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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
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
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	HEW/ADAMHA			HEW/ADAMHA
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	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
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	HEW/PHS			HEW/PHS

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

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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. 426, Navel Orange Reg. 425, Amendment 1]

#### 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 action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 20-26, 1978, and increases the quantity of such oranges that may be so shipped during the period January 13-19, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective January 20, 1978, and the amendment is effective for the period January 13-19, 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 17, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recom-

mended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is steady.

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 and amendment are 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, and the amendment relieves restrictions on the handling of navel oranges. 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.

1. § 907.726 Navel Orange Regulation 426.

*Order.* (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 20, 1978, through January 26, 1978, are established as follows:

- (1) District 1: 800,000 cartons;
- (2) District 2: 150,000 cartons;
- (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.

2. Paragraph (a) (1), (2), and (3) in § 907.725 Navel Orange Regulation 425 (43 FR 1785), is hereby amended to read:

- (1) District 1: 800,000 cartons;
- (2) District 2: unlimited movement;
- (3) District 3: unlimited movement.

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

Dated: January 18, 1978.

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

[FR Doc. 78-1833 Filed 1-18-78; 11:27 am]

## [1505-01]

### Title 10—Energy

#### CHAPTER 1—NUCLEAR REGULATORY COMMISSION

Amendments to Chapter To Revoke or Revise Certain Reporting Requirements

##### Correction

In FR Doc. 77-25074 appearing in the issue of Thursday, September 1, 1977 on page 43965, paragraph "2" near the bottom of the 3rd column should read as follows:

§ 20.403 [Amended]

2. Paragraph (a)(4) of § 20.403 is amended by deleting "\$100,000" and substituting therefor "\$200,000".

## [4910-13]

### Title 14—Aeronautics and Space

#### CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-WE-40-AD; Amdt. 39-3127]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Hughes Model 269 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections and rework of the tail rotor control pedals on Hughes Model 269 Series helicopters. The AD is needed to prevent failure of the tail rotor control pedals which could result in loss of tail rotor control.

DATE: Effective January 24, 1978.

Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service information notice may be obtained from: Hughes Helicopters, Centinela and Teale Streets, Culver City, Calif. 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

## FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone: 213-536-6351.

**SUPPLEMENTARY INFORMATION:** There have been reports of failures of the tail rotor control pedals, arms, and sockets that could result in loss of tail rotor control. These cracks and failures have occurred on both the pilots and copilots pedals and the failures have usually occurred during flight training under opposing instructor and student pedal forces.

Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires initial and repetitive inspections and rework of the tail rotor control pedals on Hughes Model 269 Series helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

## DRAFTING INFORMATION

The principal authors of this document are James R. Haynes, Aircraft Engineering Division, and Frederick C. Woodruff, Office of the Regional Counsel.

## ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) is amended, by adding the following new airworthiness directive:

**HUGHES HELICOPTERS.** Applies to Model 269 Series helicopters, certificated in all categories including Model TH-55A.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the tail rotor control pedals, accomplish the following:

(a) Within the next 100 hours time in service from the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours time in service perform the following:

(1) On all models visually inspect the pilots' pedal arms P/N 269A7336 for cracks and corrosion in accordance with service information notice (SIN) N-121.1, Part I, Paragraph (b).

(i) If visual inspection reveals evidence of incipient cracks, further inspect with dye penetrant and if confirmed replace with a serviceable pedal arm P/N 269A7336 before further flight.

(ii) If corrosion is found, remove the corrosion in accordance with SIN N-121.1 before further flight.

(iii) After corrosion removal of (1)(ii) above, inspect the wall thickness of the

pedal arm in the areas of corrosion removal. If the wall thickness in the cylindrical section is less than .10 inch replace the pedal arm P/N 269A7336 with a serviceable pedal arm before further flight. If the corrosion removal on the pedal arm above the cylindrical section exceeds .005 inch in depth replace the pedal arm P/N 269A7336 with a serviceable pedal arm before further flight.

(2) On Models 269A, A-1, and TH-55A, visually inspect the copilots' pedal arms P/N 269A7336 in accordance with paragraph (a)(1) above.

(3) On Models 269 B and C, remove the copilots' pedal arms P/N 269A7330 from the pedal sockets P/N 269A9973 or P/N 269A7334 and visually inspect for cracks and corrosion in accordance with SIN N-121.1, Part I, Paragraph (d).

(i) If visual inspection reveals evidence of incipient cracks, further inspect with dye penetrant in accordance with SIN N-121.1 and if confirmed replace with a serviceable part or parts before further flight.

(ii) If corrosion is found, remove the corrosion in accordance with SIN N-121.1 before further flight.

(iii) After corrosion removal of (3)(ii) above, inspect the wall thicknesses in the areas of corrosion removal. If the wall thickness of the pedal arm is less than .13 inch replace the pedal arm P/N 269A7330 before further flight. If the wall thickness of the socket is less than .10 inch replace the socket P/N 269A9973 or P/N 269A7334 before further flight.

(b) Within the next 100 hours time in service, from the effective date of this AD unless already accomplished, and thereafter at intervals not to exceed 100 hours time in service, torque the pedal arm and/or socket bushing nuts to the limits specified by SIN N-121.1.

(c) On the 269B and 269C helicopters only, within the next 100 hours time in service, from the effective date of this AD unless already accomplished, measure the copilots' pedal arm wall thickness above the quick release pin hole. If the wall thickness is less than 0.130 inch replace the pedal arm P/N 269A7330 before further flight.

(d) On all Models except 269C, within the next 100 hours time in service, from the effective date of this AD unless already accomplished, rework the pilots' and copilots' left hand pedal arm and/or sockets in accordance with SIN N-121.1 Part II.

(e) Hughes service information notice (SIN) N-121.1, dated October 3, 1977, or later FAA approved revisions shall be used for compliance where indicated in this AD except for alternate inspection and rework methods approved under Paragraph (f).

(f) Equivalent inspections, and reworks may be approved by Chief, Aircraft Engineering Division, FAA Western Region, Los Angeles, Calif.

(Secs. 313(a), 601, and 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)); and 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 Los Angeles on January 9, 1978.

ROBERT H. STANTON,  
Director,  
FAA Western Region.

[FR Doc. 78-1365 Filed 1-18-78; 8:45 am]

## [4910-13]

[Docket No. 17547; Amdt. No. 159-16]

## PART 159—NATIONAL CAPITAL AIRPORTS

## Distribution of Written or Printed Matter

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revokes a provision in the Federal Aviation Regulations that pertains to the posting, distributing, or displaying of written or printed matter on Washington National and Dulles International Airports. This action is necessary since that provision was declared unconstitutional by a Federal court.

**EFFECTIVE DATE:** January 19, 1978.

## FOR FURTHER INFORMATION CONTACT:

John C. Curry, Legal Counsel, Metropolitan Washington Airports, Hangar 9, Washington National Airport, Washington, D.C. 20001; telephone 202-557-8123.

**SUPPLEMENTARY INFORMATION:** On July 9, 1974, in *Aviation Consumer Action Project v. Butterfield*, Civil Action No. 2085-73, the United States District Court for the District of Columbia ruled that § 159.93 of the Federal Aviation Regulations is unconstitutional. The court also enjoined the FAA from applying that section to restrict plaintiff's distribution of information sheets at Washington National and Dulles International Airports. However, it observed that the Administrator could reasonably limit such distribution to remove substantial interference with the operation of those airports.

In light of this decision, the FAA considers it appropriate to revoke § 159.93.

Since this amendment relates to public property, notice and public procedure thereon are not required, and it may be made effective in less than 30 days.

The principal authors of this document are John C. Curry, Metropolitan Washington Airports, and Danvers E. Long, Office of the Chief Counsel.

Accordingly, Part 159 of the Federal Aviation Regulations is amended, effective January 19, 1978, by revoking and reserving § 159.93, as follows:

## § 159.93 [Reserved]

(Sec. 2, Act of June 29, 1940, as amended (Administration of Washington National

Airport, 54 Stat. 688); Sec. 4, Act of September 7, 1950, as amended (Second Washington Airport Act, 64 Stat. 771); Sec. 1.47(a), Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)).

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 12, 1978.

LANGHORNE BOND,  
Administrator.

[FR Doc. 78-1239 Filed 1-18-78; 8:45 am]

[1505-1]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE,  
DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX  
[T.D. 7508]

PART 1—INCOME TAX: TAXABLE YEARS  
BEGINNING AFTER DECEMBER 31, 1953

Minimum Participation Standards

Correction

In FR Doc. 77-27175 appearing on page 47192 in the issue for Tuesday, September 20, 1977, on page 47197, at the top of the 1st column, the section heading should read:

§ 1.410 (a)-6 Amendment of break in service rules; transition period.

[1505-01]

SUBCHAPTER A—INCOME TAX  
[T.D. 7516]

PART 1—INCOME TAX: TAXABLE YEARS  
BEGINNING AFTER DECEMBER 31, 1953

Requirement of Returns for Political  
Organizations

Correction

In FR Doc. 77-31738 appearing in the issue of Friday, November 2, 1977 on page 57312, the middle column, the statutory authority, the 5th line should read,

"Sec. 10 (b) and (f), Act of Jan. 3, 1975 (Pub. L. 93-625, 88 Stat. 2119) \* \* \*".

§ 1.6012-6(a) should read as follows:

§ 1.6012-6 Returns by political organizations.

(a) Requirement of return—(1) In general. For taxable years beginning after December 31, 1974, every political organization described in section 527(e)(1), and every fund described in section 527(f)(3) or section 527(g), and every organization described in section 501(c) and exempt from taxation

under section 501(a) shall make a return of income within the time provided in section 6072(b), if a tax is imposed on such an organization or fund by section 527(b).

\* \* \* \* \*

[1505-01]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT  
GUARANTY CORPORATION

PART 2610—INTERIM REGULATION ON  
VALUATION OF PLAN BENEFITS

Amendment Adopting Additional PBGC Rates

Correction

In FR Doc. 77-33466 appearing at page 59753 in the issue for Monday, November 21, 1977, on page 59754, in the amendment to Appendix B of 29 CFR Part 2610, under "I—Interest Rate for Valuing Immediate Annuities", in the third line "Gr" should have read "Gy".

[4310-05]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT, DE-  
PARTMENT OF THE INTERIOR

SURFACE MINING RECLAMATION AND  
ENFORCEMENT PROVISIONS

Final Rules: Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Corrections.

SUMMARY: This document corrects final rules that begin on page 62639 of the FEDERAL REGISTER of December 13, 1977, FR Doc. 77-35049.

EFFECTIVE DATE: January 19, 1978.

ADDRESS: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Paul Reeves, 202-343-4237.

SUPPLEMENTARY INFORMATION: Except as noted below, this document corrects typographical errors. Item 2 corrects the statement of applicability of the performance standards to new mines on Federal lands so that the operative date is the date of permit approval rather than the date operations commence. This is consistent with the applicability of the initial performance standards to new mines under State permits. Item 6 corrects a misuse of the word "length" by substituting

the word "height" which correctly appeared in the proposed regulations in § 715.15(b)(4). Item 10 deletes paragraph (j)(5) from § 715.17. The paragraph was inadvertently retained from an early draft of the final regulations. Section 715.17(j)(4) correctly states the law with regard to exchange of Federal coal leases or fee lands in alluvial valley floors, and as noted in item 55 on page 62656 of the preamble to the final regulations, "Detailed regulations implementing the exchange provisions will be developed."

DRAFTING INFORMATION

The principal authors of these corrections are: Michael Bradley, Office of Surface Mining, and Edward Clair, Office of the Solicitor, Department of the Interior.

Dated: January 13, 1978.

WALTER N. HEINE,  
Director, Office of Surface  
Mining Reclamation and En-  
forcement.

The following corrections are made:

PART 700—GENERAL

1. On page 62676, § 700.5 definition of Regulatory authority, line 5, "regulatory" is corrected to read "regulatory".

PART 710—INITIAL REGULATORY PROGRAM

2. On page 62679, § 710.11(c)(1), lines 3 and 4, "that commence operations" is corrected to read "under a permit approved".

3. On page 62679, § 710.12, the section heading "Special exemption for small operators on State lands." is corrected to read "Special exemption for small operators."

PART 715—GENERAL PERFORMANCE  
STANDARDS

4. On page 62681, § 715.13(c)(10), line 3, "primarily" is corrected to read "primarily".

5. On page 62681, § 715.13(d)(7), line 1, "use of" is corrected to read "use or".

6. On page 62683, § 715.14(i) line 1, "regarding" is corrected to read "regarding" and on line 4, "regarded" is corrected to read "regraded".

7. On page 62684, § 715.15(b)(8), line 4, "length" is corrected to read "height."

8. On page 62685, "§ 715.17(a) Water quality standards and effluent limitations." is corrected to read "(a) Water quality standards and effluent limitations."

9. On page 62685, in the chart labeled Effluent Limitations, In Milligrams Per Liter, "consecutiv" in the third column heading is corrected to read "consecutive".

10. On page 62686, § 715.17(e)(6)(iii), line 3 "quotient of H + 35/5" is corrected to read "quotient of H+35/5."

11. On page 62688, § 715.17(j) is corrected by deleting paragraph (j)(5).

12. On page 62690, § 715.19(e)(ii), line 4, "lighting" is corrected to read "lightning".

**PART 716—SPECIAL PERFORMANCE STANDARDS**

13. On page 62694, § 716.7(e)(5), line 5, "regarding" is corrected to read "re-grading".

14. On page 62695, § 716.7(g)(2), line 7, "willn ot" is corrected to read "will not".

**PART 722—ENFORCEMENT PROCEDURES**

15. On page 62701, in the table of sections under heading part 722—Enforcement Procedures, "Sec. 722.11 Imminent hazards." is corrected to read "Sec. 722.11 Imminent dangers and harms.", and "Sec. 722.12 Non-imminent hazard violations." is corrected to read "Sec. 722.12 Non-imminent dangers and harms."

16. On page 62701, middle column, the section heading, "§ 722.12 Non-imminent danger or harm." is corrected to read "§ 722.12 Non-imminent dangers or harms."

**PART 740—GRANTS FOR PROGRAM DEVELOPMENT AND ADMINISTRATION AND ENFORCEMENT**

17. On page 62707, § 740.11(c)(1)(ii), line 2, strike the comma between "period" and "for".

18. On page 62708, § 740.16(b), line 2, "agreements" is corrected to read "agreement".

**PART 830—PROTECTION OF EMPLOYEES**

19. On page 62712, § 830.11(a)(1)(i), line 1, "allege" is corrected to read "alleged".

[FR Doc. 78-1430 Filed 1-18-78; 8:45 am]

**[6820-22]**

**Title 34—Government Management**

**CHAPTER II—GENERAL SERVICES ADMINISTRATION**

**SUBCHAPTER C—PROPERTY MANAGEMENT**

**PART 235—ESTABLISHMENT AND USE OF THE INVENTORY OF FEDERAL LABORATORIES**

**Deletion of Part**

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This rule removes certain GSA regulations concerning space utilization in Federal laboratories of 10,000 square feet or more in area. GSA has determined that these regulations are no longer necessary and should be removed from the Code of Federal Regulations.

EFFECTIVE DATE: January 19, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Wallace J. McCoy, Office of Space Planning and Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1025.

**SUPPLEMENTARY INFORMATION:** GSA has determined that the policies and procedures in Federal Management Circular 75-3, Establishment and Use of the Inventory of Federal Laboratories, are no longer necessary. Therefore, FMC 75-3 is canceled. These provisions were codified as 34 CFR Part 235.

Accordingly, Part 235 of Title 34 is hereby deleted and reserved.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); Executive Order 11717.)

**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: January 10, 1978.

JAY SOLOMON,  
Administrator of General  
Services.

[FR Doc. 78-1425 Filed 1-18-78; 8:45 am]

**[8320-01]**

**Title 38—Pensions, Bonuses, and Veterans' Relief**

**CHAPTER I—VETERANS ADMINISTRATION**

**PART 14—LEGAL SERVICES, GENERAL COUNSEL**

**Federal Tort Claims**

AGENCY: Veterans Administration.

ACTION: Final regulation.

**SUMMARY:** These amendments redelegate Veterans Administration General Counsel's delegated authority to compromise and settle claims asserted under the Federal Tort Claims Act to all Veterans Administration District Councils, where the amount of settlement does not exceed \$25,000. The General Counsel has determined that differences in delegated authority between District Councils is an administrative burden and no longer serves a useful purpose; and that uniformity in supervision and in actions upon appeals from denials can more equitably be exercised by the General Counsel.

EFFECTIVE DATE: October 1, 1977.

**FOR FURTHER INFORMATION CONTACT:**

Mr. James P. Kane, Deputy Assistant General Counsel (389-2252 or 2153).

**SUPPLEMENTARY INFORMATION:** Under current VA Regulations certain District Councils are delegated au-

thority to settle claims asserted under the Federal Tort Claims Act in an amount not exceeding \$25,000, and to exercise appellate and supervisory authority over the remaining District Councils, who have been granted authority to settle such claims in an amount not exceeding \$10,000.

Compliance with the required notice of proposed regulatory development and delayed effective date is unnecessary and would serve no purpose since the amendments proposed are internal in nature.

Approved: January 12, 1978.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

1. In § 14.602, paragraphs (c) and (d) are revised to read as follows:

§ 14.602 Scope and authority to consider claims.

(c) Pursuant to the authority delegated to General Counsel by § 2.8(e) of this chapter to redelegate his authority to act on claims filed under the Federal Tort Claims Act, as amended, all District Councils are authorized to settle such tort claims in an amount not to exceed \$25,000, where in the view of the respective District Councils, liability exists.

(d) Where it is determined that liability on the part of the Government does not exist, the District Counsel who initially received the claim will deny liability regardless of the amount claimed or the potential value if liability existed. If liability is questionable, the District Counsel will refer the claim for final determination to the General Counsel.

2. In § 14.608, paragraphs (a) and (b) are revised to read as follows:

§ 14.608 Disposition of claims.

(a) *Disallowance and appeal.* Where a determination is made that there is no liability on the part of the United States, the District Counsel or the General Counsel, as appropriate, will notify the claimant (or claimant's attorney or legal representative) by certified or registered mail. Notification of final denial may include a statement of reasons for the denial. Denial of a tort claim by any District Counsel will include appropriate notice of the appellate rights of the claimant. The claimant shall be advised in the denial letter that he or she may appeal the denial within the Veterans Administration, and that such appeal, if made, should be addressed to and received by the General Counsel within 6 months of the mailing date of the denial letter. The denial letter shall also in-

clude a statement that, if the claimant is dissatisfied with the agency action, and/or does not wish to exercise the right to appeal the denial to the General Counsel, suit in an appropriate United States District Court may be instituted not later than 6 months after the date of mailing of the notice of final denial.

(b) *Statute of limitations.* Prior to the commencement of suit and prior to the expiration of the 6-month period provided in 28 U.S.C. 2401(b), a claimant, or claimant's duly authorized agent, or legal representative, may file a written request with the agency for an appeal from denial of a claim issued under paragraph (a) of this section. Upon the timely filing of an appeal, the agency shall have 6 months from the date of filing in which to make a final disposition of the claim, and the claimant's option under 28 U.S.C. 2675(a), shall not accrue until 6 months after the filing of an appeal. Final agency action on an appeal shall be effected by the General Counsel. If the previous denial decision is upheld, the notice shall be by certified mail and will include advice as to the right to bring suit within 6 months.

[FR Doc. 78-1519 Filed 1-18-78; 8:45 am]

#### [4310-10]

Title 43—Public Lands: Interior

#### SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

#### PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

#### Revision of Procedures for Processing Coal Mine Health and Safety Discrimination Cases

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Final rules.

SUMMARY: The purpose of these rules is to provide for greater latitude in the filing of discrimination actions by miners under § 110(b) of the Federal Coal Mine Health and Safety Act of 1969 (hereinafter the Act). This latitude in filing, plus the investigation by the Mining Enforcement and Safety Administration (MESA) of each action filed, is designed to afford greater protection for miners who have been discriminated against for notifying MESA of alleged violations or dangers or engaging in other activity protected by § 110(b).

MESA's active participation in these discrimination cases will encourage the reporting of discriminatory acts as well as assist the Office of Hearings and Appeals in making the findings of fact required by § 110(b).

EFFECTIVE DATE: January 19, 1978.

#### FOR FURTHER INFORMATION CONTACT:

W. Michael Hackett, Trial Attorney, Office of the Solicitor, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-235-1171, or Kate O'Beirne, Attorney-Advisor, Board of Mine Operations Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-557-9037.

#### SUPPLEMENTARY INFORMATION:

Interested persons have been afforded an opportunity to participate in the making of these rules by a notice of proposed rulemaking published in the FEDERAL REGISTER on September 29, 1977 (42 FR 51626). Due consideration has been given to all comments received in response to the notice, as discussed below insofar as they relate to matters within the scope of the notice. After reviewing the comments received, it has been determined that the proposed rules shall be adopted with only one additional change.

One commentator suggested insufficient information had been provided in the notice of proposed rulemaking as to the purpose of the amendments to 43 CFR Part 4, and, thus § 553 of the Administrative Procedure Act (APA) (5 U.S.C. § 551) had not been followed. Section 553 of the APA provides that after the notice of proposed rulemaking has been published, written comments received, and relevant matters considered "the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose." Here, the notice of proposed rulemaking and final rules clearly set forth the basis and purpose of these amendments.

Several commentators have objected to a MESA investigation of each discrimination case filed, as required by § 4.564, and suggested variously that MESA is not qualified to conduct such investigations, that the provision for such investigations is actually an amendment to the Act, that such investigations are unnecessary and will only serve to delay the processing of the discrimination cases, and that the investigations should be discretionary rather than mandatory. Section 110(b) of the Act requires investigation of applications for review by the Secretary of the Interior. By conducting these investigations, MESA will be able to provide information to the Administrative Law Judges to assist them in making the required findings of fact. MESA has trained investigators who are capable of conducting these investigations. Time should actually be saved through the investigation process, since the investigation should help to narrow the issues involved in the cases, and, in some instances, encourage settlement. MESA's participation in each case will assure that all the relevant facts are presented.

One commentator indicated that the proposed regulations did not deal adequately with the situation where an operator fails or refuses to cooperate with MESA investigators thereby frustrating the intent of the investigation, i.e., to provide a complete and objective statement of the facts and issues surrounding the alleged act of discrimination. Paragraph (b) has been added to proposed regulation § 4.560a to reflect the intent of MESA to vigorously pursue the facts surrounding a § 110(b) act of alleged discrimination and require an Administrative Law Judge to permit the initiation of discovery procedures by MESA, as a part of its investigative program, where the need for or awareness of such discovery does not arise until after the 20-day limitation following filing of the initial complaint prescribed in 43 CFR § 4.583a(a).

Comments were also received which questioned MESA's right to intervene in discrimination cases under § 4.560a, suggesting that these cases are labor management disputes in which MESA has no direct interest, and that there has been no showing of any need for MESA to intervene. It was also suggested that MESA be required to show cause when it desires to intervene, at least on the basis of its investigation, and that MESA should only participate as an intervenor consistent with the results of its investigation. Under the Act, the Secretary obviously has an interest in encouraging the reporting of unsafe mining conditions, and preventing retaliation against those individuals who engage in such reporting or other protected activity. Congress mandated Secretarial involvement under the Act regardless of remedies which might otherwise be available to a miner in addition to those specified in § 110(b). These rules recognize MESA's need to intervene to provide full disclosure of the facts. MESA's absolute right of intervention is established so that it may fully participate in discovery procedures and the presentation of evidence. It should be understood that MESA is not required to participate fully in each and every hearing scheduled under § 110(b) of the Act. Rather, MESA will be allowed full status as a party with the flexibility of involvement such status entails. The presumption is that MESA will participate fully throughout the investigation of each case of alleged discrimination; however, the determination of MESA's formal involvement in the hearing will be made on a case-by-case basis taking into consideration such factors as the merits of the case and manpower limitations. MESA's participation should facilitate the narrowing and trial of the issues and, therefore, assure an equitable and expeditious decision on the merits by the Secretary and, in some in-

stances, actually enhance the potential for settlement of the issues.

