will require the State's work programs, and any other program or project for which financial assistance is sought (by a State or substate entity), to include a program of public participation consistent with these guidelines.

A few comments suggested that § 249.6 include a list of criteria by which the agency could make the judgment concerning the adequacy or inadequacy of public participation. Even though an extensive list of criteria has not been included in these guidelines, the provisions in that Section have been expanded to require that the description or summary of public participation be evaluated by the Administrator, Regional Administrator, or Governor to assure adequate opportunity for participation by local officials and the public on the matter, to assure that adequate response was included on controversial issues that may have been raised, and to assure compliance with the requirements of these guidelines. In addition, final action on each matter is to include a statement of findings regarding public participation.

Title 40 of Chapter I CFR is amended by adding the following new Part 249:

Sec.
249.1 Purpose and scope.
249.2 Policy and objectives.
249.3 Required programs and reports.
249.4 Guidelines for agency programs.
249.5 Guidelines for reporting.
249.6 Guidelines for evaluation.
249.7 Guidelines for public hearings and other public meetings.
249.8 Coordination and nonduplication.
249.9 Applicability.

AUTHORITY: Sec. 7004(b), Pub. L. 94-580, 90 Stat. 2795, 2826 (42 U.S.C. 6974(b)).

§ 249.1 Purpose and scope.

(a) *Purpose.* This part sets forth minimum guidelines containing general requirements for public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (the Act), in accordance with Section 7004(b). This part is applicable to the various agencies carrying out activities mandated by the Act, including U.S. Environmental Protection Agency (EPA) Offices, and to State and substate entities receiving financial assistance under the Act. (Substate entities are defined as: Any public regional, local, county, municipal, or intermunicipal agency, or regional or local public (including interstate) solid or hazardous waste management authority, or other agency below the State level.)

(b) *Scope.* In general, EPA considers public participation to include public meetings, conferences and workshops; development of and distribution of reference materials understandable by the public; and the opportunity for public involvement and comment prior to promulgation of regulations and guidelines. These elements of public participation will be appropriate in varying degrees for each activity under the Act. EPA believes that a level of public participation sufficient to comply with the intent of the Act will be achieved through compliance with § 249.4. These provisions allow the public the opportunity to influence the social, economic, technical, and political changes called for in the Act. More specific requirements applicable in specific instances are contained in existing regulations on public information, 40 CFR Part 2, and in other regulations or guidelines that have been or will be issued by EPA pertaining to specific programs under the Act, as well as State and local laws pertinent to the subject.

§ 249.2 Policy and objectives.

Federal, State and substate entities shall provide, encourage, and assist participation of the public in solid and hazardous waste management activities to the fullest extent practicable consistent with other requirements of the Act. The major objectives of such participation include increased responsiveness of government to public concerns and priorities and improved public understanding of official programs and actions. Conferring with the public after a final agency decision has been made will not meet these objectives. The intent of these guidelines is to foster a spirit of openness and mutual trust between the public and the Federal, State and substate entities in efforts to promote the protection of the public health and the environment, and to conserve valuable material and energy resources.

§ 249.3 Required programs and reports.

(a) Each agency cited in § 249.1(a) carrying out activities under the Act shall conduct a continuing program for public information and participation comprising substantially the elements listed in § 249.4. All grant applications submitted by State or substate entities shall identify staff responsibility and budgetary provisions for the public participation element as required under the applicable solid waste management sections of the EPA Grant regulations. Specifically, for annual State work plans, the grant application shall address public participation from two aspects: (1) Public participation activities to be undertaken in support of specific grant outputs including rulemaking or other program functions which may be enhanced by public participation. These activities may include but not be limited to elements listed in § 249.4; and (2) public participation activities undertaken to provide opportunity for public input and to assist in public education relative to activities to be addressed or accomplished during the grant period. These activities may include, but need not be limited to, public hearings held early enough in the planning process to permit public input to be used; public meetings which could be the initial step in the planning process to formulate the work plan; special invitation planning workshops involving representatives from substate planning and implementation agencies; A-95 review for State grants including, but not limited to, State clearing house review and individual council of government briefings; review by State advisory committees, legislative review committees or ad hoc review committees as may be available; and final review and concurrence by the agency responsible for outputs listed in the work plans. Public participation activities shall be summarized and reported annually in a form acceptable to the appropriate Regional Administrator. This report shall address those elements listed in § 249.4. In addition, public participation activities shall be reported as required in § 249.5.