Some comments were made concerning the 30-day time period for filing actions under § 110(b). Commentators objected that § 4.561(a) could not extend the 30-day period because it was jurisdictional, the Secretary had no authority to permit an extension, and, if such extension were permissible, the same opportunity should be extended to coal mine operators under § 105 of the Act. A recent decision of the Board of Mine Operations Appeals, *Baker v. North American Coal Co.*, 8 IBMA 164, decided September 30, 1977, made it clear that the 30-day period is not jurisdictional, but a statute of limitations. As such, this period is not automatically extended, but can be if the proper extenuating circumstances exist, as determined by the Administrative Law Judge or the Board. The Department believes it is proper to encourage miners to file § 110(b) actions, even after the 30-day period expires, particularly where the miner may have been misled concerning his right to file an action or where other extenuating circumstances exist. It was also felt that if a miner has initiated a grievance-arbitration proceeding or filed a complaint involving the same general subject matter with another agency within 30 days, the miner has indicated his intent to contest the validity of the action taken by the operator and, if the miner acts within 30 days after the other proceeding or complaint is resolved, should be allowed to pursue his action under § 110(b). Moreover, § 4.561(a) encourages the miner to pursue his grievance or seek his remedy in another forum which may make the relief sought by the miner under § 110(b) unnecessary. Concerning the comparison of the time periods in the Act, because these rules deal only with § 110(b) of the Act, it would be inappropriate to make any comment concerning their applicability to the time period set forth in § 105 of the Act.

Some objections were raised concerning a duplication of functions within the Department. These rules establish, however, a distinct separation of function. The investigative process will be primarily performed by MESA. The fact finding process is within the purview of the Office of Hearings and Appeals. An Administrative Law Judge within that office will conduct the administrative hearing and render the initial decision. While some commentators expressed concern about increased costs to the coal mine operators and to the agency itself, any additional expenditures should be minimal. For example, MESA already has personnel doing investigative work who will be utilized to conduct the § 110(b) investigations. It is intended that the investigative interviews be

conducted with a minimum of inconvenience and cost to the operators, consistent with the goal of obtaining a complete and objective statement of the facts surrounding each alleged act of discrimination.

While an objection has been made to the Solicitor's Office receiving copies of the applications filed under § 110(b), the purpose of this provision in § 4.562 is to facilitate MESA's conduct of the investigation, to allow the investigation to be initiated in the shortest possible time, and, therefore, the provision will be retained.

The report of the investigation is to be submitted to the Administrative Law Judge prior to the hearing as an aid in narrowing the issues involved in the case and to provide information to the Administrative Law Judge concerning the facts involved. Because the hearing provides to all parties the right to cross-examine those individuals whose statements are contained in the report and present relevant evidence, there will be no denial of due process by virtue of the inclusion of the investigative report as part of the record, as one commentator suggested.

It is not intended that these regulations have retroactive effect, as proposed by one commentator. It is recognized, however, that MESA can conduct investigations in those § 110(b) cases filed prior to the effective date of these rules, where MESA deems it advisable or necessary to conduct such investigations. The question of MESA's status as an intervenor in any discrimination cases filed before the effective date will be left to the discretion of the Administrative Law Judges.

Several commentators suggested promulgation of the amended regulations be deferred until the procedures under the new Federal Mine Safety and Health Amendments Act of 1977 go into effect. Recognizing, however, that there is a delay of 120 days in the effective date of the 1977 Act, the amendments will be operative during this interim period, until such time as the provisions of the 1977 Act and its regulations become effective. It is appropriate that MESA's functions to investigate and participate be guaranteed in the amendments, as they will be guaranteed in the 1977 Act. Regarding the contention that these changes be postponed until certain cases now being considered are decided, it should be noted that these rules will have no effect on the decisions in those cases.

Because the Federal Mine Safety and Health Amendments Act of 1977 has been signed into law by President Carter on November 9, 1977, to become generally effective in March of 1978, and because this new Act makes substantial changes in the procedures which will be utilized in processing mine health and safety discrimination cases, it should be under-

stood that nothing in these final rules is intended to conflict with any provisions in the new Act. It is intended that these rules will be in effect only until such time as the substantive regulations implementing the Federal Mine Safety and Health Amendments Act of 1977 can be properly published in final form.

#### DRAFTING INFORMATION

The principal persons responsible for preparation of these final rules are: W. Michael Hackett, Trial Attorney, Office of the Solicitor, and Kate O'Beirne, Attorney-Adviser, Board of Mine Operations Appeals.

Dated: January 11, 1978.

LEO M. KRULITZ,  
*Acting Secretary of the Interior.*

1. By revising the last sentence in § 4.513 to read:

#### § 4.513 Intervention.

\*\*\* The Administrative Law Judge or the Board of Mine Operations of Appeals may grant or deny petitions for intervention or may permit intervention limited to a particular stage of the proceeding except as provided in § 4.560a for intervention by the Mining Enforcement and Safety Administration as a matter of right.

2. By adding § 4.560a to read:

#### § 4.560a Intervention by the Mining Enforcement and Safety Administration under § 110(b) of the Act.

(a) Notwithstanding § 4.513, the Mining Enforcement and Safety Administration may intervene at any time in any proceeding brought to review an alleged discriminatory discharge or other act of discrimination pursuant to section 110(b) of the Act. Such intervention shall be deemed to be a matter of right and the Mining Enforcement and Safety Administration shall not be required to obtain permission to intervene from the Administrative Law Judge or the Board of Mine Operations Appeals. Such right of intervention shall include the right of the Mining Enforcement and Safety Administration to participate in discovery procedures to the same extent as would be allowed any party.

(b) *Provided, however,* That notwithstanding the time limitation set forth in 43 CFR 4.583a(a), and upon formal notification by the Mining Enforcement and Safety Administration that an operator currently under investigation pursuant to § 110(b) of the Act refuses to cooperate with the investigation by declining or failing to provide documents, data, witnesses, interviews, statements, or other information considered necessary for proper conduct of the investigation, an Administrative Law Judge shall permit the initiation of discovery procedures by the Mining

Enforcement and Safety Administration.

3. By revising § 4.561 to read:

§ 4.561 When to file.

(a) An application for review of an alleged discriminatory discharge or other act of discrimination shall be filed within 30 days after the alleged discriminatory activity has occurred. However, where the Administrative Law Judge or the Board of Mine Operations Appeals find extenuating circumstances exist, or where the applicant has, within the 30-day period resorted to grievance-arbitration proceedings under a collective bargaining agreement or filed a complaint regarding the same general subject with another agency, an application may be filed after the 30-day period, but shall be filed within 30 days after the completion of such other proceeding or the resolution of such complaint.

(b) An application for compensation shall be filed within 45 days after the date of issuance of the withdrawal order which gives rise to the claim.

4. By adding new § 4.561a to read:

§ 4.561a Where to file.

(a) An application for review of an alleged discriminatory discharge or other act of discrimination shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203. Such application may be delivered to any office of the Mining Enforcement and Safety Administration or to the Associate Solicitor, Division of Mine Health and Safety, which shall promptly forward the application to the Office of Hearings and Appeals for filing. Delivery to any designated office other than the Office of Hearings and Appeals shall operate to toll the 30-day period.

(b) An application for compensation shall be filed with the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203.

5. By adding paragraphs (c) and (d) to § 4.562 to read:

§ 4.562 Contents of application.

(c) Copies of all pleadings and papers filed shall be served by the parties on each other and upon the U.S. Department of the Interior, Office of the Solicitor, Associate Solicitor, Division of Mine Health and Safety, 4015 Wilson Boulevard, Arlington, Va. 22203.

(d) In the event the Office of Hearings and Appeals receives an application filed under § 110(b) of the Act which does not show distribution to the Associate Solicitor, Division of Mine Health and Safety, a copy of the application shall promptly be provided

by that office to the Associate Solicitor, Division of Mine Health and Safety.

6. By adding § 4.564 to read:

§ 4.564 Investigation and report in § 110(b) cases.

Within 60 days after service of an application for review of an alleged discriminatory discharge or other act of discrimination, or within such other period of time as may be designated by the Administrative Law Judge or the Board of Mine Operations Appeals, the Mining Enforcement and Safety Administration shall investigate the facts and circumstances surrounding the alleged discriminatory discharge or other act of discrimination and file a report of the investigation with the Office of Hearings and Appeals. Such report of investigation shall be included as part of the official record in the proceeding. Copies of the report shall be served on each of the parties.

(Sec. 508, Pub. L. 91-173; 83 Stat. 803 (30 U.S.C. 957).)

[FR Doc. 78-1550 Filed 1-18-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS [Amendment No. 1 to Service Order No. 1270]

PART 1033—CAR SERVICE

Chesapeake and Ohio Railway Co. Authorized To Operate Over Tracks Abandoned by Grand Trunk Western Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 1 to Service Order No. 1270).

SUMMARY: Service Order No. 1270 authorizes The Chesapeake and Ohio Railway Company to operate over approximately 0.6 miles of track authorized to be abandoned by the Grand Trunk Western Railroad, between Ferrysburg, Michigan, and Grand Haven, Michigan. The trackage involved is owned by the Grand Trunk Western but is used as an integral part of The Chesapeake and Ohio's line between Holland, Michigan, and Muskegon, Michigan. The order also authorizes The Chesapeake and Ohio to operate over an additional 0.2 miles of tracks abandoned by the Grand Trunk Western in order to provide continued rail service to a shipper located adjacent to those tracks. The amendment extends the order for an additional six-month period.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

The order is printed in full below.

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 13th day of January, 1978.

Upon further consideration of Service Order No. 1270 (42 F.R. 38379), and good cause appearing therefore:

It is ordered, that: Service Order No. 1270 is amended by substituting the following paragraph (c) for paragraph (c) thereof:

§ 1033.1270 Service Order 1270.

*The Chesapeake and Ohio Railway Company authorized to operate over tracks abandoned by Grand Trunk Western Railroad Company.*

\* \* \* \* \*

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

This order shall become effective at 11:59 p.m., January 15, 1978.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

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

[FR Doc. 78-1542 Filed 1-18-78; 8:45 am]

## [7035-01]

## SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36645]

## PART 1203—EXPRESS COMPANIES

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

## Elimination of USOA for Express Companies

AGENCY: Interstate Commerce Commission.

ACTION: Report and order.

SUMMARY: The present Uniform System of Accounts for Express Companies (USOA), was developed by the former express company REA Express, Inc. (REA), and adopted by the Commission after appropriate modification on July 27, 1973. REA was the sole user of the USOA and only express company subject to Commission regulation until it was adjudicated a bankrupt by the U.S. District Court for the Southern District of New York on November 6, 1975.

A successor company to REA has yet to emerge in the express industry and prospects for the emergence of a successor company in the immediate future are doubtful. If a successor company should emerge, substantial modification of accounting rules would be required to accommodate the management information needs of the successor company. Therefore, the Commission has decided to delete the USOA and related reporting system for express companies, Parts 1203 and § 1241.31 respectively, of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations.

Part 1203 of 49 CFR is deleted:

## PART 1203—[DELETED]

Section 1241.31 of 49 CFR Part 1241 is deleted:

§ 1241.31 [Deleted.]

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: 202-275-7565.

Issued at Washington, D.C. January 3, 1978, by the Commission.

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

[FR Doc. 78-1543 Filed 1-18-78; 8:45 am]

## [4310-55]

## Title 50—Wildlife and Fisheries

## CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

## PART 33—SPORT FISHING

## Opening of Swan Lake National Wildlife Refuge, Missouri, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: March 1, 1978, through September 30, 1978.

## FOR FURTHER INFORMATION CONTACT:

Alfred O. Manke, P.O. Box 68, Sumner, Missouri 64681, Telephone: 816-856-3323.

## SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Swan Lake National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to fishing. These areas comprising 10,500 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colo. 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. During daylight hours only.
2. Boats without motors may be used on Swan Lake, Silver Lake, and that portion of South Lake immediately adjacent to No. 5 Levee.
3. Travel is permitted on all roads except those posted with "Road Closed" signs.

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

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

Dated: January 11, 1978.

ALFRED O. MANKE,  
Refuge Manager.

[FR Doc. 78-1520 Filed 1-18-78; 8:45 am]

## [3510-22]

## CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

## PART 611—FOREIGN FISHING

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Errata sheet.

SUMMARY: These amendments are a miscellaneous group of corrections to the comprehensive 1978 foreign fishing regulations which were published on November 28, 1977 (42 FR 60682).

EFFECTIVE DATE: These corrections will become effective on January 16, 1978.

## FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Fishery Management Operations Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7454.

SUPPLEMENTARY INFORMATION: The foreign fishing regulations for 1978, which were published under authority of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801, et seq., as amended, on November 28, 1977, contained a number of minor errors. Some of these errors were typographical; some stemmed from small oversights. These amendments are intended to correct those errors, and in that sense, this list should be viewed as an errata sheet. None of the errors which are corrected is substantive in character.

Signed at Washington, D.C., this 13th day of January 1978.

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

The telephone number given in the preamble under the heading, "FOR FURTHER INFORMATION CONTACT:" is incorrect. That number should be 202-634-7454.

On Page 60682, correct Subpart A § 611.3 on page 60682 by inserting word "foreign" between words "for" and "fishing", so it reads "Permits for foreign fishing."

On Page 60683, the heading for 611.93 in Subpart G should be changed to reflect corrected title: "Bering Sea and Aleutian Islands Trawl, Longline, and Herring Gillnet Fishery."

The heading for § 611.94 in Subpart G should be changed to reflect correct title: "Directed Fishery for Sablefish (Blackcod) in the Gulf of Alaska."

In § 611.2(f) correct Latin name for lobster in Crustacea column is "Homarus", not "Homarcus."

(1)(2) Strike "with", substitute "within".

(v) Strike "south", substitute "southern".

In § 611.3(d) at beginning of the second sentence, strike the words "To allow time for review, comment and processing applications should \* \* \*" and substitute the following: "To allow time for review and comments by the public, the involved governmental agencies, and appropriate fishery management councils, and the necessary processing, applications should \* \* \*."

In § 611.4 Table I, line 3, correct spelling of "California".

In § 611.4 footnote frequencies for Table II should be corrected as follows:

Carrier Frequencies (kHz) as follows:

Letter	Shore transmit	Ship transmit
A.....	4428.7	4134.3
B.....	6508.4	6200.0
C.....	8765.4	8241.5
D.....	13113.2	12342.4
E.....	17307.3	16534.4

In § 611.9(d)(3), line 13, and (e)(1), line 6. Change § 611.20(d) to § 611.21.

In § 611.9(d)(4). Delete the word "Ocean" after the words "Northeast Pacific."

In § 611.9 Appendix I, "Principal Groundfish (except Flatfishes)."

Delete footnote 1 from listing for red hake.

"Other Groundfish" column 1 change Latin name for Northern Puffer from "Sphaeroides" to "Sphaeroides."

"Other Fish" change Latin name for Rainbow smelt from "mardax" to "mordax."

"Invertebrates"—(Code 509) Both Latin names for squids (NS) should be capitalized.

"Species codes—Pacific Ocean"—(Code 003) Correct Latin spelling for flounders, other than yellowfin sole is "Pleuronectiformes."

In § 611.9, Appendix II. Retitle charts on pages 60688 and 60689 by deleting the word "Divisions" from all three and changing the word "Area" to "Areas."

In § 611.9, Appendix III. In the fifth paragraph, strike § 611.20 and substitute § 611.21.

In § 611.9, Appendix IV, subparagraph (1)(D), line four. Insert "1/10 of a" between the word "nearest" and the word "metric," also in Appendix IV subparagraph (1)(E), third paragraph, line 5, strike § 611.20(d), substitute § 611.21.

Subparagraph (1)(E), fourth paragraph, line 1, strike words "Northwest Pacific Ocean," substitute "Northeast Pacific."

Subparagraph (2), line 11. "State" should be "state."

In § 611.9, first table on page 60691 "Address" column changes as follows:

1. The ZIP code for the Director, Northwest Region should be 98109.

2. Strike fourth paragraph which begins "Director, Southeast Region;" substitute: "Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149."

3. Address for Alaska Director should read: "Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801."

"Report Received" column, line four. Add word "period" so that line reads "reporting period."

In § 611.12(b), line 5. "An" should be "any."

In § 611.15(c), end of second line. "Nation" should read "nation(s)."

In § 611.50(b)(3)(ii), line 3. The word "billfish" should be changed to "all billfishers." This subparagraph should be further corrected by inserting the words "Atlantic herring" between "Atlantic cod" and "Atlantic menhaden;" "pollock" between "haddock" and "scup;" and insert between "Continental Shelf fishery resources" and the period at the end of the sentence the words "and other invertebrates except squids allocated in Table II."

In § 611.50(c)(2). In second line insert word "pelagic" between words "any" and "trawl."

In § 611.50(d)(1)(iii). Insert number "100" between "nearest" and "kilogram," add "s" at end of word "kilogram."

In § 611.50(e)(2) fifth line, strike "327 MHz," substitute "472 kHz."

Add at end of subparagraph: "Broadcast is also made on 8502 kHz via simultaneous keying when necessary."

In § 611.50(e)(2). In eight line, strike "350 G.M.T.," substitute "1350 G.M.T."

In § 611.70(b)(2). Subparagraph designators are incorrect. Should read (i) and (ii) respectively instead of (a) and (b).

In § 611.70(b)(1), Table I under column headed "Rockfishes including Pacific Ocean Perch." The number "890" should read "710."

In § 611.70(f)(1)(iii). Correct spelling of "starting."

In § 611.70(f)(3). On last full line in subsection, number "611.70" should be inserted between "in" and "(f)."

In § 611.80. Title of subpart should be corrected to read "Seamount Groundfish Fishery."

In § 611.80(e)(2)(ii). Strike the words "in paragraph (a) of this section," substitute "in § 611.2(f) of this Part."

In § 611.80(e)(4). In lines 2 and 3, strike "Part 3.0 above," substitute "subsection (b)(4) above."

In § 611.90(c)(2)(ix). Delete "to" in third line.

In § 611.92, Table I, last column heading add an "s" on "Species."

In § 611.92(b)(2), lines 2 and 3 change "area" to "areas." Line 4. Change "includes" to "include."

In § 611.92(b)(3)(i)(A), line 2. Change the first latitude from "50°57'" to "56°57'."

In § 611.92(b)(3)(i)(B), line 7. Change "50°30'" to "56°30'."

In § 611.92(b)(3)(i)(C), line 2, last latitude. Change "56°44'U" to "56°44'N." on line 3, change longitude from "153°W. long." to "153°00'W. long."

In § 611.92(b)(3)(i)(E), line 3. Change "150°00'" to "150°57'."

In § 611.92(b)(3)(iii), second line. Change "fishing" to "trawling."

In § 611.92(b)(3)(iv), line 3. Change "May 15" to "May 31."

In § 611.92(b)(3)(v), line 4. The first word "December" should be changed to "November."

In § 611.92(c), line 16. Insert the word "squad;" between the words "mackerel;" and "any."

In § 611.93. Change title to read: "Bering Sea and Aleutian Islands Trawl, Longline, and Herring Gillnet Fishery."

In § 611.93, Table I on page 60698 requires three changes:

1. Title of Table should read: "Bering Sea and Aleutian Islands Trawl, Longline, and Herring Gillnet Fishery \* \* \*"

2. The species column headed by the word "Pacific" between "Sablefish" and "Herring" should read "Pacific cod."

3. The initial TALFF for "Other Flounders" should be 139,000 instead of 105,000.

In § 611.93(b)(1)(iii)(B). Delete the words "by means of trawling or gillnetting" in the third and fourth lines. Substitute "(as defined in § 611.2(p)(1))."

Line 11, insert after "fishery" the words "for other allocated species."

In § 611.93(b)(2), line 3. Change "area" to "areas."

Line 4, change "includes" to "include."

In § 611.93(b)(2)(ii)(A), line 2. Change "and" to "to."

In § 611.93(b)(2)(iii)(C), line 1. Delete "C" after "176," and substitute "00'."

In § 611.93(b)(3)(i)(A) At the beginning insert "From January 1, 1978 to December 31, 1978, inclusive."

In § 611.93(b)(3)(i)(B)(1) At the end add: "(From Cape Sarichef Light to 54°00' N. lat., 170°00' W. long.; then due south along 170°00' W. long. to the Aleutian Islands)."

In § 611.93(b)(3)(i)(B) (2) and (3) After "Area E" insert "(From Cape Newenham at 58°39' N. lat., 162°10'25' W. long.; to 57°15' N. lat., 170°00' W. long.; to Cape Sarichef light)".

In § 611.93(b)(3)(B)(4) After "Area A" insert "(From Cape Sarichef light at 54°36' N. lat., 164°55'42' W. long.; to 54°00' N. lat., 170°00' W. long.; to 57°15' N. lat., 170°00' W. long.; to Cape Sarichef light)."

## RULES AND REGULATIONS

In § 611.94(a), line 3. Change as follows: " \* \* \* *plopoma fimbria*) by foreign \* \* \*"

In § 611.95(d), line 7. First word in line should be "month" instead of "mouth".

[FR Doc. 78-1399 Filed 1-18-78; 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.

[7590-01]

## NUCLEAR REGULATORY COMMISSION

[10 CFR Part 100]

### SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

#### Reassessment of Current Criteria

On November 13, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 1271) amendments to its regulations which adopted Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants," to 10 CFR Part 100, "Reactor Site Criteria," as a rule to be effective December 13, 1973. In view of the experience gained in the application of the procedures and methods set forth therein, the difficulties encountered, and the rapid advancement in the state-of-the-art of earth sciences, the staff of the Offices of Standards Development and Nuclear Reactor Regulation of the U.S. Nuclear Regulatory Commission have initiated a reassessment of the appendix to determine the need for its revision.

To aid the staff in this reassessment, all interested persons are invited to submit information, comments, and suggestions. The staff is particularly interested in finding out about problems that have arisen in the application of Appendix A. Commenters are invited to state the nature of the problems encountered and describe them in detail. Corrective actions should also be recommended.

After comments, information, and suggestions have been received and considered, the staff will publish the results of its reassessment as a preliminary value/impact statement and, if appropriate, recommend to the Commission that rulemaking be initiated.

Interested persons should send information, comments, and suggestions by March 1, 1978 to Mr. Leon L. Beratan, Chief, Site Safety Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the comments received will be available for examination in the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 11th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 78-1426 Filed 1-18-78; 8:45 am]

[3128-01]

## FEDERAL ENERGY ADMINISTRATION<sup>1</sup>

[10 CFR Parts 205 and 303]

### ADMINISTRATIVE PROCEDURES AND SANCTIONS

#### Appeal From Interpretations

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy ("DOE") hereby gives notice of a proposal to amend its petroleum price and allocation procedural regulations to eliminate administrative appeal of formal interpretations issued by the Office of the General Counsel or Regional Counsels pursuant to 10 CFR Part 205, Subpart F, while preserving the right to seek modification or rescission of an interpretation at any time under Subpart F of Part 205. The DOE also proposes to revise the procedural regulations to permit applications for reconsideration of an interpretation to be submitted to the General Counsel of the DOE within thirty days of the issuance of the interpretation. A parallel change in the procedural regulations applicable to the coal program at 10 CFR Part 303, Subpart G, is also proposed.

DATES: Written comments by February 22, 1978, 4:30 p.m., e.s.t.

ADDRESSES: Written comments to Department of Energy, Office of Regulations Management, Room 2214, Box RG, 2000 M Street NW., Washington, D.C. 20461.

#### FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

<sup>1</sup> EDITORIAL NOTE.—Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

Charles Cope (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 1119, Washington, D.C. 20461, 202-566-9070.

#### SUPPLEMENTARY INFORMATION:

##### A. BACKGROUND

The procedures which govern the issuance of formal interpretations by the DOE General Counsel or Regional Counsels, relating to the petroleum price and allocation regulations, are found in 10 CFR Part 205, Subpart F. These procedures include a provision, § 205.86, permitting administrative appeals to be taken from such interpretations in accordance with the general administrative appeals provisions found in 10 CFR Part 205, Subpart H. In addition, modification or rescission of such an interpretation may be sought under Subpart F (§ 205.85(d)) or, based on changed circumstances, pursuant to the general administrative modification or rescission provisions in Subpart J of Part 205.

Parallel procedures applicable to formal interpretations issued by the General Counsel under the coal program are found in 10 CFR Part 303. Subpart G of Part 303 establishes the procedures for issuance of such interpretations; Subpart H sets forth the procedures for administrative appeals generally, including appeals of interpretations issued under Subpart G; and Subpart K establishes the procedures for the filing of an application for modification or rescission of certain administrative actions including interpretations issued under Subpart G of Part 303.

Appeals of formal interpretations are heard at present by the Office of Administrative Review, Economic Regulatory Administration, DOE, the successor to the Office of Exceptions and Appeals, Federal Energy Administration (FEA).

##### B. DISCUSSION

The DOE regards administrative appeal of formal interpretations unnecessary and inappropriate for the reasons outlined below. Therefore, it is proposed that such appeals be eliminated from DOE procedural regulations.

It appears inappropriate to permit internal appeal to an administrative appeals office concerning a matter which in most cases relates solely to a legal judgment rendered by the DOE's Office of the General Counsel con-

cerning the meaning of DOE regulations. Allegations of error or omission in the factual basis of an interpretation, as well as allegations of error in law, may be reviewed by the General Counsel under existing interpretations procedures at any time (§§ 205.85(d) and 303.95(d)). Administrative appeal as presently authorized under 10 CFR Part 205, Subpart H, and 10 CFR Part 303, Subpart H, is therefore inappropriate or unnecessary, or both.

It should be noted in this connection that no such administrative appeal of rulings (also issued by the General Counsel) is permitted under existing regulations. See §§ 205.154 and 303.154. DOE interpretations and rulings are both "interpretive rules" under the Administrative Procedures Act, 5 USC 551, et seq. A DOE ruling is an interpretation of general applicability whereas an interpretation under 10 CFR Part 205, Subpart F, or 10 CFR Part 303, Subpart G, is an interpretive rule of particular applicability. A ruling may affect the rights and interests of a particular firm as much as, or more than, a specific interpretation issued to that firm. The fundamental nature of a ruling—to provide a legal interpretation of what one or more DOE regulations mean in various contexts—is also the essence of DOE interpretations.

#### C. PROPOSED AMENDMENTS

The amendments proposed today would essentially delete various references to interpretations in DOE's appeals regulations (Subpart H of Part 205 and Subpart H of Part 303) and provide, as in the case of rulings, that no administrative appeal of an interpretation may be taken.

In addition, in order to provide appropriate flexibility with respect to the issuance of interpretations in the first instance and reconsideration of an interpretation in certain instances by the Office of General Counsel within the framework of interpretations procedures, it is proposed to amend the definition of "Interpretation" in §§ 205.2 and 303.2 to provide that an interpretation may be issued by the DOE General Counsel or his delegate. It is presently contemplated that the Assistant General Counsel for Interpretations will exercise this delegated authority in most cases. Conforming changes to §§ 205.80(a), 205.85(a), 303.90(a), and 303.95(a) are also proposed.

The proposed amendments also delete references to modification or rescission of interpretations in 10 CFR Part 205, Subpart J, and 10 CFR Part 303, Subpart K (i.e., applications for modification or rescission of an interpretation, based on significantly changed circumstances, filed with the Office of Administrative Review). DOE does not intend by this proposed

change to bar such applications. Rather, it is intended that petitions for modification or rescission will be submitted to and reviewed by the Office of the General Counsel pursuant to the procedures set forth in §§ 205.85(d) and 303.95(d). In addition, DOE also proposes to add a new § 205.85(f) and § 303.95(f) to provide for the filing of a petition for reconsideration of an interpretation with the General Counsel of the DOE within 30 days of the date of service of that interpretation. Any petition for reconsideration of such an interpretation will be reviewed by the General Counsel and will only be considered if it is determined that a prima facie showing has been made that the interpretation was erroneous or was issued in an arbitrary or capricious manner. It should be emphasized that the reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no inadvertent errors are made which affect the validity of the interpretation.

#### D. WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposals set forth in this notice to the Office of Regulations Management, Department of Energy. Comments should be identified on the outside envelope and on documents submitted to DOE Office of Regulations Management with the designation "Appeal of Interpretations," Box RG. Fifteen copies should be submitted. All comments received by DOE will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

#### E. OTHER MATTERS

Since the proposed regulation is not a regulation affecting the quality of the environment, the provisions of section 7(a)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, have been determined to be inapplicable to this proposal.

NOTE.—It has also been 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.

Pursuant to section 404 of the DOE Organization Act, Pub. L. 95-91, these

proposed regulations were referred to the Federal Energy Regulatory Commission.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing it is proposed to amend Parts 205 and 303 of Chapter II, Title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., January 13, 1978.

WILLIAM S. HEFFELFINGER,  
Director of Administration,  
Department of Energy.

1. The definition of "Interpretation" in § 205.2 is amended to read as follows:

#### § 205.2 Definitions.

"Interpretation" means a written statement issued by the General Counsel or his delegate or Regional Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued, to the particular facts of a prospective or completed act or transaction.

2. Section 205.80(a) is revised to read as follows:

#### § 205.80 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request. Responses, which may include verbal or written responses to general inquiries or to other than formal written requests for interpretation filed with the General Counsel or his delegate or a Regional Counsel, are not interpretations and merely provide general information.

#### § 205 [Amended]

3. In § 205.82 the words "or his delegate" are added after the words "General Counsel."

4. Section 205.85(a) is revised to read as follows:

#### § 205.85 Decision and effect.

(a) An interpretation may be issued after consideration of the request for interpretation and other relevant in-

formation received or obtained during the proceeding.

5. Section 205.85 is amended by adding a new paragraph (f) to read as follows:

§ 205.85 Decision and effect.

(f) (1) Any person aggrieved by an interpretation issued by the General Counsel or his delegate or by a Regional Counsel may submit a petition for reconsideration to the General Counsel within 30 days of service of the interpretation from which the reconsideration is sought. There has not been an exhaustion of administrative remedies until a period of 30 days from the date of service of the interpretation has elapsed without receipt by the General Counsel of a petition for reconsideration or, if a petition for reconsideration of the interpretation has been filed in a timely manner, until that petition has been acted on by the General Counsel.

(2) A petition for reconsideration may be summarily denied if: (i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the interpretation was erroneous in fact or in law, or that it was arbitrary or capricious.

(3) The General Counsel may deny any petition for reconsideration if the petitioner does not establish that:

(i) The petition was filed by a person aggrieved by an interpretation;

(ii) The interpretation was erroneous in fact or in law; or

(iii) The interpretation was arbitrary or capricious. The denial of a petition shall be a final order of which the petitioner may seek judicial review.

6. Section 205.86 is revised to read as follows:

§ 205.86 Appeal.

There is no administrative appeal of an interpretation.

§ 205.100-§ 205.103 [Amended]

7. The words "or interpretation" and references to Subpart F, are deleted wherever they appear in §§ 205.100 and 205.101.

8. In § 205.102(a) the words "or an Appeal of Interpretation," are deleted.

9. Section 205.103(c) is deleted in its entirety.

§ 205.105 [Amended]

10. The words "or interpretation" are deleted wherever they appear in § 205.105.

§ 205.107 [Amended]

11. In § 205.107(a) the words "or interpretation" are deleted.

§ 205.130-§ 205.135 [Amended]

12. In §§ 205.130, 205.132(a), 205.132(b), and 205.134(a) the words "or interpretation" are deleted.

13. In § 205.135(b) the words "or interpretation" are deleted wherever they appear.

14. The definition of "Interpretation" in § 303.2 is amended to read as follows:

§ 303.2 Definitions.

"Interpretation" means a written statement issued by the General Counsel or his delegate, in response to a written request, that applies the regulations, rulings, and other precedents previously issued, to the particular facts of a prospective or completed act or transaction.

15. Section 303.90(a) is revised to read as follows:

§ 303.90 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request. Responses, which may include verbal or written responses, to general inquiries or to other than formal written requests for interpretation filed with the General Counsel or his delegate, are not interpretations and merely provide general information.

§ 303.92 [Amended]

16. In § 303.92, the words "or his delegate" are added after the words "General Counsel."

17. Section 303.95(a) is revised to read as follows:

§ 303.95 Decision and effect.

(a) An interpretation may be issued after consideration of the request for interpretation and other relevant information received or obtained during the proceeding.

18. Section 303.95 is amended by adding a new paragraph (f) to read as follows:

§ 303.95 Decision and effect.

(f) Any person aggrieved by an interpretation issued by the General Counsel or his delegate or by a Regional Counsel may submit a petition for reconsideration to the General Counsel within 30 days of service of the interpretation from which the reconsideration is sought. There has not been an exhaustion of administrative remedies until a period of 30 days from the date of service of the interpretation has

elapsed without receipt by the General Counsel of a petition for reconsideration or, if a petition for reconsideration of the interpretation has been filed in a timely manner, until that petition has been acted on by the General Counsel.

[FR Doc. 78-1486 Filed 1-16-78; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 7]

BANK INDEBTEDNESS: LEASING TRANSACTIONS

Notice of Proposed Rulemaking

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed interpretive ruling.

SUMMARY: The proposed interpretive ruling states the circumstances under which leases involving national banks as lessees will be considered indebtedness for purposes of the limits imposed by 12 U.S.C. 82. The Comptroller believes that a new interpretive ruling is necessary because of recent changes in financial accounting standards and because existing interpretive rulings do not address the application of 12 U.S.C. 82 to such transactions.

DATE: Comments must be received by March 20, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Burton Barnes, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1886.

SUPPLEMENTARY INFORMATION: In November, 1976, the Financial Accounting Standards Board issued Statement of Financial Accounting Standards No. 13, Accounting for Leases (FAS 13). FAS 13 describes the manner in which a lessee and lessor should record leases for financial reporting purposes. On November 11, 1977, through Banking Circular No. 95, the Comptroller incorporated FAS 13 by reference into the "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations," effective with the December 31, 1977, reports.

FAS 13 lists four criteria for determining if a particular leased asset and related obligation must be capitalized

## PROPOSED RULES

by the lessee. In general these criteria are: (a) the lease transfers ownership of the property to the lessee by the end of the lease term; (b) the lease contains a bargain purchase option; (c) the lease term is equal to 75 percent or more of the estimated economic life of the leased property; and (d) the present value of the lease payments equals 90 percent of the fair value of the property to the lessor.

In the past, the Comptroller's staff has issued opinion letters which have indicated that when a lessee bank becomes the ultimate owner of the leased property at the expiration of the lease term or when a bank's lease contains a bargain purchase option, the lease obligation as shown on the bank's books must be included as an obligation for 12 U.S.C. 82 purposes. Prior to the adoption of FAS 13, leases were not capitalized because of economic life or present value criteria. Thus, the Comptroller had no occasion whether such leases should be treated as indebtedness for the purposes of the bank's indebtedness limits imposed by 12 U.S.C. 82.

The Comptroller's staff has issued opinion letters and given oral opinions concerning leases as 12 U.S.C. 82 obligations on a case by case basis. The primary purpose of the proposed ruling is to establish several guidelines for the application of 12 U.S.C. 82 to both capital and operating leases.

The proposed ruling will continue the current practice of recognizing as a bank indebtedness for 12 U.S.C. 82 purposes any lease which results in a transfer of ownership or which contains a bargain purchase option. In addition, the Comptroller proposes to recognize as a 12 U.S.C. 82 obligation any lease which would be capitalized under FAS 13 on economic life or present value criteria because in capital leases based on these criteria, the lease term is fixed and noncancelable and the leases transfer substantially all the benefits and risks incident to the ownership of property. In effect there appears to be no significant economic distinction between such lease obligations and other 12 U.S.C. 82 obligations.

Operating leases, as defined by FAS 13, will not be considered as obligations for 12 U.S.C. 82 purposes. This represents no change in present Office policy.

The Administrative Procedure Act does not require notice and solicitation of comments in connection with interpretive rulings (5 U.S.C. 553(b)) and permits interpretive rulings to become effective upon publication (5 U.S.C. 553(d)). However, the Comptroller has elected to invite comment on the proposed ruling.

## DRAFTING INFORMATION

The principal drafter of this document was Burton Barnes, Staff Attorney.

## PROPOSED AMENDMENT

The Comptroller of the Currency proposes to amend 12 CFR Part 7 by adding a new § 7.7520 to read as follows:

## § 7.7520 Bank indebtedness; leasing transactions.

(a) *Lease obligations considered as indebtedness for 12 U.S.C. 82 purposes.* Capital lease obligations which are required to be reported as liabilities in call reports filed with the Comptroller of the Currency because they transfer ownership of the leased property by the end of the lease term, or include a bargain purchase option, or otherwise satisfy economic life or present value criteria, as described more fully in Statement of Financial Accounting Standards No. 13, Accounting for Leases, November, 1976, will be considered indebtedness subject to the limitations imposed by 12 U.S.C. 82, to the extent of the capitalized amount.

(b) *Leases not considered as indebtedness for 12 U.S.C. 82 purposes.* Operating leases, as defined in Statement of Financial Accounting Standards No. 13, Accounting for Leases, November, 1976, do not result in any indebtedness for the purposes of 12 U.S.C. 82.

Dated: December 23, 1977.

JOHN G. HEIMANN,  
Comptroller of the Currency.

[FR Doc. 78-1533 Filed 1-18-78; 8:45 am]

[4810-33]

[12 CFR Part 7]

## INVESTMENT IN BANK PREMISES OR STOCK OF A CORPORATION HOLDING PREMISES

## Notice of Proposed Rulemaking

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed Amendment of interpretive ruling.

SUMMARY: This proposed amendment would amend 12 CFR 7.3100, an interpretive ruling relating to national bank investments in bank premises or in the stock of a corporation holding bank premises. The proposal states the circumstances under which leases involving national banks as lessees will be considered investment in bank premises for purposes of the limits imposed by 12 U.S.C. 371d. This proposal also changes the criteria by which Regional Administrators allow banks to invest in bank premises in amounts in excess of their capital stock. The Comptroller believes that this amendment is necessary because of recent changes in financial accounting standards and because of the inadequacy of the present interpretive ruling in dealing with investment in bank premises.

DATE: Comments must be received by March 20, 1978. Comments should be addressed to Mr. John Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219.

## FOR FURTHER INFORMATION CONTACT:

Burton Barnes, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1886.

SUPPLEMENTARY INFORMATION: In November 1976, the Financial Accounting Standards Board issued Statement of Financial Accounting Standards No. 13, Accounting for Leases (FAS 13). FAS 13 describes the manner in which a lessee and lessor should record leases for financial reporting purposes. On November 11, 1977, through Banking Circular No. 95, the Comptroller incorporated FAS 13 by reference into the "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations," effective with the December 31, 1977, reports.

FAS 13 lists four criteria for determining if a particular leased asset and related obligation must be capitalized by the lessee. In general these criteria are: (a) the lease transfers ownership of the property to the lessee by the end of the lease term; (b) the lease contains a bargain purchase option; (c) the lease term is equal to 75 percent or more of the estimated economic life of the leased property; and (d) the present value of the lease payments equals 90 percent of the fair value of the property to the lessor.

## CAPITAL LEASES

In the past, the Comptroller's staff has issued opinion letters which have indicated that when a lessee bank becomes the ultimate owner of the leased property at the expiration of the lease term or when a bank's lease contains a bargain purchase option, the lease obligation as shown on the bank's books must be included as an investment in bank premises for 12 U.S.C. 371d purposes. Prior to the adoption of FAS 13 there was no requirement that leases be capitalized because of economic life or present value criteria. Thus the Comptroller had no occasion to consider whether such leases should also be treated as investment in bank premises under 12 U.S.C. 371d.

The proposed ruling will continue the current practice of recognizing as an investment in bank premises for 12 U.S.C. 371d purposes any lease which results in a transfer of ownership or which contains a bargain purchase option. In addition, the Comptroller proposes to recognize as a 12 U.S.C. 371d investment any lease which would be capitalized under FAS 13 on

economic life or present value criteria. This is because in capital leases based on these criteria, the lease term is fixed and noncancelable and the leases transfer substantially all the benefits and risks incident to the ownership of property. In effect there appears to be no significant economic distinction between such lease obligations and other 12 U.S.C. 371d investments.

Operating leases will not be considered as investment in bank premises for 12 U.S.C. 371d purposes. This represents no change in present Office policy.

**APPROVAL OF REGIONAL ADMINISTRATOR**

The approval of the Regional Administrator must be obtained before a bank can invest in bank premises in an amount exceeding its capital stock. In the past, the Regional Administrator ordinarily approved an investment in fixed assets in an amount up to 50 percent of capital stock, surplus and undivided profits where a reasonable need for such investment was shown. However this formula has proved inadequate. Condition, earnings, capital structure, need, and other relevant measures should be considered. The standard which the Comptroller is proposing takes these factors into account.

The Administrative Procedure Act does not require notice and solicitation of comments in connection with interpretive rulings (5 U.S.C. 553(b)) and permits interpretive rulings to become effective upon publication (5 U.S.C. 553(d)). However, the Comptroller has elected to invite comment on the proposed ruling.

**DRAFTING INFORMATION**

The principal drafter of this document was Burton Barnes, Staff Attorney.

**PROPOSED AMENDMENT**

The Comptroller of the Currency proposes to amend 12 CFR Part 7, by amending § 7.3100 as follows:

(1) Paragraph (d) is redesignated paragraph (e) a new paragraph (d) is added and paragraph (e) is redesignated as (f) and revised, as amended § 7.3100 reads as follows:

§ 7.3100 Investment in bank premises or stock of a corporation holding premises.

(d) Leases as investment in bank premises.—(1) Capital leases.

Capital lease obligations which are required to be reported as liabilities in call reports filed with the Comptroller of the Currency because they transfer ownership of the leased property by the end of the lease term, or include a bargain purchase option, or otherwise

satisfy economic life or present value criteria, as described more fully in Statement of Financial Accounting Standards No. 13, Accounting for Leases, November 1976, will be considered as investment in bank premises subject to the limitations imposed by 12 U.S.C. 371d, to the extent of the capitalized amount.

(2) Operating leases.—Operating leases, as defined in Statement of Financial Accounting Standards No. 13, Accounting for Leases, November 1976, do not result in any investment in bank premises for the purposes of 12 U.S.C. 371d.

(f) The approval of the Regional Administrator of National Banks shall be obtained before the consummation of any plans under which the bank's investment in bank premises will be increased to an amount exceeding its capital stock. The Regional Administrator of National Banks will consider capital structure, earnings, the bank's condition, future need and other pertinent factors in determining the aggregate limit the bank can invest in fixed assets.

Dated: December 29, 1977.

JOHN G. HEIMANN,  
Comptroller of the Currency.

[FR Doc. 78-1527 Filed 1-18-78; 8:45 am]

**[1505-01]**

**DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-11]

**AIRWORTHINESS DIRECTIVES**

Pratt & Whitney Aircraft JT3D Engines

*Correction*

In FR Doc. 78-781 appearing on page 1801 in the issue of Thursday, January 12, 1978, the text following the paragraph, SUPPLEMENTARY INFORMATION was inadvertently transposed. The text should read as follows:

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 indi-

vidual 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.

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 Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue SW., Washington, D.C.

[1505-01]

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 77-SO-531]

## TEMPORARY RESTRICTED AREAS

## Proposed Establishment

## Correction

In FR Doc. 77-35643, appearing at page 63181 in the issue of Thursday, December 15, 1977, make the following changes on page 63182:

1. In column two, the fourth line of the first description of a restricted area should read, "Long. 65°59'20" W.; to Lat. 18°07'00" N."

2. In column three, the sixth line of the fifth description of a restricted area should read, "17°48'00" N., Long. 66°30'00" W.; thence".

[6355-01]

## CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

## ARCHITECTURAL GLAZING MATERIALS

## Proposed Testing Program and Certification Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Change in date of oral presentations.

SUMMARY: The Commission changes the date of the oral presentations on the proposed testing program and certification requirements for architectural glazing materials from February 15, 1978 to March 1, 1978. The end of the written comment period is not affected by this change and remains March 16, 1978. This action is being taken at the request of the Flat Glass Marketing Association whose national meeting conflicts with the date of the oral presentations.

DATES: *Written comments.*—Written comments should be received on or before March 16, 1978.

*Oral presentation.*—An opportunity for an oral presentation of data, views, and arguments on the regulation will be provided on March 1, 1978. Persons desiring to make an oral presentation must notify Richard Danca of the Office of the Secretary, 202-634-7700, 1111 18th Street NW., Washington, D.C. 20207, not later than February 13, 1978. A summary or outline of each oral presentation must be filed with Mr. Danca no later than February 20, 1978.

ADDRESS: Written comments should be sent to: The Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

## FOR FURTHER INFORMATION CONTACT:

Allen F. Brauning, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6629.

## SUPPLEMENTARY INFORMATION:

In the FEDERAL REGISTER of December 16, 1977, 42 FR 63586, the CPSC proposed a testing program and certification requirements for architectural glazing materials subject to the Safety Standard for Architectural Glazing Materials, 16 CFR 1201. That standard became effective on July 6, 1977. It was announced in that notice that an opportunity for an oral presentation of data, views, and arguments on the proposed regulation would be held on February 15, 1978. By letter dated December 21, 1977, the Commission was notified by Counsel to the Flat Glass Marketing Association (FGMA), whose members are distributors, retailers and contract glaziers of architectural glazing materials, that the date of the Commission's oral presentations on the proposed regulation conflicted with the annual national meeting of FGMA. FGMA's counsel also pointed out that manufacturers of glazing materials would have representatives at FGMA's national meeting and they would be prevented from attending the February 15, 1978 Commission meeting.

In view of the foregoing, the Commission has rescheduled the date of the oral presentations on the proposed testing requirements and certification regulation from February 15, 1978 to March 1, 1978. The closing date for the receipt of written comments remains March 16, 1978.

All persons desiring to make oral presentations must notify Richard Danca of the Office of the Secretary, 202-634-7700, not later than the close of business on February 13, 1978. A summary or outline of each oral presentation must be filed with the Office of the Secretary by close of business February 20, 1978.

Written comments and any accompanying materials should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Comments received in response to this proposal will be available for public inspection in the Office of the Secretary, 3rd Floor, 1111 18th Street NW., Washington, D.C., during working hours, Monday through Friday.

Dated: January 13, 1978.

SADYE E. DUNN,  
Deputy Secretary, Secretary,  
Consumer Product Safety  
Commission.

[FR Doc. 78-1429 Filed 1-18-78; 8:45 am]

[4910-22]

## DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 625]

[FHWA Docket No. 77-4]

## DESIGN STANDARDS FOR HIGHWAYS

## Withdrawal of Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration (FHWA) is withdrawing its present action on its proposal for amending geometric design standards for resurfacing, restoration, and rehabilitation (R-R-R) projects. This withdrawal is based on substantial adverse comments on the design guide upon which two of the proposed changes were founded.

EFFECTIVE DATE: January 19, 1978.

## FOR FURTHER INFORMATION CONTACT:

Seppo Sillan, Highway Design Division, Office of Engineering, 202-426-0321; Lee Burstyn, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday-Friday.

## SUPPLEMENTARY INFORMATION:

An advance notice of proposed rulemaking (ANPR) for establishing guidance on geometric design criteria for R-R-R types of projects was published in the FEDERAL REGISTER at 42 FR 42876 (August 25, 1977). The original due date for comments was October 25, 1977. That date was extended to November 22, 1977, by a notice published in the FEDERAL REGISTER at 42 FR 56751 (October 28, 1977).

All suggestions and proposals for establishing such criteria were requested. Additionally, three specific alternatives were offered for comment.

The first alternative provided for continued operation within the provisions of existing Part 625 of the regulation. This provides for exceptions to existing design standards on an individual project basis.

The second alternative would have incorporated by reference the American Association of State Highway and Transportation Officials' (AASHTO) "Geometric Design Guide for Resurfacing, Restoration and Rehabilitation (R-R-R) of Highways and Streets," as the acceptable criteria for Federal-aid R-R-R work.

The third alternative provided for the State highway officials and the FHWA Division Administrators to de-

velop individual State criteria by using the "Geometric Design Guide for Resurfacing, Restoration, and Rehabilitation (R-R-R) of Highways and Streets," AASHTO 1977, and other guides, policies, and standards referred to in existing Part 625. Approximately 200 responses were received on the ANPR. Essentially all of the individuals and groups responding simply indicated a preference or criticized the three alternatives proposed without offering any substitute criteria. It can be concluded that the comments in total indicate that current criteria or procedures are not desirable and that some change is needed. However, it is believed that the number of severely adverse comments made on the specific criteria contained in the AASHTO "Geometric Design Guide for Resurfacing, Restoration, and Rehabilitation (R-R-R) of Highways and Streets," which is a part of alternatives two and three, precludes its adoption for use on Federal-aid projects and, consequently, the adoption of either of those alternatives as such.

Review of the legislative background indicates that the inclusion of "resurfacing, restoration, and rehabilitation" in the definition of Federal-aid highway construction was intended to provide greater flexibility in the use of Federal-aid highway funds for improving existing highways. The physical need for R-R-R projects is indicated by the fact that the existing highways are wearing out faster than they can be reconstructed. Since the funding levels are not now nor are they expected in the future to be sufficient to reconstruct all the highways to the current standards before they deteriorate beyond reasonable usefulness, some other intermediate level of improvement is needed. To assure that all factors, especially safety, are considered adequately and uniformly nationwide, some geometric design criteria, separate from existing criteria for new construction are needed.

Therefore, recognizing the apparent intent of the legislation and the need for separate national geometric design criteria for R-R-R projects, the FHWA has decided to take the following actions at this time.

(1) Because of some of the severe comments on the specific criteria contained therein, the FHWA has decided not to adopt the AASHTO "Geometric Design Guide for Resurfacing, Restoration, and Rehabilitation (R-R-R) of Highways and Streets," 1977, in its present form for Federal-aid projects.

(2) Using comments received in response to the ANPR, and other available information, FHWA will develop geometric design criteria for Federal-aid R-R-R projects.