(b) Every regulation, guideline, or program issued by the EPA under the Act shall contain a specific section on public participation implementing the requirements of this guideline.

(c) EPA shall maintain records of meetings and other participation activities it conducts under the Act and shall maintain copies of the records in the EPA originating office. In addition, transcripts of every public hearing and public meeting conducted by EPA under the Act shall be made. EPA shall furnish copies of the transcripts at no charge to all participants, and make available additional copies at the EPA Washington, D.C. Head-

quarters, and in each EPA Regional Office for review or purchase at reasonable costs.

§ 294.4 Guidelines for agency programs.

EPA, State, and substate entities shall conduct a continuing program for public information and participation in the development and implementation of activities under the Act, and shall assure adequate opportunity for participation by the public at large. They shall specifically attempt to involve private citizens, parties affected by activities under the Act and representatives of consumer, environmental and minority associations; trade, industrial, and labor organizations; public health, scientific and professional societies; public officials and governmental and educational associations. Special efforts should be made to ensure that nonprofit organizations and citizens representing themselves have every opportunity to participate. The exact mechanisms and extent of activity may vary in relation to public response and the nature of the issue involved. Furthermore, where State administrative procedures for public participation are substantially equivalent to these guidelines, State and substate entities may use such procedures in carrying out their responsibilities under the Act.

(a) *Meetings.* Public meetings, including public hearings, conferences and workshops shall be planned and scheduled to facilitate public involvement in the development, planning, and implementation of the Act's key provisions—

(1) Public hearings as required by the Act prior to promulgation of certain regulations are characterized by the opportunity for testimony, and the development of a transcript or other official record. (See § 249.7 for specific guidelines on conducting hearings.)

(2) Public conferences broaden the base of participation, offer flexibility in planning and scheduling and provide the occasion for a more informal exchange of views than public hearings. They are often useful in involving the public in the development, revision, implementation, and enforcement of regulations, guidelines or programs.

(3) Workshops can provide in-depth review of specific details of regulations, guidelines, and programs by interested organizations and members of the public. They are usually most effective when limited in size and directed to a specific topic.

The charging of more than a nominal registration fee for meetings, conferences, and workshops is discouraged. In selecting locations and times for such meetings, including public hearings, consideration shall be given to easing travel hardship (See § 249.7(e)).

(b) *Information and educational materials.* EPA, State and substate entities shall provide policy, program, and technical information at the earliest practicable times and at places easily accessible to interested persons and organizations so that they can make informed and constructive contributions to governmental decisionmaking. Information and educational programs shall be developed so that all levels of government and the public have the opportunity to become familiar with the technical data base and the issues which emerge from it. Special efforts shall be made to summarize complex technical materials for the public and the media. Public information programs require the use of appropriate communications tools, techniques, and media. The following, among other approaches, may be used for this purpose:

(1) Publications, newsletters, exhibits, and other graphics;

(2) Slide presentations and films;

(3) Media programs, including public service television and radio announcements, and news releases and announcements to newspapers and the professional press; and

(4) Public education projects carried out by organizations that are receiving financial assistance from governmental agencies.

However, State and substate entities do not necessarily need to produce all of the information materials to carry out this provision. EPA plans to produce and make available to State and substate entities, after review by the Regions and States, a variety of technically sound public informational materials, such as pamphlets, brochures, slide presentations and video tapes on the problems of solid waste management and the opportunities for solving them under the Act. Dissemination of these informational materials by States and substate entities would meet this requirement in many cases.

(c) *Assistance to public.* EPA, State, and substate entities shall provide technical and information assistance to public groups for citizens education, community workshops, training, and dissemination of information to communities. Requests for information shall be handled promptly. State and substate entities shall be among the first recipients of EPA's information required by Section 8003 of the Act. Each Regional Office of the EPA shall designate a public participation officer to work with and coordinate regional public participation activities with the EPA Headquarters program to help ensure that Federal, State, and substate public participation activities carried out under the Act are in compliance with these guidelines. Any deficiencies in the implementation of these public participation guidelines should be called to the attention of the Regional Administrator or his designee by the public participation officer.