(3) Until such time as separate FHWA criteria are promulgated, R-R-R projects will be handled under the

current procedures contained in existing 23 CFR 625. These existing procedures permit the needed flexibility in the geometric design of R-R-R projects through approval of exemptions on a project-by-project basis. Although not considered an adequate long-term solution, this interim procedure can be used immediately to provide the latitude needed for implementing Federal-aid R-R-R projects.

(4) Emphasis will be given to the evaluation of the R-R-R program.

Criteria that will be developed per item 2 above will be made available for review and comment by publication in the FEDERAL REGISTER according to normal rulemaking procedures. However, pending such publication, this docket is hereby withdrawn.

Issued on: January 13, 1978.

WILLIAM M. COX,  
Federal Highway Administrator.  
[FR Doc. 78-1555 Filed 1-18-78; 8:45 am]

#### [1505-01]

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3691]

#### NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for  
Town of Boxborough, Middlesex County, Mass.

#### Correction

In FR Doc. 77-34510, appearing at page 61814 in the issue of Tuesday, December 6, 1977, the second entry in the last column of the table on page 61815 should read, "276".

#### [3910-01]

### DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 832]

#### EMPLOYMENT OF CIVIL AIR PATROL

Proposed Rulemaking

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Proposed rule.

SUMMARY: The Civil Air Patrol is provided support by the Air Force under Title 10 statute (section 9441). This statute directs the Secretary of the Air Force to prescribe regulations applicable to the employment authorized for Civil Air Patrol. Air Force Regulation 46-5 is the updated regulation on Civil Air Patrol employment.

DATE: Comments must be received on or before February 24, 1978.

ADDRESS: Mail comments to: Special Assistant for Civil Air Patrol Affairs, The Pentagon, Washington, D.C. 20330.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Hettinger, The Pentagon, Room BF655, Washington, D.C., 202-697-2463.

#### SUPPLEMENTARY INFORMATION:

The Department of the Air Force proposes to revise Subpart A of Part 832 of 32 CFR, Employment of Civil Air Patrol. This subpart explains the use of Civil Air Patrol (CAP) services employed on Air Force noncombat missions. It applies to Air Force activities only and does not dictate or limit the private activities of CAP. This revision updates the Air Force agencies that employ CAP and types of missions involved, revises the reimbursement procedures, and identifies the revised accounting needs for reimbursing CAP. Interested persons are invited to participate in this rulemaking by submitting comments to the above contact person.

The legal authority for this subpart is 10 U.S.C. 8012, 9441. The revised subpart is proposed to read as follows:

#### PART 832—CIVIL AIR PATROL

##### Subpart A—Employment of Civil Air Patrol

Sec.

- 832.1 Purpose.
- 832.2 Use of CAP services by the Air Force.
- 832.3 CAP mission employment by the Air Force.
- 832.4 Use of Air Force funds.
- 832.5 CAP accidents or incidents.
- 832.6 Procedures for reimbursing CAP.
- 832.7 Accounting procedures for reimbursement funding.
- 832.8 Cost estimates for CAP reimbursement.
- 832.9 Training and evaluation of CAP members.

AUTHORITY: 10 U.S.C. 8012, 9441.

##### Subpart A—Employment of Civil Air Patrol

#### § 832.1 Purpose.

This subpart explains the use of Civil Air Patrol (CAP) services employed on Air Force noncombat missions. It applies to Air Force activities only and does not dictate or limit the private activities of CAP.

#### § 832.2 Use of CAP services by the Air Force.

Use of CAP services to support Air Force noncombat missions is provided for by law. CAP participates in these missions on a voluntary basis; therefore, the use of CAP services must be formally requested by a specific Air Force agency.

### § 832.3 CAP mission employment by the Air Force.

CAP members and their available equipment can perform light aircraft operations and provide mobile ground team support and local or long range radio communications from a mobile or stationary site. CAP resources are primarily used on these types of missions:

(a) *Search and Rescue.* CAP voluntarily supports the National Search and Rescue Plan. The Aerospace Rescue and Recovery Service (ARRS), Air Force commanders in Alaska and Hawaii and the Commander, CAP-USAF may request the assistance of CAP for search and rescue missions. These agencies authorize, coordinate, and assist CAP in the conduct of such missions.

(b) *Disaster Relief.* CAP resources may be used to assist in the relief of disasters that occur in the United States and Puerto Rico. CAP services are requested and coordinated by one of the numbered air force headquarters within the Air Force Reserve.

(c) *Civil Defense.* CAP resources may be used in the event of a Civil Defense Emergency. Tasks are assigned by Civil Defense agencies to CAP under the guidelines in Civil Defense Emergency plans. Examples of these tasks are: (1) Air radiological monitoring, (2) air surveillance and reconnaissance, (3) light air transport, (4) courier service, and (5) radio communications.

(d) *Test Missions.* The ability of CAP to perform search and rescue, disaster relief, or civil defense tasks is evaluated through test missions. These missions are requested by the Commander, CAP-USAF, and conducted by Air Force liaison members assigned to CAP.

(e) *Other Missions for CAP.* An Air Force commander who may need CAP services for other than search and rescue, disaster relief, or civil defense activities must coordinate the use of CAP services through HQ CAP-USAF/DO before any mission activity by CAP members. This is to insure that the requesting major command (MAJCOM) is fully aware of the policies, procedures, and limitations that apply to CAP when performing Air Force missions.

(f) *Basic Requirements for CAP Missions.* An Air Force agency that authorizes the use of CAP services on any Air Force mission must provide at least this information: (1) Written authority for the specific mission, (2) scope of CAP activity, (3) assignment of mission number or designator, (4) date and time of start and mission length, (5) Air Force point of contact for CAP mission coordinator, (6) CAP wings involved, and (7) release of information to news media.

### § 832.4 Use of Air Force funds.

(a) Air Force appropriated funds are authorized only to furnish or reimburse CAP for:

(1) Aviation and automotive fuel and lubricants used to perform an Air Force authorized mission.

(2) Communications expenses used to alert or control CAP resources involved with an authorized mission.

(b) Air Force appropriated funds are not authorized to:

(1) Reimburse CAP for depreciation of privately owned equipment.

(2) Set up indemnity provisions for damage to equipment, or for personal injury or death of CAP members as a result of participation on an Air Force mission.

(3) Set up indemnity claims for equipment or facilities used by CAP or its members that are obtained from private owners by loan, lease, contract, or otherwise.

(4) Pay for personal services or expenses of CAP members engaged in Air Force missions, except as identified in this subpart.

### § 832.5 CAP accidents or incidents.

A CAP accident or incident that occurs on an authorized Air Force mission and that results in damage to or loss of property, or personal injury or death, is reported to the Air Force liaison officer for the CAP wing performing the mission. Part 832 of this chapter, Claims Manual, explains the CAP provisions in these situations.

### § 832.6 Procedures for reimbursing CAP.

CAP members who participate on an authorized Air Force mission are reimbursed for aviation and automotive fuel and lubricants as well as the cost of communications used on such missions. If CAP members are not able to purchase fuel or lubricants during a mission, a local vendor may be used to provide fuel and lubricants to CAP and receive reimbursement by the Air Force.

(a) CAP Form 108, Reimbursement Document, is used to identify all claims for reimbursement by CAP members or vendors. AFM 177-102, Commercial Transactions at Base Level, paragraph 20844, states the certifications needed on any CAP claim for reimbursement. The statement from the CAP wing commander is entered and signed after the last entry on the CAP Form 108.

(b) CAP members or vendors submit all reimbursement claims to the Air Force liaison office that serves the CAP wing participating on the mission. The liaison officer reviews all claims and fills out a Standard Form (SF) 1034, Public Voucher for Purchases and Services Other Than Personnel, as outlined in AFM 177-102, paragraph 20884.

(c) The liaison officer sends SF 1034 and supporting documents for search

and rescue, disaster relief, or civil defense missions, as well as test exercises for these types of missions, to 375 AAW/ACFM, Scott AFB IL 62225 for payment. CAP reimbursement claims for other missions are forwarded to the accounting and finance office specified by the MAJCOM that requested and authorized the mission.

### § 832.7 Accounting procedures for reimbursement funding.

(a) The Military Airlift Command (MAC) is responsible for CAP reimbursement funding on search and rescue, disaster relief, or civil defense missions, as well as test exercises for these types of missions. The following procedures apply:

(1) *Search and Rescue Missions.* When the ARRS requests a CAP wing to perform a mission, ARRS provides a cost estimate to HQ MAC/ACB. This data includes: The CAP wing, mission number, mission purpose, and estimated cost by category of expense. When a mission is closed or suspended, a letter of authorization for the mission is sent to the CAP wing commander, with copies to HQ MAC/ACB and 375 AAW/ACFM.

(2) *Disaster Relief or Civil Defense Missions.* When an Air Force Reserve numbered air force headquarters authorizes a CAP mission, it uses the same procedures and data as for a search and rescue mission.

(3) *Test or Exercise Missions.* The Commander, CAP-USAF may task a CAP wing to perform an exercise or test mission to evaluate its ability to conduct an actual search and rescue, disaster relief, or civil defense mission. HQ CAP-USAF/DO requests funds to support these missions from HQ MAC/ACB, who provides the available funding by category of expense to HQ CAP-USAF/DO and 375 AAW/ACFM. HQ CAP-USAF, as the CAP mission manager, provides the same data as required for actual missions to HQ MAC/ACB and 375 AAW/ACFM.

(b) The Air Force liaison officer enters the proper accounting classifications on the SF 1034. The account classification for MAC-reimbursed missions is:

57(FY)3400 30(FY)6591 (RC/CC)  
09(EEIC)S525300

(1) Fiscal Year (FY)—use 8 for FY 78, 9 for FY 79, etc.

(2) Responsibility Center/Cost Center code (RC/CC).

RC/CC	Description
190901	Actual search and rescue missions.
190902	Actual disaster relief or civil defense missions.
190903	Search and rescue or disaster relief or civil defense test missions.

(3) Element of Expense Investment Code (EEIC).

EEIC	Description
49510	Official toll calls.
601	Aviation fuel and lubricants.
612	Automotive fuel and lubricants.

(c) Other MAJCOMS which use CAP services for noncombat missions must ensure enough funds are available to reimburse CAP for fuel, lubricants, and communications costs used on these missions. The using MAJCOM must also provide an account classification to HQ CAP-USAF/DO for liaison officers to complete an SF 1034 for the mission.

§ 832.8 Cost estimates for CAP reimbursement.

HQ CAP-USAF submits these estimates annually to HQ MAC/ACB soon enough for them to be included in the MAC budget request. The estimates identify the number of actual and test missions, their purpose, and projected cost by expense category.

§ 832.9 Training and evaluation of CAP members.

(a) Training for CAP members is the responsibility of CAP commanders and supervisors; however, the Commander, CAP-USAF, through the liaison program for CAP, may give training assistance to CAP members or coordinate training assistance from other Air Force organizations.

(b) The Commander, CAP-USAF, may authorize test missions or exercises as needed to evaluate the ability of the CAP to perform Air Force-requested missions.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-1464 Filed 1-18-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Character of Discharge

AGENCY: Veterans Administration.

ACTION: Proposed rulemaking.

SUMMARY: The Veterans Administration is amending its regulations concerning eligibility for benefits based on character of discharge or release from service. These changes are necessary in order to implement a new law, enacted October 8, 1977. The intended effect of these changes is five-fold. First, benefits cannot continue to be paid or granted based solely on an upgraded honorable or general discharge issued by a service department

discharge review board under one of the special discharge upgrade programs announced by Presidents Ford and Carter. However, this prohibition does not apply if the service department concerned states that the discharge would have been upgraded as a result of an individual case review under uniform published standards historically consistent with determining honorable service, and which do not contain any criterion for automatically granting or denying an upgraded discharge. Second, a service person who received an other than honorable discharge from service and was absent without official leave for a continuous period of at least 180 days is barred from receiving VA benefits unless there are compelling circumstances warranting the prolonged absence. No overpayments will be created when benefits currently being paid are terminated as a result of either of the foregoing provisions. Third, the decision of a discharge review board may no longer remove a statutory bar to benefit entitlement. Fourth, benefits may be granted to persons who honorably completed a period of service equal to the period of their initial obligation when they were not discharged or released at that time because of an intervening reenlistment which terminated under dishonorable conditions. Fifth, medical care may be furnished to certain former service persons with less than honorable discharges.

DATES: Comments must be received on or before February 21, 1978. It is proposed to make these changes effective October 8, 1977, the date of enactment of the new law, designated as Pub. L. 95-126, 91 Stat. 1106.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The new law (Pub. L. 95-126, enacted Oct. 8, 1977), provides that no Veterans Administration benefits should be granted based solely on an honorable or general discharge issued by a service department discharge review board under the criteria set forth in any of the following programs:

- (1) The President's directive of January 19, 1977, initiating further action with respect to Presidential Proclamation 4313 of September 16, 1974; or
- (2) The Department of Defense's special discharge review program effective April 5, 1977; or

(3) Any discharge review program implemented after April 5, 1977, and not made applicable to all persons administratively discharged or released from active military, naval, or air service under less than honorable conditions. (Note: no such program now exists.)

These programs will be subsequently referred to as "the special discharge review programs."

This law also provides that effective October 8, 1977, the date of enactment, no Veterans Administration benefits shall be granted on an honorable or general discharge issued by a discharge review board unless the following conditions are met:

- (1) The discharge is upgraded as a result of an individual case review; and
- (2) The discharge is upgraded under uniform published standards which are historically consistent with criteria for determining honorable service and which do not include any criterion for automatically granting or denying an upgraded discharge.

These conditions will be subsequently referred to as "the new discharge upgrade criteria."

Pub. L. 95-126 directs the service departments to review every honorable or general discharge issued under one of the special discharge review programs to determine if the upgraded discharge would have been issued under the new discharge upgrade criteria. If the upgraded honorable or general discharge would have been issued under the new discharge upgrade criteria, then Veterans Administration benefits would be payable based on the upgraded discharge assuming that the 180-day (prolonged unauthorized absence) AWOL bar, discussed below, does not apply. If the upgraded honorable or general discharge would not have been issued under the new discharge upgrade criteria, then Veterans Administration benefits can not be granted or continued.

The Veterans Administration has sent to the service departments concerned the names of all persons who have received, are receiving, or are claiming benefits based on an upgraded honorable or general discharge issued by a discharge review board under one of the special discharge review programs. This will enable the service departments to promptly inform the Veterans Administration whether the upgraded discharge would have been issued under the new discharge upgrade criteria.

The new law adds another bar to those listed in 38 U.S.C. 3103(a); 38 CFR 3.12(c). Effective October 8, 1977, no Veterans Administration benefits may be granted based on a period of service terminated under other than honorable conditions if during that period of service the service person

was AWOL for a continuous period of at least 180 days unless the Administrator determines there are compelling circumstances to warrant such prolonged unauthorized absence. This bar applies to all other than honorable discharges issued on or after October 8, 1977. It also applies to all discharges issued under the special discharge review programs. This is true even though a discharge review board determined that the upgraded discharge would have been issued under the new discharge upgrade criteria. In addition, the 180-day AWOL bar applies to anyone who had not established basic eligibility to receive Veterans Administration benefits prior to October 8, 1977.

The law allows the Veterans Administration to determine what constitutes compelling circumstances. It is the belief of the Veterans Administration that two factors should be of utmost importance in making this decision comport with Congressional intent.

The first concerns the length and quality of service exclusive of the period of prolonged AWOL. The period of service exclusive of the AWOL period should be of such quality and length that it can be characterized as honest, faithful, and meritorious. The Nation must have received some significant benefit from the actual service performed before making an exception to the 180-day AWOL bar.

The second is the reason why the person went AWOL. The explanation furnished by the Claimant for going AWOL, e.g., terminal illness of family member, change in family responsibilities assumed by the service person, illness or other family problems, is going to be evaluated in terms of the claimant's age, cultural background, educational level and judgmental maturity. The Veterans Administration believes that consideration should be given to how the situation appeared to the person himself or herself. We are going to give consideration to the unfortunate individual who, for example, went AWOL to be with a terminally ill close relative.

In determining whether compelling circumstances exist the Veterans Administration believes that great weight should be given to overseas service, combat wounds or other types of service-incurred disability in evaluating the person's state of mind at the time the prolonged unauthorized absence (AWOL) began.

To assure that the criteria for determining whether the 180-day AWOL bar are applied uniformly and compassionately the Central Office of the Veterans Administration will review every case in which the Veterans Administration field office of jurisdiction holds that the 180-day AWOL bar is

for application. This review will continue until the Administrator of Veterans Affairs is assured that the 180-day AWOL bar criteria are being properly applied.

Another important change made by Pub. L. 95-126 limits the effect of action of discharge review boards under 10 U.S.C. 1553. Effective October 8, 1977, and upgraded honorable or general discharge based on the new discharge upgrade criteria removes only a bar to Veterans Administration benefit entitlement imposed by 38 CFR 3.12(d). Such an upgraded discharge no longer removes a specific statutory bar imposed by 38 U.S.C. 3103(a). No change was made in the authority of a board for correction of records. A decision of a board for correction of records under 10 U.S.C. 1552 still removes any bar to entitlement.

It is proposed to implement the foregoing provisions of Pub. L. 95-126 by the addition and/or amendment of 38 CFR 3.12(c)(6), (f), (g), and (h).

Proposed effective dates for termination of benefits now payable based on upgraded discharges which would not have been upgraded under the new discharge upgrade criteria are set forth in 38 CFR 3.12(i).

The statute provides that these benefits will be terminated the earliest of the following dates:

(a) The day on which a final determination is made by the service department that the upgraded discharge would not have been issued under the new discharge upgrade criteria.

(b) The day following the expiration of 90 days after a preliminary determination has been made by the service department that the discharge would not be upgraded under the new discharge upgrade criteria.

(c) April 7, 1978.

The proposed regulation does not follow the exact wording of the statute for two reasons. First, the Department of Defense cannot promulgate the new discharge criteria much sooner than 90 days after enactment (i.e., October 8, 1977). Thus, termination based on a preliminary service department determination cannot generally be made prior to April 7, 1978. Second, another character of discharge decision under 38 CFR 3.12(d) will have to be made since these claims involve other than honorable discharges, and due process procedures (i.e., notice and hearing) are applicable which will require additional time. However, the payment of benefits cannot be extended under the law beyond April 7, 1978.

Proposed effective dates for termination of benefits payable when the 180-day AWOL bar is for application are set forth in 38 CFR 3.12(j).

It sometimes happens that a service person reenlists for another period of service before completing the period

of service that the person was initially obligated to serve. In this situation the character of the whole period of service has been determined by the character of the final discharge or release. For example, service person enlists for 3 years on January 18, 1971. On February 2, 1972, the service person reenlists for 4 more years. On December 10, 1975, the service person is given a dishonorable discharge. In this example the character of the whole period of service was determined by the dishonorable discharge.

Under Pub. L. 95-126 the Veterans Administration will consider the service person to have been discharged on January 17, 1974, the date of completion of the initial period of obligation, if the person would but for the intervening reenlistment, have been eligible for discharge or release under conditions other than dishonorable at that time. This change will, therefore, permit granting of Veterans Administration benefits based on the satisfactory completion of the initial period of obligation.

The proposed addition of 38 CFR 3.13(c) will implement this change.

Pub. L. 95-126 extends medical care eligibility to certain former service persons with less than honorable discharges. The law provides that medical care can be furnished for any disability incurred in or aggravated during active service in line of duty. Medical benefits may not be furnished, however, for a disability incurred or aggravated during a period of service that was terminated by a bad conduct discharge or for one of the reasons in 38 U.S.C. 3103(a); 38 CFR 3.12(c). A dishonorable discharge is issued by sentence of a general court-martial and discharge by sentence of a general court-martial is one of the bars listed in 38 U.S.C. 3103(a); 38 CFR 3.12(c).

The proposed addition of 38 CFR 3.360 will implement this change in law.

#### ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 28, 1978. Any persons visiting the Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in the Central Office and fur-

nished the address and the above room number.

APPROVED: January 13, 1978.

By direction of the Administrator.

RUFUS H. WILSON,  
Deputy Administrator.

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

§ 3.12 Character of discharge.

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

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

(6) By reason of an other than honorable discharge if during the period of service so terminated the person was absent without official leave (AWOL) for a continuous period of at least 180 days. This bar to benefit entitlement does not apply if there are compelling circumstances to warrant the prolonged unauthorized absence. This bar applies to any person awarded an honorable or general discharge prior to October 8, 1977, under one of the programs listed in paragraph (h) of this section, and to any person who prior to October 8, 1977, had not otherwise established basic eligibility to receive Veterans Administration benefits. The term "established basic eligibility to receive Veterans Administration benefits" means either a Veterans Administration determination that an other than honorable discharge was issued under conditions other than dishonorable, or an upgraded honorable or general discharge issued prior to October 8, 1977, under criteria other than those prescribed by one of the programs listed in paragraph (h) of this section, provided the bar in paragraph (c)(2) of this section is not for application. The following factors will be considered in determining whether there are compelling circumstances to warrant the prolonged unauthorized absence.

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

(ii) Reasons for going AWOL. Reasons which may be given consideration when offered by the claimant may include family emergencies or obligations, or similar types of obligations or

duties owed to third parties. The reasons for going AWOL should be evaluated in terms of the person's age, cultural background, educational level and judgmental maturity. Consideration should be given to how the situation appeared to the person himself or herself, and not how the adjudicator might have reacted. Hardship or suffering incurred during overseas service, or as a result of combat wounds or other service-incurred or aggravated disability, is to be carefully and sympathetically considered in evaluating the person's state of mind at the time the prolonged AWOL period began.

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

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

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

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

(2) The discharge is upgraded under uniform published standards which are historically consistent with criteria for determining honorable service and which do not include any criterion for automatically granting or denying an upgraded discharge.

(h) An honorable or general discharge awarded under one of the following programs removes any bar to benefits imposed by paragraph (d) of this section but not paragraph (c) of this section only when a discharge review board established under 10 U.S.C. 1553 determines on an individual case basis, subsequent to October 8, 1977, that an honorable or general discharge would be awarded under the standards in paragraph (g)(1) and (2) of this section. These programs are:

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

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

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

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

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

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

§ 3.13 Discharge to change status.

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

(c) A service person shall be considered to have been discharged or released from active military, naval, or air service at time of completion of the original period of obligation when the following conditions are met:

(1) The service person served in the active military, naval, or air service for the period of initial obligation at the time of entry into service;

(2) The service person was not discharged or released from the service at the time of completion of the period

of initial obligation due to an intervening enlistment or reenlistment; and

(3) The service person would have been eligible for discharge or release from service under conditions other than dishonorable at time of completion of the initial period of obligation except for the intervening enlistment or reenlistment.

3. Section 3.360 is added to read as follows:

§ 3.360 Determinations of medical care eligibility for certain persons discharged under dishonorable conditions.

(a) *General.* Medical care and related benefits authorized by chapter 17 of title 38, United States Code may be provided to certain former service persons with less than honorable discharges. These benefits may be furnished for any disability incurred or aggravated during active military, naval, or air service in line of duty.

(b) *Discharge categorization.* With certain exceptions medical care and related benefits may be furnished for any disability incurred or aggravated during a period of service terminated by an other than honorable discharge determined by the Veterans Administration to have been issued under dishonorable conditions. Specifically, they may not be furnished for any disability incurred or aggravated during a period of service terminated by a bad conduct discharge or for one of the reasons listed in § 3.12(c).

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

[FR Doc. 78-1518 Filed 1-18-78; 8:45 am]

[4110-35]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Health Care Financing Administration

[42 CFR Part 405]

**FEDERAL HEALTH INSURANCE FOR THE AGED  
AND DISABLED**

Fiscal Intermediaries

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

ACTION: Notice of decision to develop regulations.

SUMMARY: The Department plans to issue proposed regulations to establish standards and criteria for evaluating the performance of Medicare intermediaries. The proposal will also establish hearing procedures on provider assignments and reassignments made by the Secretary.

The regulations are required by Section 14 of the Medicare-Medicaid Anti-

Fraud and Abuse Amendments (Pub. L. 95-142).

FOR FURTHER INFORMATION,  
CONTACT:

John W. Jansak, Division of Contractor Operations, Medicare Bureau, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-8431.

Dated: December 27, 1977.

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

[FR Doc. 78-1556 Filed 1-18-78; 8:45 am]

[4110-35]

[42 CFR Part 405]

**FEDERAL HEALTH INSURANCE FOR THE AGED  
AND DISABLED**

Payment for Durable Medical Equipment

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

ACTION: Notice of decision to develop regulations.

SUMMARY: The Department will propose to amend current Medicare regulations to require purchase (on a lease purchase or other basis) of an item of durable medical equipment when purchase would be less costly or more practical than rental. The purchase requirement could be waived when it would be inconsistent with the purposes of title XVIII of the Social Security Act (Medicare) or if it would create an undue hardship on the individual who will use the item. The proposal will also provide for waiver of the 20 percent coinsurance for purchase of used equipment if the purchase price is at least 25 percent less than the reasonable charge for comparable new equipment.

The regulations are necessary to implement Section 16 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142). Prior to enactment of Pub. L. 95-142, Medicare beneficiaries had the option of either renting or purchasing durable medical equipment.

These regulations will help reduce undue expenses to the Medicare program and to beneficiaries who must pay annual deductibles and coinsurance when equipment is rented over an extended period of time.

FOR FURTHER INFORMATION,  
CONTACT:

Paul Riesel, Medicare Bureau, Health Care Financing Administration, Department of Health, Education, and Welfare, 190 East Building, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-9595.

Dated: December 27, 1977.

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

[FR Doc. 78-1560 Filed 1-18-78; 8:45 am]

[4110-35]

[42 CFR Part 449]

**MEDICAL ASSISTANCE PROGRAM**

Timely Processing of Medicaid Claims

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

ACTION: Notice of decision to develop regulations.

SUMMARY: This regulation will require States administering the Medicaid program under title XIX of the Social Security Act to provide in their State plans for claims payment procedures that will insure that States process 90 percent of provider claims within 30 days of receipt and 99 percent within 90 days. The new requirement applies to claims received in acceptable form for processing. This new State plan requirement will supersede the current regulation that prohibits Federal matching of claims paid by States more than 24 months after the date of medical services.

The regulation change is required by Section 2 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142).

Timely payment of provider claims will result in less use of factors by providers and reduce instances of fraudulent claims.

FOR FURTHER INFORMATION,  
CONTACT:

Charles Gardner, Medicaid Bureau, Health Care Financing Administration, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201, 202-245-8811.

Dated: December 27, 1977.

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

[FR Doc. 78-1559 Filed 1-18-78; 8:45 am]

[4110-35]

[42 CFR Part 450]

**MEDICAL ASSISTANCE PROGRAM**

Assignment of Rights to Medical Payments

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

ACTION: Notice of decision to develop regulations.

SUMMARY: This rule will revise current Medicaid regulations on pay-

ments for medical care by a third party to: 1. Prohibit Federal matching funds for State Medicaid expenditures for an individual whose private insurer would otherwise pay for care but does not because the individual is eligible for or was provided Medicaid services.

2. Provide that, as a condition of eligibility, a State may require an individual receiving Medicaid to assign to the State his rights to medical care payments by a third party.

States may use child support enforcement agencies for medical support collection efforts. States and localities may be eligible for an incentive payment of 15 percent of amounts collected on behalf of other States or localities.

The rule is required by Section 11(a) and (b) of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142). Section 11(a) and (b) is effective January 1, 1978.

**FOR FURTHER INFORMATION, CONTACT:**

Arthur J. Muller, Division of Policy and Standards, Medicaid Bureau, Health Care Financing Administration, Department of Health, Education, and Welfare, 330 C Street SW., 202-245-0701.

Dated: December 27, 1977.

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

[FR Doc. 78-1558 Filed 1-18-78; 8:45 am]

**[4110-35]**

[42 CFR Part 450]

**MEDICAL ASSISTANCE PROGRAM**

**Medicaid Claims Processing Systems Use of Explanation of Benefit Notices**

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

ACTION: Notice of decision to develop regulations.

SUMMARY: Current Medicaid regulations will be amended to eliminate the requirement that States receiving 75 percent Federal matching for management information systems must send notices containing an explanation of benefits to all Medicaid recipients. The amendments will also prohibit the inclusion of information on confidential services in these notices.

Use of the notices will be on a sampling basis, thus permitting more widespread adoption by States of automated systems.

The regulations will implement Section 10 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142). Section 10 is effective on January 1, 1978.

**FOR FURTHER INFORMATION, CONTACT:**

Estelle Seldowitz, Medicaid Bureau, Health Care Financing Administration, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201, 202-245-0233.

Dated: December 27, 1977.

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

[FR Doc. 78-1557 Filed 1-18-78; 8:45 am]

**[4910-60]**

**DEPARTMENT OF TRANSPORTATION**

**Office of Hazardous Materials Operations**

[49 CFR Part 178]

[Docket No. HM-156; Notice No. 78-2]

**SHIPPING CONTAINER SPECIFICATIONS**

**Flattening Test Requirement for Seamless Cylinders**

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the regulations in Title 49, Code of Federal Regulations, pertaining to flattening tests by deleting the requirement that certain seamless cylinders be hydrostatically tested prior to the flattening test and by requiring that the longitudinal axis of the cylinder be perpendicular to the knife edges during flattening testing. This proposed amendment is needed to eliminate the necessity of performing the hydrostatic test before the flattening test, since data indicates the order in which the tests occur is not a significant safety consideration. Modification of the flattening tests is needed merely to clarify the procedure used in that test. This proposed amendment would allow flexibility as to when the sample may be selected, and would assure uniformity in the procedures used in flattening tests.

DATES: Comments by March 20, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: This petition is based in part on a petition from the Pressed Steel Tank Co., Inc. (PST), requesting that the regula-

tions be relaxed by allowing the performance of a flattening test at any time after heat treatment for DOT 3A, 3AX, 3AA, 3AAX, and 3HT cylinders. The MTB believes the petition has merit based on the fact that the test data submitted by PST revealed no discernible difference in the results obtained from cylinders that had flattening tests performed before and after hydrostatic testing. This data indicates that hydrostatic testing produces no significant change on the useful material characteristics required for a completed DOT cylinder.

The proposal to align the longitudinal axis of the cylinder at approximately right angles to the knife edges is being proposed by the MTB to assure uniformity in the flattening test requirements for DOT specification seamless cylinders. This procedure is consistent with present industry practice.

Since the petition addressed only three specifications, only these specifications are being considered in this notice.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers or Federal, State, or local governments. Primary drafters of this document are Jose Pena, Technical Services Branch, Office of Hazardous Materials Operations, and Douglas A. Crockett, Office of the Chief Counsel, Research and Special Projects Directorate.

In consideration of the foregoing, it is proposed to amend Part 178 of Title 49, Code of Federal Regulations as follows:

1. In § 178.36, § 178.36-15 would be revised to read as follows:

§ 178.36 Specification 3A; seamless steel cylinders or 3AX; seamless steel cylinders of capacity over 1,000 pounds water volume.

\* \* \* \* \*

§ 178.36-15 Flattening test.

Between knife edges, wedge shaped, 60-degree angle, rounded to 1/2-inch radius; test 1 cylinder<sup>1</sup> taken at random out of each lot of 200 or less cylinders. Axis of the cylinder must be at approximately a 90-degree angle to knife edges.

\* \* \* \* \*

2. In § 178.37, § 178.37-15 would be revised to read as follows:

§ 178.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

\* \* \* \* \*

## PROPOSED RULES

## § 178.37-15 Flattening test.

Between knife edges, wedge shaped, 60-degree angle, rounded to ½-inch radius; test 1 cylinder<sup>1</sup> taken at random out of each lot of 200 or less cylinders. Axis of the cylinder must be at approximately a 90-degree angle to knife edges.

\* \* \* \* \*

<sup>1</sup>Editor note: See title 49; section 178 Code of Federal Regulations.

3. In § 178.44, § 178.44-17 would be revised to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

\* \* \* \* \*

## § 178.44-17 Flattening test.

Between knife edges, wedge shaped, 60-degree angle, rounded to ½-inch radius; test 1 cylinder taken at random out of each lot of 200 or less cylinders.

Axis of the cylinder must be at approximately a 90-degree angle to knife edges.

\* \* \* \* \*

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

Issued in Washington, D.C., on January 11, 1978.

ALAN I. ROBERTS,  
Director, Office of  
Hazardous Materials Operations.  
[FR Doc. 78-1476 Filed 1-18-78; 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.

[6050-01]

## ACTION

### FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

#### Income Eligibility Levels

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER of June 20, 1977 (42 FR 31178). The revised schedule is based on (1) the Community Services Administration (CSA) Income Poverty Guidelines effective May 25, 1977, increased by (2) the percentage of increase in the Consumer Price Index between May and November 1977, plus (3) the amount which individual States have added to the Federal Supplemental Security Income (SSI) Summary dated September 12, 1977. Addition of the State SSI supplement to the CSA Poverty Income Guideline prevents ineligibility of low-income applicants to serve as Foster Grandparents or Senior Companions because they receive State SSI supplemental payment.

These ACTION programs are authorized pursuant to section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402. Pursuant to section 421(4) of Pub. L. 93-113, 87 Stat. 414, the income eligibility levels are determined by the currently applicable guideline published by CSA pursuant to section 625 of the Economic Opportunity Act of 1974, as amended (42 U.S.C. 2971(a)), and increased by the amounts individual States supplement the Federal Supplemental Security Income, permitting ACTION, in accordance with sec. 421(4) of Pub. L. 93-113, to take into consideration existing poverty guidelines as appropriate to local situations. Section 625 permits the CSA poverty guideline to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Pursuant to section 420 of Pub. L. 93-113, this policy will become effective on February 21, 1978.

### ACTION SCHEDULE OF INCOME ELIGIBILITY LEVELS FOR FOSTER GRANDPARENTS OR SENIOR COMPANIONS

State	Individuals	Family of 2	Family of 3
Alabama	\$3,050	\$4,460	\$5,410
Alaska	5,935	8,075	9,305
Arizona	3,050	4,035	4,985
Arkansas	3,050	4,035	4,985
California	4,470	7,520	8,470
Colorado	3,495	5,995	6,945
Connecticut	4,110	4,760	5,710
Delaware	3,050	4,035	4,985
District of Columbia	3,050	4,035	4,985
Florida	3,050	4,035	4,985
Georgia	3,050	4,035	4,985
Hawaii	3,705	4,940	6,070
Idaho	3,930	4,700	5,650
Illinois	3,135	4,035	4,985
Indiana	3,050	4,035	4,985
Iowa	3,050	4,035	4,985
Kansas	3,050	4,035	4,985
Kentucky	3,050	4,035	4,985
Louisiana	3,050	4,035	4,985
Maine	3,170	4,215	5,165
Maryland	3,050	4,035	4,985
Massachusetts	4,475	6,255	7,205
Michigan	3,360	4,495	5,445
Minnesota	3,450	4,565	5,515
Mississippi	3,050	4,035	4,985
Missouri	3,050	4,035	4,985
Montana	3,050	4,035	4,985
Nebraska	4,130	5,165	6,115
Nevada	3,345	5,095	5,995
New Hampshire	3,075	4,035	4,985
New Jersey	3,315	4,160	5,110
New Mexico	3,050	4,035	4,985
New York	3,780	4,945	5,895
North Carolina	3,050	4,035	4,985
North Dakota	3,050	4,035	4,985
Ohio	3,050	4,035	4,985
Oklahoma	3,495	4,865	5,815
Oregon	3,195	4,155	5,105
Pennsylvania	3,440	4,620	5,570
Rhode Island	3,430	4,745	5,695
South Carolina	3,050	4,035	4,985
South Dakota	3,050	4,035	4,985
Tennessee	3,050	4,035	4,985
Texas	3,050	4,035	4,985
Utah	3,050	4,035	4,985
Vermont			
Area 1	3,435	4,560	5,510
Area 2	3,435	4,795	5,745
Virginia	3,050	4,035	4,985
Washington:			
Area 1	3,535	4,570	5,520
Area 2	3,325	4,180	5,130
West Virginia	3,050	4,035	4,985
Wisconsin	3,965	5,465	6,415
Wyoming	3,290	4,515	5,465
Guam	3,050	4,035	4,985
Puerto Rico	3,050	4,035	4,985
Virgin Islands	3,050	4,035	4,985

For families of more than three persons in the household, add the appropriate supplement for each member over three as follows:

In the 48 contiguous states—\$960 per person  
Alaska—\$1,200 per person  
Hawaii—\$1,100 per person

Revision based on Community Services Administration Income Poverty

Guidelines effective May 25, 1977, increased by the percentage of increase in the Consumer Price Index between May and November 1977, plus the DHEW Supplemental Security Income Summary dated September 12, 1977.

SAM BROWN,  
Director.

[FR Doc. 78-1390 Filed 1-18-78; 8:45 am]

[3410-11]

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### MINERAL PROSPECTING IN THE BEAVER CREEK WILDERNESS

##### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Mineral Prospecting in the Beaver Creek Wilderness, Daniel Boone National Forest, USDA-FS-R8-FES (ADM.) 77-03.

The Forest Service proposes to acquire private interests belonging to Greenwood Land and Mining Co., on National Forest lands within and adjacent to Beaver Creek Wilderness located in McCreary County, Ky. The concerns of the Forest Service are to resolve conflict between public and private rights in the management of the Beaver Creek Wilderness.

This final environmental statement was transmitted to EPA January 10, 1978. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Street NW., Room 804, Atlanta, Ga. 30309.

U.S. Forest Service, Daniel Boone National Forest, 100 Vaught Road, Winchester, Ky. 40391.

A limited number of single copies are available upon request to Forest Supervisor, Daniel Boone National Forest, 100 Vaught Road, Winchester, Ky. 40391.

Dated: January 10, 1978.

ROBERT F. WILLIAMS,  
Regional Environmental  
Coordinator.

[FR Doc. 78-1441 Filed 1-18-78; 8:45 am]

[1505-01]

**CIVIL AERONAUTICS BOARD**

[Order 77-11-1077]

**CALGARY TRANSPORTATION AUTHORITY,  
ET AL.**

**Certificates of Public Convenience and Necessity;  
Order on Reconsideration of Petition and Applications**

*Correction*

In FR Doc. 77-34332 appearing at page 60935 in the issue for Wednesday, November 30, 1977, the bracketed heading should read as set forth above.

[6320-01]

[Order 78-1-41; Docket 21070, 31462]

**EASTERN AIR LINES, INC.**

*Order*

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of January, 1978.

By application filed October 3, 1977, Eastern Air Lines requests the amendment of its certificate for Route 71 so as to delete Binghamton, N.Y.<sup>1</sup> (Docket 31462). Eastern has filed a petition requesting that the deletion be accomplished through show cause procedures. Finally Eastern requests renewal of its authority to suspend service at Binghamton, N.Y., with certain modifications, until 90 days after final decision on its deletion application. This suspension authority, together with the replacement agreement, expired December 8, 1977.

Answers to Eastern's petition have been filed by the New York State Department of Transportation and by Commuter Airlines, Eastern's replacement in the Binghamton-Washington market. New York State DOT asserts that the application does not provide a sufficient basis for analysis and requests that a hearing be scheduled.

<sup>1</sup> Binghamton is an intermediate point on Segment 1 of Route 71. Segment 1, as it now appears in the certificate, reads: "Between the intermediate points Syracuse and Binghamton, N.Y., Scranton-Wilkes-Barre and Allentown-Bethlehem-Easton, Pa., and (a) beyond Allentown-Bethlehem-Easton, the terminal point Philadelphia, Pa.-Camden, N.J., and (b) beyond Allentown-Bethlehem-Easton, the intermediate point Baltimore, Md., and the terminal point Washington, D.C."

Commuter supports the grant of Eastern's petition, noting that the carriers intend to continue joint-fare agreements which benefit Binghamton travelers. We have decided to issue an order to show cause why Eastern's application to delete Binghamton, N.Y., should not be granted. We tentatively find that the public convenience and necessity require the amendment of Eastern's certificate for Route 71 so as to delete Binghamton for the reasons discussed below.

Eastern has not served Binghamton since 1969, when we found that Agreement 21074, providing for the substitution of Commuter Airlines, Inc. in the Binghamton-Washington market, was in the public interest. Order 69-12-39 determined that Eastern's services had been uneconomic; that the market was unsuited to trunk operations; and that Commuter could, given financial support by Eastern as provided under the agreement, responsively serve the market with better economic results. Commuter's operations have not required financial assistance since the first year of operations under the agreement, and it now operates five nonstop weekday round trips in the Binghamton-Washington market, two more than required in the agreement. In addition, Colgan Airways also provides two weekday nonstop flights in this market in competition with Commuter. Binghamton also receives certificated airline service from Allegheny Airlines, with nonstop flights to Pittsburgh, Elmira, and New York City and one-stop jet service to Chicago. Other commuter carriers operate services between Binghamton and Buffalo, Rochester, Ithaca, Poughkeepsie, White Plains, Albany, New York City, Boston, and Allentown.

We can see no reason to force Eastern to reinstate a service it does not want to provide, absent a strong showing of public need. Here there is frequent and reliable commuter service in the principal markets of concern. The return of Eastern to these markets would lessen the financial viability of the commuters without providing a measurable increase in service. Eastern could not possibly provide the frequency of departures now available to and from both National and Dulles airports. It could not provide significant improvements in single-plane service, since most Binghamton traffic traveling south of Washington uses the more convenient Pittsburgh and New York gateways. Finally, it could not achieve a significant reduction in fares since the joint fare agreements between Eastern and Commuter already provide these benefits, and the carriers have indicated that their joint fare agreements will be continued.

Given, therefore, that we would not force Eastern back into the market, the question becomes whether any

public benefit can be achieved by retaining Eastern's suspended authority. We are aware of none. In the early years of the replacement service we desired Eastern's Binghamton authority as insurance against the possible demise of Commuter Airlines. However, given the financial success of Commuter's service and the support exhibited by the market, we tentatively conclude that Eastern's backup authority is no longer required. There are now two commuter carriers in the Binghamton-Washington market, and one in the Binghamton-Allentown market. Allegheny Airlines holds one-stop Binghamton-Washington and nonstop Binghamton-Allentown authority. With this assurance that significant disruption of service at Binghamton seems unlikely, we tentatively conclude that deletion of Binghamton from Eastern's certificate is in the public interest.

We have also decided to grant Eastern's request for renewal of its suspension authority, with modifications, until 90 days after final decision in Docket 31462. Since this authority would otherwise have expired December 8, 1977, we wish to maintain the status quo until the issue of Eastern's deletion at Binghamton is resolved.

As part of its request, Eastern desires that its suspension no longer be conditioned on the provision of replacement service by Commuter Airlines. In view of the high level of service provided by two carriers in the Binghamton-Washington market and the number of commuters serving other Binghamton markets, this request seems reasonable. Commuter has established its viability and Commuter and Eastern have stated their intention to maintain interline fare agreements. We will also grant Eastern's request to be relieved of the requirement under the agreement to submit data under either Part 205 or Part 213 of the Board's regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending the certificate of public convenience and necessity of Eastern Air Lines, Inc. for Route 71 so as to delete Binghamton, N.Y., from segment 1;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set forth in this order shall, within 30 days of the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 8 a statement of objections together with a summary of testimony, statistical data and other evidence ex-

pected to be relied upon to support the stated objections;<sup>2</sup>

3. Answers to such objections shall be filed 10 days thereafter;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections, together with any answers timely filed, before action is taken by the Board;

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order;

6. The authority granted in Order 73-2-95 be vacated;

7. Eastern's authority to serve Binghamton, N.Y., on segment 1 of Route 71 be suspended under section 401(j) until 90 days after a final decision is issued in Docket 31462; and

8. A copy of this order shall be served on Eastern Air Lines; Mayor, City of Binghamton, N.Y.; Colgan Airways; Commuter Airlines; Allegheny Airlines; New York State Department of Transportation; Counsel to the Commissioner of Transportation; Broome County Executive; Broome County Chamber of Commerce; Broome County Department of Aviation; Honorable Warren Anderson; and the U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>3</sup>

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 78-1531 Filed 1-18-78; 8:45 am]

### [3510-25]

#### DEPARTMENT OF COMMERCE

#### CONNECTICUT VISUAL HEALTH CENTER, INC., ET AL.

#### Applications for Duty-Free entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of

<sup>2</sup>Since provision is made for filing of objections, no petitions for reconsideration of this order will be entertained.

<sup>3</sup>All Members concurred.

Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before February 8, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00016. Applicant: Connecticut Visual Health Center, Inc. (CVHC), 1177 Broad Street, Bridgeport, Conn. 06604. Article: Friedman Visual Field Analyser. Manufacturer: Clement Clarke International Ltd., United Kingdom. Intended use of article: The article is intended to be used to identify extent of visual fields under various conditions in a mass study of patients to detect abnormalities. The objectives of the investigation is to identify patients with ocular diseases so that treatment programs can be instituted as early as possible to prevent blindness. Periodic seminars on Glaucoma Detection will be conducted in which the article is a principle diagnostic tool. In addition, the article will be used daily in a clinical environment to teach the intern population at CVHC how to use the equipment and how to interpret its data. Application received by Commissioner of Customs: December 13, 1977.

Docket No. 78-00073. Applicant: The Oklahoma College of Osteopathic Medicine & Surgery, 1111 West 17th, P.O. Box 2280, Tulsa, Okla. 74101. Article: Nihom Kohden Model PC-3A, Continuous Recording Oscilloscope Camera with digital numbering unit, with accessories. Manufacturer: Nikon Kohden Kogyo Co. Ltd., Japan. Intended use of article: The article is intended to be used to record medical-biophysiological phenomena during research in neurophysiology. Such Neurological information as the electroencephalogram, electromyogram, electrocardiogram and single unit nerve activities will be recorded in the course of various physiological experiments. Investigations are planned in the areas of heart disease (myocardial infarction research), autonomic nervous system regulation of body temperature and blood flow, and viscerosomatic reflex studies. Application received by Commissioner of Customs: December 8, 1977.

Docket No. 78-00074. Applicant: University of California at Davis, University of California, School of Medicine, Department of Human Anatomy, Davis, Calif. 95616. Article: Electron Microscope, Model EM 400 HMG with High Magnification Goniometer and Accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article:

The article is intended to be used for research in the following projects: (1) Studies of the nature of the placental surface and the cytology of placental function; (2) Studies of the interaction of trophoblast and uterine luminal epithelial cells at implantation; (3) Distribution of receptor groups on the surface of the trophoblast; (4) Studies on carcinogenesis, specifically, ones involving possible viral contribution to carcinogenesis in mouse and woman, and the nature of the interaction of macrophages and melanoma cells; (5) Studies on the basis of formation and modification of basal lamina, both in the developmental process and in disease processes, such as glomerular nephritis; and (6) Studies on the interactions of bacteria and cells, specifically the interaction between *Nocardia* and alveolar and peritoneal macrophages. The objectives to be pursued in the course of the investigations are those of basic biomedical sciences: To understand the mechanisms of both normal and abnormal cell growth and development; To interrelate cell structure with the function in normal and dysfunctional situations and in cases of carcinogenesis and infection; To elucidate the cellular mechanisms of normal cell function in order to better understand control mechanisms. Application received by Commissioner of Customs: December 12, 1977.

Docket No. 78-00075. Applicant: Institute of Forest Genetics, North Central Forest Experiment Station, USDA-Forest Service, Box 898, Rhinelander, Wis. 54501. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Japan. Intended use of article: the article will be used to study two problems of seed production in jack pine and white spruce. Specifically, the article will be used to compare the normal development of apical meristems with those treated by various chemical agents, such as gibberellic acid, that induce flowering. Through morphological, anatomical, and ultrastructural studies, a comparison of normal and aborting reproductive structures will be conducted so that the timing and causes of abortion can be identified. These studies include the relationship of the vasculature to the position of sterile and fertile regions of the flower and the relationship of pollination and fertilization to ovule and see abortion. Application received by Commissioner of Customs: December 12, 1977.

Docket No. 78-00077. Applicant: Denver Technical Support Center, MESA, Building 55, Denver Federal Center, P.O. Box 25367, Denver, Colo. 80225. Article: Electron Microscope, Model EM 400 HTG with High Tilt Goniometer Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is in-

tended to be used for studies of rock and mineral dust generated in mining and milling activities and consisting of any type of naturally occurring silicate, oxide, sulfide, carbonate, sulfate, halide, or other type of mineral. The size and shape, crystal structure orientation, grain growth and microstructure, defect structure and chemical composition properties of the materials will be investigated. The objective of the investigations is the identification of toxic minerals, such as asbestos and the identification of materials containing toxic elements such as arsenic in airborne dust in support of the enforcement of health and safety standards in the nation's mines and mills. Application received by Commissioner of Customs: December 15, 1977.

Docket No. 77-00372. Applicant: USDA-ARS-SR Tobacco Research Laboratory, Route 2, Box 16G, Oxford, N.C. 27565. Article: Particulate Matter Prediction Metering Equipment. Manufacturer: WD & HO Wills, United Kingdom. Intended use of article: The article is intended to be used in experiments to reduce tar levels in flue-cured tobacco. The objectives of the investigations being conducted is to reduce health hazards associated with tobacco by reducing tar levels. Application received by Commissioner of Customs: December 20, 1977.

Docket No. 77-00373. Applicant: North Carolina State University/Raleigh School of Agriculture & Life Sciences, Department of Crop Science, Box 5155, Raleigh, N.C. 27607. Article: Particulate Matter Prediction Metering Equipment. Manufacturer: WD & HO Wills, United Kingdom. Intended use of article: The article is intended to be used in experiments to reduce tar levels in flue-cured tobacco. The objectives of the investigations being conducted is to reduce health hazards associated with tobacco by reducing tar levels. Application received by Commissioner of Customs: December 20, 1977.