(d) *Consultation.* EPA, State, and substate entities shall have standing arrangements for early consultation and the exchange of views with interested and affected persons and organizations on the development, revision, or implementation of regulations, guidelines, and plans. Review groups, ad hoc committees, task forces, workshop meetings, conferences, and citizen training activities can be utilized to serve this purpose. Review groups and ad hoc committees shall meet periodically to review programs and regulations under consideration or development by EPA or by State and substate entities receiving financial assistance under the Act. Review groups shall also be asked to comment on draft materials in advance of promulgation even if a formal meeting is not held. In establishing review groups and ad hoc committees, representatives from the interest groups identified in § 249.4 should be invited to participate.

(e) *Notification.* EPA, State, and substate entities shall maintain a current list of interested persons and organizations within their geographic areas, including those who may request to be included on such list, for the periodic distribution of materials listed in paragraph (b) of this section. Prior to conducting public hearings, each agency shall comply with the Act's requirements for public notice, to the extent that they are consistent with any applicable State Administrative Procedure Acts. Before conducting such hearings, each agency shall notify all interested persons or organizations who have requested such notice in advance.

(f) *Access to information.* EPA, State, and substate entities shall provide, either directly or through others, in location(s) convenient to the interested and affected public, one or more public collections of solid and hazardous waste management reports and data pertinent to the geographic area concerned. Such materials may include, unless otherwise prohibited (i.e., by laws governing trade secrets or confidentiality), solid and hazardous waste management grant and permit applications, permits, interim and final reports resulting from grant activities, and the full text of proposed and final rules and regulations. In addition, the EPA Office of Solid Waste catalog entitled "Available Information Materials" should be included, as well as the reference documents and instructions for using EPA's solid waste information retrieval system for literature searches and inter-library loans. Information on the availability of copying facilities at convenient locations and at reasonable cost to the public shall be available.

(g) *Enforcement.* EPA, State, and substate entities shall develop internal procedures for receiving and ensuring proper consideration of information and complaints submitted by citizens. Public initiative in reporting violations of the Act shall be encouraged. Procedures for reporting complaints shall be set forth by the appropriate agency. Alleged violations shall be promptly investigated by the appropriate agency.

(h) *Legal proceedings.* EPA, State, and substate entities shall provide full and open information on legal proceedings being conducted under the Act, to an extent not inconsistent with legal requirements, and where such disclosure would not prejudice the conduct of potential litigation. Actions of the EPA shall be consistent with the statement of policy issued by the Department of Justice concerning opportunities for public comment before consent by the Department of Justice to a proposed judgement in an action to enjoin discharges of pollutants into the environment. (See 28 CFR 50.7.)

(i) *Rulemaking.* In addition to providing an opportunity for public hearing(s) on proposed regulations and guidelines as required under applicable statutes or regulations, agencies shall invite and consider written comments on proposed guidelines or regulations from any interested or affected persons or organizations. EPA shall use FEDERAL REGISTER notices, including notices of intent to develop rulemaking and advance notices of proposed rulemaking, as appropriate, prior to proposal and promulgation of guidelines and regulations. State and substate entities may use established State and local administrative procedures that apply to proposed and final rulemaking and which contain provision for public comment. All comments received shall be part of the Agency rulemaking docket, and a copy of each comment shall be routinely available for public inspection. Draft copies of regulations may be made available to interested parties during the development of a regulation or guideline. Copies of proposed and final rules and regulations shall be distributed to interested persons as quickly as possible after publication. Where documents are incorporated by reference in proposed or final rulemakings, information on their availability and any procedures for submitting comments shall be published in the preamble to the proposed or final rule. Information on the availability of copying facilities, at convenient locations, and at reasonable cost to the public shall be made available.

(j) *Other measures.* The listing of specific measures in this section shall not preclude additional techniques for obtaining, encouraging, or assisting public participation.

§ 249.5 Guidelines for reporting.