Docket No. 78-00076. Applicant: University of Hawaii, High Energy Physics Group, Watanabe Hall, 2505 Correa Road, Honolulu, Hawaii 96822. Article: Model 1 Sweepnik System and Accessories. Manufacturer: Lasen-Scan Ltd., United Kingdom. Intended use of article: The article is intended to be used for bubble chamber experiments which involve bombarding the 15' bubble chamber with multibillion volt neutrinos produced by the highest energy accelerator in the world. The purpose of these experiments is to discover new particles, examine the properties of a class of particles called "quarks," and to understand a new and strange property possessed by certain elementary particles whimsically called "charm." Specifically, the article will be used to measure the trajec-

tories to charged particles produced by neutrinos in the bubble chamber to an accuracy of 2 millionths of a meter on the 70 mm film. Application received by Commissioner of Customs: December 12, 1977.

Docket No. 78-00078. Applicant: Carnegie-Mellon University—Mellon Institute of Science, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article: LKB 2128-010/Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for biological studies of cultured mammalian cells, their virus transformed derivatives and tumors derived from small animals. Experiments will be designed to determine the function of cytoplasmic fibers in normal, virus-transformed and tumor cell motility. The objectives of these investigations determine which ultrastructural entities function in controlling normal cells behavior and how these functions are altered in virus-transformed and tumor cells. The article will also be used in the training of graduate students and for demonstrations in undergraduate laboratory and lecture courses entitled "Introduction to Cellular and Molecular Biology." Graduate students will be trained in methods involved in the study of mammalian cell ultrastructure, which will of course involve the preparation of thin sections. Application received by Commissioner of Customs: December 22, 1977.

Docket No. 78-00079. Applicant: The University of Texas Medical Branch, Department of Pathology, Galveston, Tex. 77550. Article: LKB 14800-1 Cryokit Complete and with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to an existing ultramicrotome which allows it to be used to section frozen tissues at ultra low temperatures so that sites of sodium, potassium, calcium and phosphorus accumulation in tissues are not disturbed. The materials to be studied are mammalian—liver, heart, kidney and parts of cells derived therefrom. The article is intended to be used to train graduate and medical students in biomedical research in the courses Pathology 6x97—Research and Pathology 6x98—Thesis. Application received by Commissioner of Customs: December 22, 1977.

Docket No. 78-00080. Applicant: College of Medicine and Dentistry of New Jersey, P.O. Box 10146, Newark, N.J. 07101. Article: LKB 2128-010 Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following investigations: ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on normal and path-

ologic plant and animal tissues, developmental studies on fungal systems, cyto- and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objective of these studies is to further basic knowledge on cell and tissue ultrastructure and to reveal at the ultrastructural level, the enzyme localization and distribution in cells and tissues developing under normal and pathological conditions. In addition, the article will be used in courses entitled "Ultrastructure and Cytochemistry" which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commissioner of Customs: December 20, 1977.

Docket No. 78-00081. Applicant: College of Medicine and Dentistry of New Jersey—New Jersey Dental School, 100 Bergen Street, Newark, N.J. 07103. Article: LKB 2128-010 Ultratome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the studies of human biopsy material, animal and microbial specimens. Investigations will include ultrastructural studies on normal and pathologic tissues, developmental studies on dental plaque systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objective of the investigations is to further basic knowledge on cell and tissue ultrastructure and to reveal, at the ultrastructural level, the enzyme localization and distribution in cells and tissues developing under normal and pathological conditions. In addition, the article will be used in courses entitled "Ultrastructure and Cytochemistry" which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Application received by Commission of Customs: December 20, 1977.

Docket No. 78-00082. Applicant: VA Hospital, Highway 6, Iowa City, Iowa 52240. Article: High Resolution Goniometer Stage for Elmiskop 101 and Accessories. Manufacturer: Siemens Corp., West Germany. Intended use of article: The article is an accessory to an existing electron microscope which

will be used to study ultrathin sections of: tooth dentin and enamel; endothelial, pericyte, and smooth muscle cells cultured from the blood vessels of the retina, optic disc, and optic nerve; and junctional complexes of hepatocytes. The properties to be investigated include: the geometry of early crystalline phases in dentin and enamel; the formation and differentiation of junctional complexes in cultured retinal endothelial cells, particularly the resolution of differences between tight and gap junctions. The permeability and structure of liver cell tight junctions will also be examined. Application received by Commissioner of Customs: December 20, 1977.

Docket No. 78-00083. Applicant: Howard University College of Medicine, 520 W Street NW., Washington, D.C. 20059. Article: Electron Microscope, Model EM 10 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in demonstrating teratogenic effects of drugs in living organisms that have been exposed to mycotoxins or pathogen fungi. The objectives pursued in the course of this investigation are:

(1) To determine the in-vivo effects of the sytochalasins.

(2) To see what tissues are affected due to the administration of mycotoxins.

(3) To study the molecular mechanism of action of the pathogenic fungi and mycotoxins in development.

(4) To see if foods, normally parasitized by fungi that produce mycotoxins when fed to laboratory animals, will cause teratogenesis.

The article will also be used in the course "Introductory Electron Microscopy" which involves fixation techniques to demonstrate different subcellular organelles. Application received by Commissioner of Customs: December 20, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director, Statutory  
Import Programs Staff.

[FR Doc. 78-1413 Filed 1-18-78; 8:45 am]

### [3510-25]

#### DUKE UNIVERSITY

#### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public

review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00327. Applicant: Duke University, Durham, N.C. 27710. Article: LKB 2127-001 and 2127-021 Tachophor complete with TachoFrac complete, with Power Supply Unit equipped with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of spinal fluid samples from patients with neurological diseases, especially multiple sclerosis. Proposed studies will attempt to: (1) Define further the specificity of the nucleotide-rich material (NRM); (2) determine whether the NRM contains DNA, RNA, or nucleoprotein; (3) determine whether the NRM exists in the cerebrospinal fluid free or complexed to IgG; and (4) isolate the NRM from CSF or tissues. The major objective of the studies will be to determine whether the NRM is derived from host tissues or from foreign elements, such as a virus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for counter flow isotachophoresis. The Department of Health, Education, and Welfare advises in its memorandum dated November 8, 1977, that: (1) The capability of the article described above is pertinent to the applicant's intended research, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Statutory Import Programs Staff.

[FR Doc. 78-1414 Filed 1-18-78; 8:45 am]

### [3510-25]

#### Industry and Trade Administration

#### HEW—CENTER FOR DISEASE CONTROL

#### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific

article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-99339. Applicant: HEW, PHS, Center for Disease Control, 255 East Paces Ferry Road NE, Atlanta, GA. 30305. Article: Gamma-cell 220 High Dose Rate Laboratory Irradiator and Accessories. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used to study live viruses; specifically, live hemorrhagic fever viruses will be studied in the hope that gamma irradiation will inactivate these and make useable for standard laboratory diagnostic procedures. Gamma irradiation of the viruses under study will permit transport to field operations area so that diagnosis can be done in the field. Various animal models will be given wholebody irradiation to permit studies in the immunological aspects of these hemorrhagic fever viruses. Dose response investigations will be conducted in order to determine what dosages or irradiation will inactivate the viruses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides exposure dose rates up to  $2.0 \times 10^6$  roentgens per hour at the midpoint of the irradiation chamber with a nominal source loading of 24,000 curies of Cobalt-60. The Department of Health, Education, and Welfare advises in its memorandum dated November 8, 1977 that (1) the capability of the article described above is pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director, Statutory  
Import Programs Staff.

[FR Doc. 78-1415 Filed 1-18-78; 8:45 am]

[3510-25]

RUTGERS, THE STATE UNIVERSITY

Decision on Application for Duty-Free Entry of  
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00315. Applicant: Rutgers, The State University Nuclear Physics Laboratory, Frelinghuysen Road, Piscataway, N.J. 08854. Article: Compressor Sextupole and Accessories. Manufacturer: ANAC Inc., New Zealand. Intended use of article: The article is intended to be used to investigate spins, parities, energy levels, and energy-level gross structure in atomic nuclei being studied. elastic and inelastic proton and deuteron scattering experiments will be carried out with angular distributions, angular correlations, and excitation functions being measured. The experiments will be conducted to study the spin-dependent effects of nuclear forces and those properties of nuclear states which require the use of atomic beams. The article will also be used in a research program by graduate students working for the Ph. D. degree and will be used to meet the dissertation requirement for that degree.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of enhancing the atomic beam intensity by refocusing magnetically separated neutral ions into the analyzer producing approximately 50 microamperes of proton beam in direct current operation. The National Bureau of Standards advises in its memorandum dated November 7, 1977 that (1) the specification of the article described

above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director, Statutory  
Import Programs Staff.

[FR Doc. 78-1416 Filed 1-18-78; 8:45 am]

[3510-25]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of  
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00326. Applicant: Sandia Laboratories, Kirtland AFB, East Albuquerque, N. Mex. 87115. Article: Transistorized Power Source—For Tungsten Inert Gas Welding. Manufacturer: The Welding Institute, United Kingdom. Intended use of article: The article is intended to be used in a wide range of applications including but not limited to the following materials: (a) austenitic stainless steel; (b) Fe-Ni-Co alloys; (c) molybdenum and its alloys; (d) tungsten and its alloys; (e) high strength alloy steel; and (f) aluminum alloys. Experimentation will involve study of a wide range of pulse forms in order to manipulate weld pool solidification and dendritic spacing. In particular, the dependence of the fracture toughness of welds on the microstructures will be investigated. Also, the control of solidification to avoid hot cracking will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an A.C. wave capability in the range, 200-800 Hertz. The National Bureau of Standards advises in its memorandum dated November 29, 1977 that (1) the capability of the article described above is pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Statutory Import Programs Staff.

[FR Doc. 78-1417 Filed 1-18-78; 8:45 am]

[3510-25]

UNIVERSITY OF KANSAS

Decision on Application for Duty-Free Entry of  
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00358. Applicant: University of Kansas, 2095 Ave. A—Campus West, Lawrence, Kans. 66044. Article: Flow Microcalorimeter. Manufacturer: Techneurop Inc., Canada. Intended use of article: The article is intended to be used to study the thermodynamics of bile and micellar solution, and to determine the variation of these properties with the structure of bile salt. The enthalpy and heat capacity of these complex micellar solutions will be measured as a function of temperature, bile salt structure and added electrolyte. These investigations are conducted to obtain a better understanding of the nature of bile salt—lecithin solutions and their role in the dissolution of lipids, cholesterol and drug substances. The article will also be used in "Undergraduate Research in Pharmaceutical Chemistry," "Doctoral Dissertation" and "Postdoctoral Research in Pharmaceutical Chemistry" to train students to do independent research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides a sensitivity of  $1 \times 10^{-6}$  degrees centigrade in the flow heat mixing mode. The Department of Health, Education, and Welfare advises in its memorandum dated November 28, 1977 that (1) the specification of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article that is in commercial production.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Director,

Statutory Import Programs Staff.

[FR Doc. 78-1018 Filed 1-18-78; 8:45 am]

### [3510-25]

#### UNIVERSITY OF MICHIGAN

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00342. Applicant: University of Michigan, 1024 Chemistry, North University, Ann Arbor, Mich. 48109. Article: ASL A-7 fully automated AC Bridge. Manufacturer: Automated Systems Lab. Ltd., United Kingdom. Intended use of article: The article is intended to be used for the study and understanding of the energetic spectrum of matter; the chemical thermodynamic properties of matter including the entropy, enthalpy, tempered Gibbs energy function, etc.; the electronic, structural, as well as the molecular disordering and librational freedom of molecules are both im-

mediate and indirect objectives. The materials to be studied include the following:

Actinide pnictides (e.g., ThSb<sub>3</sub>), chalcogenides (e.g., UOS), halides (e.g., UCl<sub>3</sub>).

Lanthanide trihydroxides (e.g., Gd(OH)<sub>3</sub>).

Transition element pnictides (e.g., CU<sub>1.45</sub>S, djurleite).

Molecular crystals (e.g., paraterphenyl, thiourea, etc.).

Ionic crystals (e.g., PbF<sub>2</sub>).

Vitreous materials (e.g., B<sub>2</sub>O<sub>3</sub>).

The article will also be used for educational purposes in the courses Postdoctoral Research, Doctoral Research in Chemistry, and Honors Research in Chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is capable of automatically or manually measuring temperature to 0.1 millikelvin using a platinum thermometer of 25 ohms nominal value at a current of 1 milliamperes. The National Bureau of Standards advises in its memorandum dated December 2, 1977 that (1) the capability of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestically manufactured Precision Resistance Bridge of equivalent scientific value to the foreign article for the applicant's intended purpose.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Director,

Statutory Import Programs Staff.

[FR Doc. 78-1419 Filed 1-18-78; 8:45 am]

### [3510-25]

#### UNIVERSITY OF NEBRASKA

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in

Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00308. Applicant: University of Nebraska, Lincoln, Nebr. 68588. Article: THR-1500 1.5 Meter Double Pass Czerny-Turner Monochromator, Manufacturer: Jobin-Yvon, France. Intended use of article: The article is intended to be used in the development of a stress modulation spectroscopy specifically adapted for the study of molecular crystals. Several problems will be surveyed to demonstrate the capabilities of the method. These will involve experiments to determine the critical points in the joint densities of states for the first singlet systems of naphthalene, anthracene and tetracene. Dye crystals having very strong coupling will be studied with the goal of locating the critical points in the metallic reflecting region. Piezomodulated luminescence studies will be made to determine the effect of strain upon the migration and lifetime of triplet excitons, in order to prove the nature of lattice relaxation processes. The effect of strain on the fluorescence polarization ratio will be determined for both piezoemission and piezoaction spectra. To ascertain the effect of stress upon Sn and Sn the piezoemission and Kramers-Kronig transformed piezoreflection spectra will be obtained and compared. Study on the interaction of strain with surface exciton states will be initiated. The emission studies also will be used to determine the effect of strain on defect emission and excimer emission. Known piezochromic and triboluminescent systems will be studied in an effort to locate the microscopic origin of these effects and to obtain more quantitative data. Application of uniaxial modulated stress to a cubic inorganic crystal in order to make assignment of electronic states by breaking degeneracies will also be undertaken. The dependence of the spectra of hydrogen-bonded crystals upon stress modulation will also be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 77-00023 which was denied without prejudice to resubmission on March 31, 1977 for informational deficiencies. The foreign article provides a combination of a resolution of at least 300,000, a high throughput (F14), mechanical stability of 0.01 Angstroms (A) and reproducibility or repeatability of 0.1A. The National Bureau of Standards advises

in its memorandum dated November 28, 1977 that (1) the combination of capabilities of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic assistance program No. 11.105, Importation of Duty-Free Educational and Scientific materials.)

RICHARD M. SEPPA,  
Director, Statutory Import  
Programs Staff.

[FR Doc. 78-1420 Filed 1-18-78; 8:45 am]

### [3510-25]

#### WESLEYAN UNIVERSITY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00344. Applicant: Wesleyan University, Hall Atwater & Shanklin Laboratories, Lawn Avenue, Middletown, Conn. 06457. Article: LKB 2107-010 Batch Microcalorimeter and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to determine the heats of binding of small molecules to single sites on the allosteric enzyme aspartate transcarbamylase. Enthalpies of binding derived will be correlated with binding data obtained spectroscopically or by equilibrium dialysis or gel filtration. These measurements are needed to establish thermodynamic criteria which can be used to define the regulatory mechanism of this protein. In addition, the article will be used occasionally in a course in Biomedical Techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article,

for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities for operation in a differential mode and a sensitivity of one microcalorie. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 8, 1977, that the capabilities of the article described above are pertinent to the applicant's intended purposes. HEW further advises that (1) domestic instruments do not provide equal sensitivity or operate in a differential mode, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director, Statutory Import  
Programs Staff.

[FR Doc. 78-1421 Filed 1-18-78; 8:45 am]

### [3510-03]

#### Maritime Administration

##### DETERMINATION OF OPERATING-DIFFERENTIAL SUBSIDY FOR WAGES OF OFFICERS AND CREWS AND SUBSISTENCE OF OFFICERS AND CREWS OF PASSENGER VESSELS

###### Amendments To the Manual of Procedures

In FR Doc. 77-31603, appearing in the FEDERAL REGISTER on November 1, 1977 (42 FR 57152), notice was given that the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board have under consideration a complete revision of part I (Wages of Officers and Crews) and part II (Subsistence of Officers and Crews of Passenger Vessels) of the Manual of General Procedures for Determining Operating-Differential Subsidy for liner vessels.

Interested parties were invited to file written comments with the Secretary, Maritime Subsidy Board, Maritime Administration, Washington, D.C. 20230, not later than December 2, 1977.

By notice published in the FEDERAL REGISTER on November 29, 1977 (42 FR 60778), the date for submission of comments was extended to close of business on January 23, 1978.

Upon request made and good cause shown by the Council of American-Flag Ship Operators, the date for submission of comments is hereby further

extended to close of business on March 1, 1978.

Dated: January 16, 1978.

By order of the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,  
Secretary.

[FR Doc. 78-1532 Filed 1-18-78; 8:45 am]

### [3910-01]

#### DEPARTMENT OF DEFENSE

##### Department of the Air Force

#### USAF SCIENTIFIC ADVISORY BOARD

##### Meeting

JANUARY 12, 1978.

The USAF Scientific Advisory Board Aerospace Vehicles Panel will hold a meeting on February 14-15, 1978, at Wright-Patterson AFB, Ohio, from 8 a.m. to 5 p.m., on February 14, and 8 a.m. to 12 noon on February 15.

The Panel will receive classified briefings and conduct classified discussions on the engine comparison study.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,  
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-1442 Filed 1-18-78; 8:45 am]

### [3810-70]

#### AIR UNIVERSITY BOARD OF VISITORS

##### Consolidation of Committees

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the consolidation of the Air University Board of Visitors and the Air Force ROTC Advisory Panel has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget concurs with the consolidation. The consolidated committee will be known as the Air University Board of Visitors.

The nature and purpose of the Air University Board of Visitors is to provide the Air Force with advice and recommendations on the performance of its educational mission from members of the educational, professional, public

affairs, business, and industrial communities.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Head-  
quarters Services, Department  
of Defense.

JANUARY 13, 1978.

[FR Doc. 78-1443 Filed 1-18-78; 8:45 am]

[3810-70]

Office of the Secretary

Defense Science Board Task Force on Com-  
mand and Control Systems Management

Meeting; Correction

We refer to our Notice published in the FEDERAL REGISTER on January 9, 1978 (43 FR 1379) advising that the Defense Science Board Task Force on Command and Control Systems Management will meet in closed session on February 6-7, 1978, in the Pentagon, Room 1E801 No. 5.

We are hereby correcting the dates to read: February 6-8, 1978.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Head-  
quarters Service, Department  
of Defense.

JANUARY 16, 1978.

[FR Doc. 78-1444 Filed 1-18-78; 8:45 am]

[3810-70]

Office of the Secretary of Defense

PRIVACY ACT OF 1974

Deletion of Record Systems

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Notice of systems of records deletions.

SUMMARY: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the FEDERAL REGISTER on September 28, 1977, at 42 FR 50730, and on December 22, 1977, at 42 FR 64334. The Office of the Secretary of Defense is deleting three systems of records subject to the Privacy Act of 1974. These systems of records are being deleted from the OSD inventory because the function and responsible activity for the systems have been realigned with the Defense Logistics Agency (DLA). The systems shall continue in effect under the Defense Logistics Agency's inventory of records but will be identified as Defense Logistics Agency systems of records. The effected systems are identified below.

FOR FURTHER INFORMATION CONTACT:

James S. Nash, Chief, Records Man-

agement Branch, ODASD(A), the Pentagon, Washington, D.C. 20301, telephone 202-695-0970.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, Washington Head-  
quarters Services, Department  
of Defense.

JANUARY 16, 1978.

The following Office of the Secretary of Defense (OSD) systems of records are deleted:

DM&RA 04.0

System name: Reenlistment Eligible File (RECRUIT). (42 FR 50762, September 28, 1977)

Reason: This system is deleted from the OSD record systems inventory and being added to the Defense Logistics Agency (DLA) inventory and reidentified as S322.20DLA-LZ. The system contents remain unchanged.

DM&RA 13.0

System name: Survey Data Base. (42 FR 50766, September 28, 1977)

Reason: This system is deleted from the OSD record systems inventory and being added to the Defense Logistics Agency (DLA) inventory and reidentified as S322.20DLA-LZ. The system contents remain unchanged.

DM&RA 14.0

System name: MARDAC Data Base. (42 FR 50766, September 28, 1977)

Reason: This system is deleted from the OSD record systems inventory and being added to the Defense Logistics Agency (DLA) inventory and reidentified as S322.10DLA-LZ.

[FR Doc. 78-1465 Filed 1-18-78; 8:45 am]

[3620-01]

Defense Logistics Agency

PRIVACY ACT OF 1974

Addition of Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice of systems of records additions.

SUMMARY: The Defense Logistics Agency (DLA) is adding three systems of records to its record systems inventory subject to the Privacy Act. These systems were formerly contained in the Office of the Secretary of Defense (OSD) inventory. As the organization and function, Manpower Research and Data Analysis Center (MARDAC) is now reassigned to DLA, the applicable record systems of the organization are now added to and reidentified as DLA record systems. There are no changes in the record system notice contents, which are republished below in their

entirety, other than the reidentification.

DATES: These systems of records are effective January 19, 1978.

ADDRESS: Send any comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT:

Mr. William A. Smith, Chief, Administrative Management Division, DLA-XA, Defense Logistics Agency, HQS DLA, Cameron Station, Alexandria, Va. 22314, telephone 202-274-6005.

SUPPLEMENTARY INFORMATION:

The Defense Logistics Agency's systems of records notice recompliation inventory as prescribed by the Privacy Act of 1974, 5 U.S.C. 552 a(e)(4), have been published in the FEDERAL REGISTER (FR Doc 77-28255) on September 28, 1977, at 42 FR 51388. DLA proposes to add three record systems to its inventory which were formerly assigned to the Office of the Secretary of Defense. These record systems are not considered new systems within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda Nrs. 1 and 3 dated September 30, 1975 and May 17, 1976 respectively, which provide supplemental guidance of Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act. This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The three affected systems with their old and their new identification are as follows:

Old	New
DM&RA 04.0 (42 FR 50762)....	S322.20DLA-LZ
DM&RA 13.0 (42 FR 50766)....	S322.35DLA-LZ
DM&RA 14.0 (42 FR 50766)....	S322.10DLA-LZ

MAURICE W. ROCHE,

Director, Correspondence and  
Directives, Washington Head-  
quarters Services, Department  
of Defense.

JANUARY 16, 1978.

System name:

Reenlistment Eligible File (RECRUIT).

System location:

W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

Back-up file—Department of Defense Manpower Research and Data Analysis Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314.

Back-up file—Department of Defense Manpower Research and Data Analysis Center, 550 Camino El Estero, Monterey, CA 93940.

**Categories of individual covered by the system:**

Former enlisted personnel of the military services who separated from active duty during the immediately preceding forty-eight months and who are eligible for immediate reenlistment.

**Categories of records in the system:**

Social Security Account Number, Name, Service, Date of Birth, and Date of Separation.

**Authority for maintenance of the system:**

10 U.S.C. 136.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

The purpose of the system is to assist recruiters in reenlisting prior-service personnel.

Department of Defense Manpower Research and Data Analysis Center, used to provide to recruiters in the military service and the Coast Guard information on individuals eligible for immediate reenlistment; for statistical analyses of prior-service reenlistment trends and of demographic characteristics of applicants for reenlistment; such analyses may require merging with other record systems.

Any individual records contained in the system might be transferred to any component of the Department of Defense having a need to know in the performance of official business.

Any record may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:**

Most recent thirty-six months separation stored on magnetic disc; full forty-eight months stored on magnetic tape.

**Retrievability:**

Retrievable by Social Security Account Number.

**Safeguards:**

DISC File is protected by password access and hard-wire system.

Alexandria, Virginia location has tape storage areas in locked room accessible only to authorized personnel; building is locked after hours.

Monterey, California location has tape storage area in locked room accessible only to authorized personnel; building is locked after hours.

Recruiters making telephone inquiries must have valid recruiter identification and call back number.

**Retention and disposal:**

Records more than forty-eight months old are purged from the system.

**System manager(s) and address:**

Director, Manpower Research and Data Analysis Center, 550 Camino El Estero, Monterey, California 93940.

**Notification procedure:****Information may be obtained from:**

Manager, RECRUIT system, Manpower Research and Data Analysis Center, 300 N. Washington St., 7th Floor, Alexandria, VA 22314, Telephone: Area Code 703/325-0490.