(a) The annual EPA report as required under section 2005 of the Act shall include a description of public participation activities that have been carried out in the development and implementation of the Act's provisions.

(b) The State submissions for financial assistance as required under the applicable solid and hazardous waste management sections of the EPA grant regulations shall include a description of public participation activities that will be carried out in the development and implementation of the solid and hazardous waste management program.

(c) Any substate entity submitting an application to EPA for direct financial assitance as required under the applicable solid waste management sections of the EPA grant regulations shall include a description of public participation activities that will be carried out in the implementation of the grant activity.

(d) In addition, in order that the public and reviewing officials may be fully aware of the actual extent of public input and involvement, a summary of public participation related to particular actions or documents shall be publicly presented as follows:

(1) For regulations, standards, or guidelines required to be published by EPA under the authority of this Act, or required to be published by a State agency under applicable State law, a summary of public participation shall be published as part of the preamble.

(2) For plans and programs of States or substate entities being developed and implemented under subtitles C or D of this Act, and required to be approved or authorized by EPA, a summary of public participation shall be submitted as part of the plan and shall address elements in § 249.4(a) through (i). The plan shall include a section describing measures taken to assure public participation in the development and implementation of the plan. In addition, any controversial issues raised in the development of the plan and their disposition shall be indicated.

(3) Each summary of public participation in subparagraphs (1) and (2) of this paragraph shall describe the public participation measures provided, and indicate where the related materials are on file within the agency for purposes of review by interested parties. The documentation of the public participation measures provided shall be maintained in the official docket system applicable to the regulations and shall be accessible for review by interested parties. This documentation shall reflect the measures taken by the agency regarding substantive public response and comments on the regulations, standards or guidelines.

§ 249.6 Guidelines for evaluation.

The EPA Administrator, Regional Administrator, Governor, or other reviewing official shall review and evaluate each description or summary of public participation for conformance with the specific requirements of this guideline. In evaluating the public participation element of State plans, he shall consider these requirements on a case-by-case basis, taking into account the subject matter and specific programmatic needs. The official may call for additional information or for the records of meetings or hearings. If he finds that there has been inadequate opportunity for participation by affected local officials or the public on the matter, or inadequate response to controversial issues raised, including failure to employ the requirements of these guidelines, he may suspend or disapprove the grant application. He may also take measures, or require the sponsoring agency to take measures, to obtain additional public participation prior to final action. Final action on each matter under consideration shall include a statement of findings, regarding public participation.

§ 249.7 Guidelines for public hearings and other public meetings.

Any public hearing, whether mandatory or discretionary, to be held under the Act shall be in conformity with this section. However, where State administrative procedures for public hearings are substantially equivalent to these guidelines, State and substate entities may use such procedures.

(a) *Purpose.* A public hearing gives persons and organizations the opportunity to be heard on a matter prior to decision-making or promulgation of regulations. The final action shall reflect consideration of the content of public hearing testimony.

(b) *Public meetings.* Agencies are encouraged to hold public conferences or workshops, in addition to public hearings, on controversial or complex issues. The Administrator of EPA may provide assistance to these agencies in complying with this subsection. Such meetings shall be informational in nature with opportunity for public response, and may not supplant a hearing where such is required under the Act. These meetings may be held jointly with other agencies where feasible.

(c) *Opportunity for hearings.* In those cases where the Act calls specifically for a public hearing, a public hearing shall be held. In those cases where the Act states that the opportunity for a public hearing shall be provided, a hearing shall be held if the agency finds that there is any public interest in holding a hearing. In those cases where the Act calls neither for a public hearing nor for the opportunity for hearings, a public meeting or hear-

ing shall nonetheless be held if the agency finds sufficient public interest in the matter.

(d) *Hearing notices.* In addition to any other legal requirements, a notice of each hearing or public meeting shall be well-publicized. Because notices published in newspapers are not always sufficient to assure public awareness notices should be mailed to interested and affected persons and organizations, whenever possible, as soon as the hearing or meeting is scheduled by the agency. Notice of a hearing should be given at least thirty calendar days before the hearing is to take place unless otherwise provided in a State Administrative Procedure Act. Only in those cases when a delay would have a clearly adverse effect on human health or the environment should a hearing be held on shorter notice.