**Record access procedures:**

Requests from individuals should be addressed to: Manager, RECRUIT System, Manpower Research and Data Analysis Center, 300 N. Washington Street, Alexandria, VA 22314.

Written request for information should contain the full name, current address, telephone number, Social Security Account Number, and date of separation of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license.

**Contesting record procedures:**

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

**Record source categories:**

The data contained in the system are obtained from the Army, Navy, Air Force, Marine Corps, and Coast Guard.

**Systems exempted from certain provisions of the act:**

NONE.

S322.35DLA-LZ

**System name:**

Survey Data Base.

**System location:**

Primary Location—W.R. Church Computer Center, Naval Postgraduate School, Monterey, California 93940.

Decentralized locations for back-up files—Department of Defense, Manpower Research and Data Analysis Center, 7th Floor, 300 N. Washington St., Alexandria, Virginia 22314 and 2nd Floor, 550 Camino El Estero, Monterey, California 93940.

**Categories of individuals covered by the system:**

Individuals who selected at random for survey administration and who

completed survey forms. Survey data is collected on a periodic basis. Current data were collected at selected Armed Forces Entrance and Examining Stations (AFEES), during September 1974, May 1975, or since January 1975; additional data were collected by Gilbert Youth Organization (civilian contractor) in nation-wide surveys during May or November 1973, or May or November 1974.

**Categories of records in the system:**

SSAN and responses to survey items dealing with attitudes toward the military.

**Authority for maintenance of the system:**

10 U.S.C. 136.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

The purpose of the file is to sample attitudes toward enlistment in the military and determine reasons for enlistment decisions.

Manpower Research and Data Analysis Center—used to analyze trends in enlistment motivation, attitudes toward military service, attractiveness of various enlistment incentives; survey files are linked with military personnel inventory, gain, and loss files to statistically relate survey data to later advancement, attritions, and reenlistment patterns.

Any individual record in the system may be transferred to any component of the Department of Defense having the need to know in the performance of official business.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:****Storage:**

Magnetic Computer Tape

**Retrievability:**

Records can be retrieved by Service of accession, period of survey, race, sex, education level, or Social Security Account Number.

**Safeguards:**

Tapes stored at the primary location are kept in a locked storage cage in a controlled access area; tapes stored at the back-up locations are kept in locked storage areas in buildings which are locked after hours.

**Retention and disposal:**

Records are permanent. Survey answer sheets which are op-scanned to create tape are destroyed after tape is created.

**System manager(s) and address:**

Director, Manpower Research and Data Analysis Center, 550 Camino El Estero, Monterey, California 93940.

**Notification procedure:**

Information may be obtained from:

Chief, Market and Survey Research Division, Manpower Research and Data Analysis Center, 300 N. Washington St., 7th Floor, Alexandria, Virginia 22314. Telephone: Area Code 703/325-0490.

**Record access procedures:**

Requests from individuals should be addressed to: Chief, Market and Survey Research Division, Manpower Research and Data Analysis Center, 300 N. Washington St., Alexandria, VA 22314.

Written requests for information should contain the full name, Social Security Account Number, and current address and telephone number of the individual. In addition, the approximate date and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other ID card.

**Contesting record procedures:**

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

**Record source categories:**

The survey information is provided by the individual; additional data which are linked to survey data as described in the routine uses section, are obtained from the military services.

Systems exempted from certain provisions of the act:

NONE.

S322.10DLA-LZ

**System name:**

MARDAC Data Base

**System location:**

Primary location: W.R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Back-up locations for processing: Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. 20330.

U.S. Army Management Systems Support Agency, Room BD972, The Pentagon, Washington, D.C. 20310.

National Military Command Systems Support Center, Room BE685, The Pentagon, Washington, D.C. 20331.

Back-up files maintained at two offices of the DoD Manpower Research and Data Analysis Center—7th Floor, 300 N. Washington St., Alexandria, VA 22314 and 2nd Floor, 550 Camino El Estero, Monterey, CA 93940.

Selected historic files are maintained at Air Force Data Services Center, Room 1D167, The Pentagon, Washington, D.C. pursuant to court order in IBM anti-trust case. These files will be withdrawn from current location when legally permissible.

Decentralized segments—military personnel research centers, and military personnel centers of the services; selected civilian contractors with research contracts in manpower area; other Federal agencies.

Categories of individuals covered by the system:

All officer and enlisted personnel who served on active duty from July 1, 1968 and later; or who have been a member of a reserve component since July 1975; or are retired reservists; participants in Project 100,000 and Project Transition and the evaluation control groups for these programs; all individuals examined to determine eligibility for military service at an Armed Forces Entrance and Examining Station from July 1, 1970, and later; DoD civilian employees or civilian employees separated since January 1, 1971; all veterans who have utilized Vietnam-era GI Bill education and training entitlements, who visited a State Employment Service office since July 1, 1971, or who participated in a Department of Labor special training program since July 1, 1971; all individuals who ever participated in an educational program sponsored by the U.S. Armed Forces Institute, all individuals who participated in the Armed Forces Vocational Aptitude Testing Programs at the high school level since September 1969, individuals who responded to various paid advertising campaigns seeking enlistment information since July 1, 1973; participants in the DHEW, Office of Education and Longitudinal Survey.

Categories of records in the system:

Name, Service Number, Selective Service Number, Social Security Account Number, demographic information such as home town, age, sex, race, and educational level; civilian occupational information, military personnel information such as rank, length of service, military occupation; aptitude scores, post-service education, training, and employment information for veterans; participation in various in-service education and training programs.

Authority for maintenance of the system:

10 U.S.C. 136.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the system of records is to provide a longitudinal statistical analysis capability for assessing military manpower trends and

evaluation programs impacting of military personnel, potential enlistees, and veterans.

Manpower Research and Data Analysis Center—used to analyze accession patterns and trends, promotion and occupation patterns and trends, loss patterns and trends, qualification rates, effectiveness of recruiting programs, participation in education and training programs, force characteristics, post-service experiences of veterans, evaluation of military special pays and bonuses; evaluation of special programs affecting military personnel; to select sample population for surveys; to provide statistical data to OMB, GAO, the Military Services, DoD civilian contractors, educational institutions and other Federal agencies.

Personnel Research and Personnel Management activities of the Military Services—uses are same as those specified above.

Veterans Administration, Management Sciences Staff, Reports and Statistics Service, Office of the Comptroller—used to select sample for surveys asking veterans about the use of veterans benefits and satisfaction with VA services.

Office of Research and Statistics, Social Security Administration—used for statistical analyses of impact of military service and use of GI Bill benefits on long term earning.

DoD Civilian Contractors—used by contractors performing research on manpower problems for statistical analyses.

Aggregate data and/or individual records contained in the record system may be transferred to other Federal agencies having legitimate use for such information and applying appropriate safeguards to protect data so provided.

Records may be disclosed to the Civil Service Commission concerning pay, benefits, retirement deductions; and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Any record contained in the system of records may be transferred to any other component of the Department of Defense having the need-to-know in the performance of official business.

Name and address information of former military personnel obtained from the Veterans Administration or the Military Department may be released to a number of DoD Components for use in attempting to recruit and reenlist prior service personnel through direct contact methods. These components are as follows: U.S. Army Recruiting Command; U.S. Army Forces Command; Navy Recruiting Command; Chief of Naval Personnel; Chief of Naval Reserve; U.S. Air Force Recruiting Service; U.S. Air Force Tactical Air Command; Head-

quarters Air Force Reserve; National Guard Bureau; Headquarters, U.S. Marine Corps; District Directors, U.S. Marine Corps; Commanding General, 4th Marine Division; Commanding General, 4th Marine Air Wing; Commandant, U.S. Coast Guard.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:**

Magnetic computer tape.

**Retrievability:**

Retrievable by name, SSAN, age, occupation, or any other data element contained in system.

**Safeguards:**

Primary location—at W.R. Church Computer Center, tapes are stored in a locked cage in machine room, which is a controlled access area; tapes can be physically accessed only by computer center personnel and can be mounted for processing only if the appropriate security code is provided.

At back-up locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected with cypher locks, buildings are locked after hours, and only properly cleared and authorized personnel have access.

The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities.

**Retention and disposal:**

Files constitute a historical data base and are permanent.

**System manager(s) and address:**

Director, Department of Defense Manpower Research and Data Analysis Center (MARDAC), 550 Camino El Estero, Monterey, CA 93940.

**Notification procedure:**

Information may be obtained from: Director, Department of Defense Manpower Research and Data Analysis Center, 550 Camino El Estero, Monterey, CA 93940. Telephone: Area Code 408/646-2951.

**Record access procedures:**

Requests from individuals should be addressed to Director, MARDAC, 550 Camino El Estero, Monterey, CA 93940.

Written requests for information should contain the full name, Social Security Account Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other ID card.

**Contesting record procedures:**

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSTEM MANAGER.

**Record source categories:**

The Military Services, the Veterans Administration, the Office of Education of the Department of HEW, from individuals via survey questionnaires, the Department of Labor.

**Systems exempted from certain provisions of the act:**

NONE.

**[6360-01]**

**DELAWARE RIVER BASIN COMMISSION**

**APPROVAL OF WATER PROJECTS**

**Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 25, 1978, commencing at 2 p.m. The hearing will be held in the Hall of Flags East of the Sheraton Hotel, 17th and Kennedy Blvd. in Philadelphia. The subject of the hearing will be application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to section 3.8 of the Compact.

1. *Flying Hills Water Co. (D-77-94 CP)*. A well water supply project to provide water service at the Flying Hills housing development in Cumru Township, Berks County, Pa. A new well No. 2 and a modified well No. 1 will be utilized to provide a combined yield of approximately 500,000 gallons per day.

2. *Magnolia Sewerage Authority (D-77-106 CP)*. An interim package sewage treatment plant to augment existing treatment facilities in the Borough of Magnolia, Camden County, N.J. The project will be abandoned when Camden County regional sewerage service becomes available. The package plant will provide for removal of 90 percent of BOD, from a sewage flow of 250,000 gallons per day. Treated effluent will discharge to Otter Brook, a tributary of North Branch Big Timber Creek.

3. *Cranberry Hill Corp. (D-77-109 CP)*. A well water supply project to serve the Penn Estates residential development in Stroud Township, Monroe County, Pa. The new facility is expected to yield 120,000 gallons per day.

4. *Poconos Sewer Co. (D-78-1 CP)*. Expansion of the company's sewage

treatment plant serving the Hideout development in Salem Township, Wayne County, Pa. The expanded facility will provide treatment to a sewage flow of 50,000 gallons per day and removal of 95 percent of BOD, and suspended solids. Treated effluent will discharge to Ariel Creek, a tributary of the Lackawaxen River.

5. *MRB Enterprises (D-77-13)*. A sewage treatment project at Springton Manor and the proposed residential development known as Kimberwick in West Brandywine Township, Chester County, Pa. Approximately 58,000 gallons per day will pass through a sewage treatment plant providing removal of 85 percent of BOD, and suspended solids. Ultimate disposal will be to a nine-acre spray irrigation site.

6. *GAF Corp. (D-77-32)*. An existing cooling water discharge at the company's plant in Whitehall Township, Lehigh County, Pa. Approximately 90 percent of BOD, and 99 percent of suspended solids will be removed from a wastewater flow of 1.9 gallons per day. Treated effluent will discharge to the Lehigh River.

7. *Synthane Taylor Corp. (D-77-62)*. A cooling water discharge at the company's facilities in Upper Providence Township, Montgomery County, Pa. Non-contact cooling water will be retained in an earthen lagoon prior to discharge in order to reduce water temperatures. Approximately 80,000 gallons per day of cooling water will discharge to Crossmans Run, a tributary of the Schuylkill River.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to notify the Secretary prior to the date of the hearing.

W. BRINTON WHITALL,  
Secretary, 609-883-9500.

JANUARY 13, 1978.

[FR Doc. 78-1521 Filed 1-18-78; 8:45 am]

**[3128-01]**

**DEPARTMENT OF ENERGY**

**CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW**

**Week of December 16 Through December 23, 1977**

Notice is hereby given that during the week of December 16 through December 23, 1977, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file

with the DOE written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the

date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Ad-

ministration, Department of Energy, Washington, D.C. 20461.

Dated: January 11, 1978.

MELVIN GOLDSTEIN,  
Director, Office of  
Administrative Review.

APPENDIX—List of cases received by the Office of Administrative Review

Week of December 16 through December 23, 1977

Date	Name and location of applicant	Case No.	Type of submission
Sept. 20, 1977	Oahu Gas Service, Inc., Honolulu, Hawaii. If granted: The National Office of Administrative Review has elected to consider a Sept. 13, 1977 Appeal which Oahu Gas Service filed from an Order issued to it on Aug. 7, 1977 by the Federal Energy Administration region IX Office.	FEA-1469	Appeal of the Aug. 7, 1977 Decision and Order issued by FEA region IX.
Dec. 19, 1977	Copano Co., Houston, Tex. If granted: The Dec. 1, 1977 remedial order issued by DOE region VI would be rescinded and Copano Co. would not be required to refund overcharges made in its sales of crude oil to Exxon Corp.	DRA-0078 and DRS-0078	Appeal of the Dec. 1, 1977 remedial order issued by DOE region VI. Stay request.
Do	Harvey W. Jones & Associates, Natchez, Miss. If granted: The Nov. 29, 1977 remedial order issued by DOE region IV would be rescinded and Harvey W. Jones & Associates would not be required to refund overcharges made in its sales of crude oil.	DRA-0081 and DRS-0081	Appeal of the Nov. 29, 1977 remedial order issued by DOE region IV. Stay request.
Do	Petroleum Management, Inc., Laurel, Miss. If granted: Petroleum Management, Inc. would receive a stay of the remedial order issued by DOE region IV pending a final decision on the appeal of that order which it intends to file.	DRS-0080	Stay of the remedial order issued by DOE region IV.
Do	Spatt Oil Co., Inc. If granted: The Remedial Order issued by DOE region III would be rescinded and Spatt Oil Co. would not be required to refund overcharges in its sales of motor gasoline.	DRA-0079	Appeal of the remedial order issued by DOE region III.
Do	Suburban Propane Gas Corp., Morristown, N.J. If granted: Suburban Propane Gas Corp. would be permitted to calculate its cost of product in inventory prior to May 1, 1976 on the basis of separate inventories.	DEE-0412	Exception to separate inventories amendment (sec. 212.93).
Do	Sun Co., Inc., Dallas, Tex. If granted: Sun Co., Inc. would receive an extension of the exception relief granted in the June 30 and Dec. 12, 1977 decisions and orders to permit it to increase its prices to reflect non-product cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Markham and Mayfield plants.	DXE-0415 and DXE-0416	Extension of the relief granted in <i>Sun Co., Inc.</i> , Case No. FXE-4819 (decided December 12, 1977) (unreported decision). <i>Sun Co., Inc.</i> , Case No. FXE-4299 (decided June 30, 1977) (unreported decision).
Do	Superior Oil Co., Thomas, Okla. If granted: Superior Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Thomas Plant.	DEE-0414	Price exception (sec. 212.165).
Do	Tosco Corp., Washington, D.C. If granted: Tosco Corp would receive a stay of its entitlement purchase obligations pending a final determination on an application for exception which the firm has filed.	DEX-0022	Supplemental order.
Do	Union Oil Co. of California, Los Angeles, Calif. If granted: Union Oil Co. of California would receive an extension of the relief granted in the FEA's Aug. 16, 1977 decision and order to permit the firm to sell the crude oil produced from the Point Conception Field at upper tier ceiling prices.	DXE-0413	Extension of the relief granted in <i>Union Oil Co. of California</i> , 6 FEA par. 83,057 (Aug. 16, 1977).
Do	Vickers Dividend Oil Co., Denver, Colo. If granted: The Nov. 8, 1977 assignment order issued by DOE region VIII would be rescinded and Vickers Dividend Oil Co. would be assigned a supplier of motor gasoline for its retail station located at 2485 S. University Boulevard, Denver, Colo.	DEA-0082	Appeal of the assignment order issued by DOE region VIII.
Dec. 20, 1977	Leonard E. Belcher, Inc., Alexandria, Va. If granted: An FEA decision and order issued to Belcher on Sept. 16, 1977 would be modified.	DMR-0011	Request for modification of decision and order in <i>Leonard E. Belcher, Inc.</i> , 6 FEA par. 87,033 (Sept. 16, 1977).
Do	Midland Cooperatives, Inc., Washington, D.C. If granted: The DOE's Nov. 21, 1977 decision and order would be modified to adjust Midland Cooperative's entitlements obligations using the standards established in <i>Southland Oil Co.</i> , 1 DOE — (Oct. 14, 1977).	DMR-0010	Request for modification of <i>Midland Cooperatives, Inc.</i> , 1 DOE — (Nov. 21, 1977).
Do	Newhall Refining Co., Inc., Dallas, Tex. If granted: Newhall Refining Co., Inc. would receive an extension of the relief granted in the FEA's Aug. 12, 1977 decision and order which would relieve the firm of its obligations to purchase entitlements.	DXE-0418	Extension of the relief granted in <i>Newhall Refining Co.</i> , 6 FEA par. 83,055 (Aug. 12, 1977).
Do	O'Brien Oil Co., Middletown, N.Y. If granted: O'Brien Oil Co. would not be required to file certain reports with the Department of Energy.	DEE-0417	Exception to the reporting requirements.
Do	Texas American Oil Corp., Midland, Tex. If granted: A Nov. 14, 1977 remedial order issued by DOE region VI would be rescinded and Texas American Oil Corp. would not be required to refund overcharges made in sales of crude oil produced from the Todd Federal 26 Lease.	DRA-0083	Appeal of the Nov. 14, 1977 remedial order issued by DOE.

## APPENDIX—List of cases received by the Office of Administrative Review—Continued

Date	Name and location of applicant	Case No.	Type of submission
Dec. 21, 1977	Alice-Sidney Oil Co., El Dorado, Ark. If granted: The Dec. 9, 1977 remedial order issued by DOE region VI would be rescinded and Alice-Sidney Oil Co. would not be required to refund overcharges made in its sales of crude oil.	DRA-0084	Appeal of the Dec. 9, 1977 remedial order issued by DOE region VI.
Do	Como Gas Sales Co., Inc., Duluth, Minn. If granted: The Nov. 4, 1977 remedial order issued by DOE region V would be rescinded and Como Gas Sales Co., Inc. would not be required to refund overcharges made in its sales of propane.	DRA-0085	Appeal of the Nov. 4, 1977 remedial order issued by DOE region V.
Do	Monsanto Co., Houston, Tex. If granted: Monsanto Co. would be permitted to sell the crude oil produced from the Hendrick "A" and Hendrick "C" well located in Winkler County, Tex., at upper tier ceiling prices.	DEE-0422 and DEE-0423	Price exception (212.73).
Do	Sun Co., Inc., Dallas, Tex. If granted: Sun Co., Inc. would receive an extension of the exception relief granted in the FEA's June 30 and Aug. 3, 1977 decisions and orders which would permit it to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Carney, Concho, and Jameson plants.	DXE-0419 through DXE-0421	Extension of the relief granted in Sun Co., Case Nos. FXE-4376 and FXE-4377 (decided June 30, 1977) (unreported decision). Sun Co., FEE-4372 (decided Aug. 3, 1977) (unreported decision).
Do	Wallace & Wallace Fuel Oil Co., Inc., and Wallace & Wallace Chemical & Oil Corp., Washington, D.C. If granted: Wallace & Wallace Fuel Oil Co., and Wallace & Wallace Chemical & Oil Corp. would receive a stay of the regulations pending a determination on their application for exception.	DES-0388	Stay request.
Do	Whitco, Inc., Dallas, Tex. If granted: The provisions of 10 CFR 211.25 (the supplier substitution rule) would be stayed with respect to Sun Co.'s base period supply obligations to Whitco, Inc. pending a final determination of Whitco's exception application.	DEX-0023	Supplemental order.
Dec. 22, 1977	Sheldon Leon Bierman, Washington, D.C. If granted: The DOE's Dec. 4, 1977 information request denial would be rescinded and Sheldon Leon Bierman would receive access to the names and project titles of the contractors, employees, and consultants listed in the bid he requested.	DFA-0086	Appeal of DOE's information request denial dated Dec. 4, 1977.
Do	Continental Oil Co., Houston, Tex. If granted: Conoco requests that exceptions proceedings involving the sequence of recovery of increased nonproduct costs during the period Jan. 1, 1975 through Jan. 31, 1976 be stayed pending the issuance of a final order in <i>Phillips Petroleum Co., et al. v. Department of Energy et al. No. 77-90</i> (D. Del., filed Mar. 14, 1977). In the alternative, Conoco requests that the DOE consolidate all exceptions applications involving issues of gross inequity for resolution in a single proceeding. Conoco further requests a modification of the decision and order issued in <i>Consumer's Union of the United States, Inc.</i> , 5 FEA par. 87,014 (Mar. 17, 1977), in which the FEA (now DOE) provided for its participation in the exceptions proceedings involving Conoco and Exxon Co., U.S.A.	DMR-0012 and DES-0021	Stay request.
Do	Davison Oil Co., Inc., Mobile, Ala. If granted: The DOE's Nov. 7, 1977 information request denial would be rescinded and the Davison Oil Co., Inc. would receive access to additional documents in connection with Davison and Pride Terminals.	DFA-0087	Appeal of the DOE's information request denial dated Nov. 7, 1977.
Do	Laketon Asphalt Refining, Inc., Evansville, Ind. If granted: Laketon Asphalt Refining, Inc. would receive an extension of the entitlements relief granted in the DOE's Aug. 12, 1977 decision and order.	DXE-0424	Extension of exception relief granted in <i>Laketon Asphalt Refining, Inc.</i> , 6 FEA par. 83,054 (Aug. 12, 1977).
Do	Lamar Oil Co., Lamar, Colo. If granted: The Lamar Oil Co. would be granted a stay of the provisions of an Oct. 5, 1977 special report order issued to the firm by DOE region VIII.	DES-0018	Request for stay.
Do	Natrogas, Inc., Minneapolis, Minn. If granted: The DOE's Dec. 6, 1977 decision and order would be modified.	DMR-0013	Request for modification of decision and order in <i>Natrogas, Inc.</i> 1 DOE par. — (Dec. 6, 1977).
Do	Petroleum Management, Inc., Laurel, Miss. If granted: The DOE's Dec. 2, 1977 remedial order would be rescinded and Petroleum Management, Inc. would not be required to refund overcharges made on sales of crude oil.	DRA-0080	Appeal of DOE's remedial order issued Dec. 2, 1977.
Do	Romaco, Inc., Montgomery Ala. If granted: Romaco, Inc. would be reimbursed for costs incurred in attending a Dec. 19, 1977 conference convened by the Office of Administrative Review concerning the Sept. 2, 1977 special report order issued to the firm.	DSG-0009	Request for special redress.
Do	Saber Refining Co., Houston, Tex. If granted: The Saber Refining Co. would be granted an exception to the provisions of sec. 211.67 to permit it to receive entitlements sales revenues to offset reduced production which it will experience during the construction of additional refining capacity.	DEE-0425	Exception to entitlement program (sec. 211.67(e)(1)(2)).
Do	Texaco, Inc., Houston, Tex. If granted: Texaco, Inc. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005 per gallon for natural gas liquid products produced at the Crossett, Floodway, Kittle, Levelland, Mabee, Maurice, Montebello, and Putnam-Oswego plants.	DEE-0426 through DEE-0433	Price exception (sec. 212.165).
Do	United Independent Oil Co., Washington, D.C. If granted: The United Independent Oil Co. would be granted a stay of the provisions of sec. 211.67(b) of the entitlement program pending a final determination of its application for exception.	DES-0019	Request for stay.

## APPENDIX—List of cases received by the Office of Administrative Review—Continued

Date	Name and location of applicant	Case No.	Type of submission
Dec. 22, 1977	W. E. Shrider Co., Columbus, Ohio. If granted: The W. E. Shrider Co. would be granted a stay of the provisions of DOE's Oct. 21, 1977 decision and order pending a final determination of the firm's appeal of that order which it intends to file in the U.S. District Court for the Southern District of Ohio, Eastern Division.	DES-0020	Do.
Do	Young Refining Corp., Douglasville, Ga. If granted: The Young Refining Corp. would be granted a temporary stay of the provisions of sec. 211.67 (the entitlements program) pending a final decision on an application for exception.	DST-0002	Request for temporary stay.

## NOTICES OF OBJECTION RECEIVED

Week of December 16 through December 23, 1977

Date and name and location of applicant Case No.

Dec. 19, 1977, Armstrong Gas, Inc., Ft. Myers, Fla. DRC-0008  
 Dec. 22, 1977, Eastern Shore Gas Co., Philadelphia, Pa. DRC-0009

[FR Doc. 78-1358 Filed 1-18-78; 8:45 am]

[6740-02]

## DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CS77-752, etc.]

BRANCH T. ARCHER, ET AL.