(e) *Location and time.* In determining the locations and times for hearings, priority shall be given to easing travel hardship and to facilitating attendance and testimony by a cross-section of the public. Accessibility of hearing sites by public transportation shall be considered. When a public meeting or hearing is being held that affects specific proposed or existing solid waste management facilities, priority attention shall be given to the timing and location of the meeting and to any other provision or procedure that could appropriately be used to encourage maximum participation of the affected communities.

(f) *Documents.* Available reports, documents, and data to be discussed at the public hearing shall be open for inspection to the public at least two weeks prior to the hearing. For complex matters, a fact sheet should be prepared outlining major issues, tentative staff determinations, procedures for obtaining further information and requesting time at public hearing, and for other actions where appropriate. Its availability shall be made known in the notice called for in paragraph (d) of this section.

(g) *Agenda.* The elements of the public hearing, proposed time schedule, and any restrictions on statements shall be specified in the notice of the hearing.

(h) *Scheduling.* Witnesses at public hearings shall be scheduled in advance when necessary to ensure maximum participation and allotment of adequate time for testimony, provided that such scheduling is not used as a bar to unscheduled testimony. The agency shall give consideration to all categories of witnesses, such as elected officials, organizations and individual citizens. Evening and weekend schedules shall be given priority consideration.

(i) *Statements.* Public hearing procedures shall not require more than one legible copy of any statement to be submitted by a witness for purpose of the record.

(j) *Records.* A record of public hearing proceedings shall be made available promptly to the public for review or purchase.

§ 249.8 Coordination and nonduplication.

Agencies conducting public participation activities and provision of materials required under the Act or these guidelines may combine closely related public participation programs or activities. Such combination should enhance the economy, effectiveness, or the timeliness of the effort and not be detrimental to participation by the greatest cross-section of the public. Hearings and other meetings may be held jointly by more than one agency. They may be held jointly for more than one purpose or program under the Act, provided that such procedure does not conflict with other provisions of the Act.

§ 249.9 Applicability.

The provisions of this part shall apply only to actions taken after the effective date of this part.

Dated: January 5, 1978.

BARBARA BLUM,
Acting Administrator.

[FR Doc. 78-895 Filed 1-11-78; 8:45 a.m.]

federal register

THURSDAY, JANUARY 12, 1978
PART IV



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

[4710-01]

DEPARTMENT OF STATE

[Public Notice 586]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1978 have been received from the Governments of Italy and the Union of Soviet Socialist Republics, and are published herewith.

Dated: December 28, 1977.

CARLTON PRICE,
Acting Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0213

1. Name of Vessel TIKHVIN 2. Visual Identifier (Call Sign) UJUT

3. Type of Vessel STERN TRAWLER 4. Length 85

5. Gross Tonnage 3170 6. Net Tonnage 1225 7. Maximum Speed (knots) 12,5

8. Owner's Name and Address BAZA AKTIVNOGO MORSKOGO RYBOLOVSTVA, NAKHODKA, USSR

9. Types of Processing Equipment FREEZER, FISH MEAL PLANT, FILLETER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	Pollock	Midwater Trawl Bottom Trawl	x	x	x
	Pacific Cod	"	x	x	x
	Yellowfin Sole	"	x	x	x
	Other Flounders	"	x	x	x
	Atka Mackerel	"	x	x	x
	Herring	"	x	x	x
	Pacific Ocean Perch	"	x	x	x
	Other Groundfish	"	x	x	x
GOA	Pollock	Midwater Trawl Bottom Trawl	x	x	x
	Pacific Cod	"	x	x	x
	Flounders	"	x	x	x
	Pacific Ocean Perch	"	x	x	x
	Other Rockfishes	"	x	x	x
	Other Groundfish	"	x	x	x
	Atka Mackerel	"	x	x	x
WOC	Hake	Midwater Trawl	x	x	x
	Jack Mackerel	"	x	x	x

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[ ] No [X] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

= To conduct the support operations to U.S. catchers working for US-USSR Marine Resources Co. Inc.

UR-78-0213

continuation of no. 11

SUPPORT OF APPROXIMATELY FIVE U.S. FLAG FISHING VESSELS

Fishery - WOC and GOA

Species - WOC--mainly Hake
GOA--mainly Pollock

Quantities - approximately 4000 MT to be purchased by USSR from U.S. fishing vessels. Exact amounts by species unknown at this time.

Dates - WOC--June through September at various times
GOA--April through August at various times

Locations - various locations within the USFCZ off Washington, Oregon, California, and Alaska.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. UR-78-0238

1. Name of Vessel SULAK 2. Visual Identifier (Call Sign) UPTO

3. Type of Vessel FISH PROCESSING BAZE 4. Length 174

5. Gross Tonnage 18011 6. Net Tonnage 11076 7. Maximum Speed (knots) 14.3

8. Owner's Name and Address BAZA TRALOVOGO I REFRIZHERATORNOGO FLOTA, VLADIVOSTOK, USSR

9. Types of Processing Equipment FREEZER, PRESERVES LINE, FISHMEAL PLANT, FISH DRESSING LINE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
BSA	Pollock			X	X
	Pacific Cod			X	X
	Yellowfin Sole			X	X
	Other Flounders			X	X
	Atka Mackerel			X	X
	Herring			X	X
	Pacific Ocean Perch			X	X
	Other Groundfish			X	X
GOA	Pollock			X	X
	Pacific Cod			X	X
	Flounders			X	X
	Pacific Ocean Perch			X	X
	Other Rockfishes			X	X
	Other Groundfish			X	X
	Atka Mackerel			X	X
WOC	Hake			X	X
	Jack Mackerel			X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

/ / No /X/ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

- To conduct the support operations to U.S. catchers working for US-USSR Marine Resources Co. Inc.

continuation of no. 11

SUPPORT OF APPROXIMATELY FIVE U.S. FLAG FISHING VESSELS

Fishery - WOC and GOA

Species - WOC--mainly Hake
GOA--mainly Pollock

Quantities - approximately 4000 MT to be purchased by USSR from U.S. fishing vessels. Exact amounts by species unknown at this time.

Dates - WOC--June through September at various times
GOA--April through August at various times

Locations - various locations within the USFCZ off Washington, Oregon, California, and Alaska.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. IT-78-0021

1. Name of Vessel MARIA C. 2. Visual Identifier (Call Sign) IUVM

3. Type of Vessel STERN TRAWLER 4. Length m. 71,17

5. Gross Tonnage 1306 6. Net Tonnage 608,48 7. Maximum Speed (knots) 13

8. Owner's Name and Address CEFALU' ANTONINO

Via La Farina, 3 - PALERMO

9. Types of Processing Equipment FLASH FRIZEER

10. Fisheries for Which Permit is Requested:

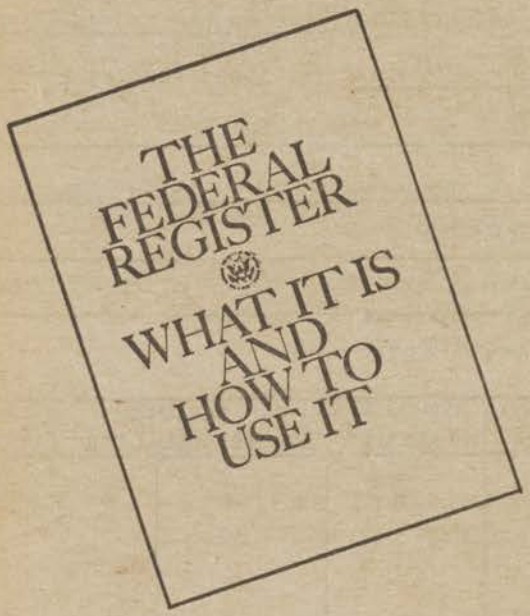
Fishery Plans	Target Species	Gear To Be Used	Activity: Catching	Processing	Other Support
NWA	loligo illex	Bottom trawl and Mid-water trawl	x	x	
	other finfish		x	x	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

[X] No [ ] Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

[FR Doc. 78-865 Filed 1-11-78; 8:45 am]

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