Applications for "Small Producer" Certificates; Correction

JANUARY 5, 1978.

In FR Doc. 77-30814, issued October 14, 1977, and published at 42 FR 56524, October 26, 1977, in the tabulation, on page 56524, column 3, Docket No. CS77-853, Louis Arrington, under column headed "Date Filed" change "9/28/77" to read "9/26/77," opposite Docket No. CS77-853.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1460 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket No. E-9611]

COLUMBUS WATER & LIGHT DEPARTMENT v.  
WISCONSIN POWER & LIGHT CO.

Complaint; Correction

DECEMBER 22, 1977.

In FR Doc. 77-33712, issued November 15, 1977, and published at 42 FR 60003, November 23, 1977, in paragraph 1, line 3, "City of Columbus, Ohio" should read "City of Columbus, Wisconsin".

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1457 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket Nos. CI77-224, etc.]

EXXON CORP., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JANUARY 5, 1978.

In FR Doc. 77-33032, issued Novem-

ber 9, 1977, and published at 42 FR 59402, November 17, 1977, in the tabulation, on page 59403, Docket No. CI77-695 *South Louisiana Production*, under column headed "Docket No. and Date Filed" change "C" to read "A" under Docket No. CI77-695.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1461 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket No. CP77-71, 118, 125]

NATURAL GAS PIPELINE COMPANY OF  
AMERICA ET AL.

Order Granting Rehearing and Establishing Procedures; Correction

JANUARY 3, 1978.

In FR Doc. 78.353, issued December 30, 1977, and published at 43 FR 1395, January 9, 1978, on page 1395, 3rd full paragraph, last sentence, please change December 20, 1977, to January 20, 1978.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1459 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket No. ER78-97]

NORTHERN STATES POWER CO.

Supplemental No. 1 to the Municipal Resale Electric Service Agreement; Correction

DECEMBER 22, 1977.

In FR Doc. 77-36027, issued December 13, 1977, and published at 42 FR 63452, December 16, 1977, in paragraph 1, line 3 and 4, "September 22, 195" should read "September 22, 1965".

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1456 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket Nos. CI72-692, etc.]

POGO PRODUCING CO., ET AL.

Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates; Correction

JANUARY 11, 1978.

In FR Doc. 77-33725, issued November 16, 1977, and published at 42 FR 60211, November 25, 1977, on page 60212, change footnote 8 to read:

\* Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1463 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket Nos. ER77-422, ER78-20, and ER78-49]

PUBLIC SERVICE CO. OF OKLAHOMA

Order Accepting for Filing and Suspending Settlement Agreements, Ordering Filings, and Terminating Proceedings; Correction

DECEMBER 28, 1977.

In FR Doc. 77-35226, issued November 30, 1977, and published at 42 FR 62192, Friday, December 9, 1977, substitute for the five designations and description listed for Oklahoma Gas & Electric Co., Docket No. ER78-49, the following single designation:

Designation and description	Other party
FERC No. 101 (supersedes FPC No. 119).	Southwestern Power Administration.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1458 Filed 1-18-78; 8:45 am]

[6740-02]

[Docket Nos. CS73-392, etc.]

ZOLLER &amp; DANNEBERT, INC. ET AL.

Applications for "Small Producer" Certificates; correction

JANUARY 5, 1978.

In FR Doc. 77-18085, issued June 15, 1977, and published at 42 FR 32586, June 27, 1977, on Page 32587, Docket No. CS77-576, Under Column headed "Applicant" change "Kentucky Rover Coal Corporation" to read "Kentucky

River Coal Corporation," opposite Docket No. CS77-576.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 78-1462 Filed 1-18-78; 8:45 am]

[6714-01]

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**JOINT POLICY CONCERNING IMPROPER PAYMENTS BY BANKS AND BANK HOLDING COMPANIES**

CROSS REFERENCE: For a document issued jointly by the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Corporation, see FR Doc. 78-1509 appearing under the Federal Reserve System in the notices section of this issue. Refer to the table of contents in the front of this issue under "Federal Reserve System" to find the correct page number.

[7615-01]

**FEDERAL ELECTION COMMISSION**

[Notice 1978-1]

**MULTICANDIDATE POLITICAL COMMITTEES**

**Index**

The Federal Election Commission today publishes a comprehensive Index of "Multicandidate Political Committees," which is defined by 2 U.S.C. 441a(a)(4) of the Federal Election Campaign Act of 1971, as amended,

"\* \* \* registered under Section 433 for a period not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office."

This Multicandidate Committee Index contains two sections—Party-Related Committees and Non-Party Related Committees—and has been derived from a review of the reports and statements filed with the Commission, the General Accounting Office, the Clerk of the House, and the Secretary of the Senate since April 7, 1972. Please note that all committees which had met the qualifications for Multicandidate Committee status prior to January 1, 1975, are determined to have been qualified as of January 1, 1975, the effective date of the 1974 amendments to the Federal Election Campaign Act.

In addition, 11 CFR § 100.4 states affiliated committee to include "all committees established, financed and maintained or controlled by the same \* \* \* including any parent, subsidiary, branch, division, department, or local unit thereof, are affiliated." There-

fore, committees have been included in this Index specifically identifying their connected or affiliated organization(s) as reported by each committee.

The Commission is publishing this notice of an Index as prescribed by 2 U.S.C. § 438(a)(6), requiring periodic publication in the Federal Register of an Index of Multicandidate Committees, including the date of registration of such committees and the committees' dates of qualification under 2 U.S.C. § 441a(a)(4). Updates to this Index will be published on a monthly basis during the 1978 election year. Copies of this Index are available upon written request from the Commission's Office of Public Records for \$1 per copy or by calling toll free 800-424-9530.

Any person who believes that a committee not included on this Index has, in fact, met the qualifications for multicandidate status, should so advise the Commission in writing and provide documentation as appropriate, so that the Commission can correct or update its records.

**PARA PERSONA DE HABLAR ESPANOL**

Si usted tiene dificultades en entender el indice, escriba a Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

Dated: January 13, 1978.

JOAN D. AIKENS,  
Vice Chairman,  
Federal Election Commission.

[FR Doc. 78-1439 Filed 1-18-78; 8:45 am]

[6720-01]

**FEDERAL HOME LOAN BANK BOARD**

[H.C. No. 235]

**MATAGORDA COUNTY SAVINGS ASSOCIATION GROUP**

**Receipt of Application for Permission To Retain Control of**

JANUARY 16, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Matagorda County Savings Association Group, Bay City, Tex., for approval of retention of control of Matagorda County Savings Association, Bay City, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. section 1730(a)(e)), and section 584.4 of the regulations for savings and loan holding companies, acquisition of control having been effected through the purchase of 69 percent of the outstanding common stock of Matagorda County Savings Association. Comments on the proposed acquisition should be submitted to the Director, or Deputy Direc-

tor, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before February 21, 1978.

RONALD A. SNIDER,  
Assistant Secretary,  
Federal Home Loan Bank Board.

[FR Doc. 78-1517 Filed 1-18-78; 8:45 am]

[6730-01]

**FEDERAL MARITIME COMMISSION**

**SECURITY FOR THE PROTECTION OF THE PUBLIC; FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES**

**Issuance of Certificate (Casualty)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Delian Artemis Cruises, Inc. and Delian Cruises S.A. (Carras Cruises/Delian Cruises), c/o Carras Cruises, One Maritime Plaza, Suite 2160, San Francisco, Calif. 94111.

Dated: January 13, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-1515 Filed 1-18-78; 8:45 am]

[6730-01]

**SECURITY FOR THE PROTECTION OF THE PUBLIC; FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES**

**Issuance of Certificate (Casualty)**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Kommandittselskapet Royal Viking Sea A/S, Ruselekkvn. 14, Oslo 2, Norway.

Dated: January 13, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 78-1516 Filed 1-18-78; 8:45 am]

[6210-01]

**FEDERAL RESERVE SYSTEM****BANKS AND BANK HOLDING COMPANIES****Joint Policy Concerning Improper Payments**

**AGENCIES:** Board of Governors of the Federal Reserve System, Comptroller of the Currency, and Federal Deposit Insurance Corporation.

**ACTION:** Policy statement.

**SUMMARY:** The policy statement reflects the judgment of the bank supervisory agencies that certain questionable payment practices as have been disclosed by a few banks and bank holding companies, may, in addition to their possible illegality, constitute unsafe and unsound banking practices. Notification is given that the agencies intend both to take appropriate steps under the law to deal with such practices where found to exist, and to adopt additional examination procedures to evaluate the effectiveness of individual institutions' controls for insuring that improper and illegal payments are not undertaken.

**EFFECTIVE DATE:** January 13, 1978.

**FOR FURTHER INFORMATION CONTACT:**

C. Keefe Hurley, Jr., Senior Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3269; Robert B. Serino, Director of Enforcement and Compliance, Comptroller of the Currency, 202-447-1847; or Gerald F. Lamberti, Projects and Planning Specialist, Federal Deposit Insurance Corporation, 202-389-4483.

**SUPPLEMENTARY INFORMATION:** This policy statement is issued pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818, and supervisory authority of the Board of Governors of the Federal Reserve System with respect to member banks, bank holding companies, Edge and Agreement Corporations; the Comptroller of the Currency with respect to national banks; and the Federal Deposit Insurance Corporation with respect to nonmember insured banks.

**STATEMENT OF POLICY CONCERNING IMPROPER AND ILLEGAL PAYMENTS BY BANKS AND BANK HOLDING COMPANIES**

In recent years a number of U.S. corporations have disclosed that they have engaged in certain questionable practices with respect to foreign and domestic payments. These practices have included improper and illegal political contributions, bribes, kickbacks, etc., and have taken place, in some instances, with the knowledge, consent and even the participation of senior corporate management. Many of the foreign payments, legal under U.S. law

at the time they were made, would, as a result of the recently enacted Foreign Corrupt Practices Act of 1977, Pub. L. No. 95-213, 91 Stat. 1494 (1977); be illegal if made today. In addition, under Federal and State laws, certain political contributions and other types of payments are illegal.

Recently, a few banks and bank holding companies have disclosed that, over a period of time, they also have engaged in questionable payment practices either directly or through subsidiary banks. Of the questionable payment practices disclosed to date, most have consisted of domestic political contributions. While information presently available does not indicate any significant involvement by banks or bank holding companies in any of the other types of questionable payment practices disclosed by other United States corporations, the agencies recognize that the circumstances in which questionable domestic and foreign payments were made by corporations may influence banks and bank holding companies. Thus, although the available information indicates that the number of banking firms that have engaged in improper payment practices is small, federal bank supervisory agencies are concerned that such practices, if permitted to continue, would come to reflect adversely on the banking system as a whole. It is the judgment of the agencies that the practice of making political contributions and certain other payments, in addition to their possible illegality, may constitute an unsafe or unsound banking practice.

The devices used by banking organizations to make political payments have included compensatory bonuses to employees, improperly designated expense accounts, excessive fees or salaries paid to officers, and low or zero interest rate loans. In addition, political contributions have been made by providing equipment and services without charge to candidates for office. Many of these devices involved clear departures from acceptable accounting practices. Consequent lack of corporate accountability raises serious questions regarding the effectiveness of an institution's own internal audit procedures. For banking organizations to engage in illegal or unethical activities and to attempt to conceal those activities by the use of irregular accounting practices could only serve to undermine public confidence in the banking system.

All banks and bank holding companies subject to the Federal supervisory authority of the Board, the Comptroller of the Currency and the FDIC are expected not only to conduct their operations in accordance with applicable laws but to refrain from making payments that may constitute unsafe and unsound banking practices. Where vio-

lations of law or unsafe and unsound banking practices result from improper payments, the appropriate agency will exercise its full legal authority, including cease and desist proceedings and referral to the appropriate law enforcement agency for further action, to ensure that such practices are terminated. In appropriate circumstances, the fact that such payments have been made may reflect so adversely on an organization's management as to be a relevant factor in connection with the consideration of applications submitted by the organization.

In the near future, the agencies expect to institute additional procedures in conjunction with their general and specialized examinations of banks and bank holding companies designed to evaluate individual institutions' controls for ensuring adherence to provisions of law prohibiting unsafe or unsound practices, including the making of contributions to or corporate expenditures on behalf of candidates for elective office, officials of foreign or domestic governments, and others. Banks and bank holding companies are urged to review their own corporate policies and accounting practices to ensure that the funds of the institution are applied for proper purposes only.

Dated: January 9, 1978.

THEODORE E. ALLISON,  
*Secretary of the Board.*

Dated: January 11, 1978.

JOHN G. HEIMANN,  
*Comptroller of the Currency.*

Dated: January 13, 1978.

GEORGE A. LEMAISTRE,  
*Chairman, FDIC.*

[FR Doc. 78-1509 Filed 1-18-78; 8:45 am]

[6210-01]

**BROWNING BANCSHARES****Formation of Bank Holding Company**

Browning Bancshares, Browning, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.8 percent or more of the voting shares of Citizens Savings Bank of Browning, Browning, Mo. 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 Reserve Bank, to be received not later than February 2, 1978.

Board of Governors of the Federal Reserve System, January 12, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 78-1508 Filed 1-18-78; 8:45 am]

[6820-24]

**GENERAL SERVICES  
ADMINISTRATION**

[Intervention Notice 50; Formal Case No. 576391]

**CALIFORNIA PUBLIC UTILITIES COMMISSION;  
SOUTHERN CALIFORNIA GAS CO.**

**Proposed Intervention in Rate Increase  
Proceeding**

The Administrator of General Services seeks to intervene in a proceeding before the California Public Utilities Commission concerning an application of the Southern California Gas Co. for an increase in its tariffed rates for intrastate utility services. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0750, on or before February 21, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: January 10, 1978.

JAY SOLOMON,  
Administrator of General Services.

[FR Doc. 78-1422 Filed 1-18-78; 8:45 am]

[4110-35]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Health Care Financing Administration

**PHARMACEUTICAL REIMBURSEMENT  
ADVISORY COMMITTEE**

**Charter Renewal**

The original charter of the Pharmaceutical Reimbursement Advisory Committee which expired on October 9, 1977, was renewed by Secretary Califano on October 7, 1977, with a termination date of December 1, 1977. The charter was then again temporarily renewed by Secretary Califano on December 1, 1977, and will expire on

March 1, 1978. In accordance with 45 CFR 11—Committee Management, copies of the renewed charter have been sent to the appropriate standing committees by the Senate and House of Representatives and to the Library of Congress.

Dated: January 16, 1978.

PETER RODLER,  
Acting Executive Secretary,  
Pharmaceutical Reimbursement,  
Advisory Committee.

[FR Doc. 78-1552 Filed 1-18-78; 8:45 am]

[4110-12]

**Office of Human Development Services**

[Program Announcement No. 13629-781]

**REHABILITATION SHORT-TERM TRAINING  
PROJECTS OF NATIONAL SCOPE**

**Announcement of Grants for Fiscal Year 1978**

The Rehabilitation Services Administration, Office of Human Development Services, announces that applications will be accepted until March 10, 1978, from State vocational rehabilitation agencies and other public or non-profit agencies and organizations, including institutions of higher education, wishing to compete for grants in fiscal year 1978 under the rehabilitation short-term training grant program of national scope authorized by section 203 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and considered for an award.

Regulations governing rehabilitation short-term training were published in the FEDERAL REGISTER in Subpart A and Subpart E, Part 1362 of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR Part 1362) on November 25, 1975.

Scope of this program announcement: This program announcement identifies the general program objectives and funding priorities of the rehabilitation short-term training program of national scope for fiscal year 1978.

**A. Program purpose.** The purpose of short-term training grants in vocational rehabilitation is to improve the professional practice skills of vocational rehabilitation workers serving the physically and mentally disabled, especially those who are severely disabled.

**B. Eligible applicants.** Applications may be submitted by State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

**C. Available funds.** An estimated \$1 million is available for rehabilitation

short-term training grants of national scope in fiscal year 1978. All projects to be funded are new and Federal funding is limited to projects which will extend no more than 12 months. It is expected that approximately 35 grants will be awarded and the amount of the grants will range from \$15,000 to \$100,000.

**D. Program objectives and priorities for funding.** 1. Rehabilitation short-term training of national scope includes proposals for the support of a workshop, institute, seminar, or other short-term training course conducted in order:

(a) To demonstrate curriculum, or other training modules appropriate for general use in rehabilitation agencies throughout the country and related to: (1) The provision of vocational rehabilitation services to specific groups of handicapped individuals, or (2) the improved performance of vocational rehabilitation practitioners in carrying out specific functional responsibilities.

(b) To provide special training of national significance at a single training setting, or, on a coordinated basis, at a number of different training settings.

There are no geographical restrictions for trainees participating in short-term training courses of national scope.

2. In fiscal year 1978 the following program priorities, not in order of priority, have been identified for short-term training of national scope:

(a) Eligibility determination in vocational rehabilitation;

(b) Alternative methods for accelerating the delivery of client services;

(c) Rehabilitation of clients with muscular dystrophy and other chronic degenerative disabilities;

(d) Rehabilitation of individuals with hemophilia;

(e) Rehabilitation of individuals with arthritis, rheumatism, and metabolic diseases;

(f) Training the trainers of personnel providing physical and mental restoration services;

(g) Expanded use of self-employment as a vocational goal for the severely handicapped;

(h) Job placement of the severely disabled;

(i) The use of job forecasting, job development, job engineering, and job analysis in vocational rehabilitation;

(j) Vocational rehabilitation, special education, vocational education interagency cooperation in the rehabilitation of severely handicapped youth;

(k) Rehabilitation of the aging disabled;

(l) The provision of supportive vocational rehabilitation services;

(m) The provision of post-employment services in vocational rehabilitation;

(n) The role of self-help organizations in the vocational rehabilitation of the severely handicapped;

(o) Legal rights of the handicapped;

(p) Independent living rehabilitation;

(q) The use of similar benefit resources by State vocational rehabilitation agencies;

(r) Forward planning in vocational rehabilitation; Performance projection and goal setting;

(s) The use of case review survey forms as an element in quality assurance in vocational rehabilitation;

(t) The recruitment, training, and employment of handicapped individuals and persons from minority groups in vocational rehabilitation;

(u) Rehabilitation counseling and bilingual severely disabled persons;

(v) State vocational rehabilitation agency rehabilitation facility specialist training;

(w) State vocational rehabilitation agency staff development specialist training;

(x) State vocational rehabilitation agency medical consultant training;

(y) New directions in the delivery of vocational rehabilitation services;

(z) The use of telecommunications in rehabilitation training; and

(aa) The management of rehabilitation program resources.

Applications in areas other than those listed above will also be reviewed and evaluated but will be considered only to the extent that funds are available after applications submitted under priority training areas have been considered.

**E. Grantee share of project.** It is expected that grantees will provide some of the total project costs. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q. Institutions of higher learning and other nonprofit institutions may consider actual indirect costs in excess of the 8 percent allowed on training grants as part of the grantee contribution to the project.

**F. The application process.—A-95 clearinghouse notice.** Applicants for rehabilitation short-term training grants are not routinely required to notify the State and areawide A-95 clearinghouse of the intent to apply for Federal assistance. States are authorized to extend the project notification and review procedures circular A-95 to include training grants. If the applicant's State has extended the coverage of circular A-95 to this program, however, the clearinghouse procedures must be observed.

**State vocational rehabilitation agency review.** Applicants are advised to consult with their State vocational rehabilitation agency in the initial stages of application development. Applications submitted under this program are not expected to have State vocational rehabilitation agency approval before submission to the Rehabilitation Services Administration. State vocational rehabilitation agencies are requested to review and comment on the application after formal submission.

**Application submission.** In order to be considered for a rehabilitation short-term training grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner, Rehabilitation Services Administration, in accordance with guidelines established by the Commis-

sioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for the rehabilitation short-term training program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two copies of all completed applications should be submitted to the Division of Grants and Contract Management, Office of Human Development Services, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201.

**Application consideration.** The Commissioner, Rehabilitation Services Administration, determines the final action to be taken with respect to each grant application.

All grant applications are subjected to a competitive review and evaluation conducted by qualified non-Federal consultants experienced in the training of rehabilitation personnel. The Commissioner takes into account the competitive review by the non-Federal consultants, and the comments of the State vocational rehabilitation agencies, the HEW regional offices and the Rehabilitation Services Administration central office program office, in reaching a decision on each competing application.

After the Commission has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

**Grant awards.** The Commissioner makes grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available. The official grant award document is the notice of grant awarded which sets forth in writing the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation. The initial award also specifies the project period for which support is contemplated.

**G. Criteria for review and evaluation of grant application.** All applications received in response to this announcement will receive a technical review by qualified experts. Applications are evaluated against the following criteria:

1. The relevance of the content of the proposed short-term training to the administratively established objectives of the public rehabilitation program, the objectives of the Rehabilitation Act of 1973, as amended, the objectives of the rehabilitation short-term training program of national scope, and the fiscal year 1978 prior-

ities for rehabilitation short-term training;

2. The qualifications of the instructional staff and the facilities and resources of the applicant organization;

3. The reasonableness of the budget in relation to the proposed project and the anticipated results;

4. The methodology to be employed in implementing the project and its feasibility for the achievement of the established educational objectives;

5. The financial and other resources of the applicant for accomplishing the objectives of the training project and how much the applicant plans to contribute to the total cost of the project;

6. The criteria to be used for the selection of individuals to whom traineeships are to be awarded;

7. Evidence that the training institution is architecturally accessible to the handicapped;

8. Where appropriate, evidence of current accreditation by the designated accrediting agency;

9. The extent to which application instructions are adequately addressed, including both the narrative statement and budget justification;

10. The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure the achievement of the objectives of the training program;

11. The evidence of a working relationship with an appropriate State vocational rehabilitation agency and other agencies providing vocational rehabilitation services; and

12. The extent to which the proposal is of a national scope.

**H. Closing date for receipt of applications.** Applications are due by close of business on March 10, 1978. Applications will be judged on time if:

1. The application was sent by registered or certified mail not later than March 10, 1978, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education, and Welfare, the Office of Human Development Services or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom, or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than close of business March 10, 1978, in any case.

**I. Late applications.** Applications received after the closing date are not accepted and applicants are notified accordingly.

**J. Availability of application forms.** Application kits which contain the

prescribed application forms and information for the applicant, including the fiscal year 1978 general plan for rehabilitation short-term training of national scope, may be obtained by writing to the Division of Grants and Contract Management, Office of Human Development Services, Room 1427, 330 C Street SW., Washington, D.C. 20201.

(29 U.S.C. 763).

(Catalog of Federal Domestic Assistance Number 13.629, Rehabilitation Training.)

Dated: November 28, 1977.

ROBERT R. HUMPHREYS,  
Commissioner, Rehabilitation  
Services Administration.

Approved: January 13, 1978.

ARABELLA MARTINEZ,  
Assistant Secretary for  
Human Development Services.

[FR Doc. 78-1455 Filed 1-18-78; 8:45 am]

#### [4110-02]

##### Office of Education

##### TITLE I AUDIT APPEAL

##### Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Utah and it has met the jurisdictional requirements of section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds under Title I of the Elementary and Secondary Education Act during the period of September 1, 1967, through August 31, 1972, by the State Education Agency and the local school districts of San Juan, Daggett, Murray, Weber, and Iron.

The total amount involved in this audit appeal is \$112,244. The Audit Control Number is 60001-08, and the Docket Number is 15-(30)-76.

The Prehearing Conference will be held at 10:30 a.m. on February 22, 1978, in Room 3000, 400 Maryland Avenue SW., Washington, D.C.

Section 7 (c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before February 1, 1978.

(Catalog of Federal Domestic Assistance number 13.428, Educationally Deprived Children—Local Educational Agencies.)

(20 U.S.C. 241a, 1232c.)

Dated: January 10, 1978.

ERNEST L. BOYER,  
U.S. Commissioner of Education,  
[FR Doc. 78-1411 Filed 1-18-78; 8:45 am]

#### [4110-02]

##### Office of Education

##### VOCATIONAL EDUCATION GRADUATE LEADERSHIP DEVELOPMENT PROGRAM

##### Approved List of Institutions of Higher Education Selected Under the Vocational Education Graduate Leadership Development Program

Notice is hereby given that the Commissioner of Education has approved the leadership development programs at forty institutions of higher education as required by Part B, Subpart 2, Section 172 of the Education Amendments of 1976, Pub. L. 94-482 (20 U.S.C. 2402). Individual applicants are to select their first, second and third choice of institutions for the Vocational Education Graduate Leadership Development Program (CFDA 13.503) from the forty approved. To facilitate this requirement, a list of these approved institutions will be included in all individual application packets. The list of approved institutions are:

##### ALABAMA

Auburn University, Dr. E. L. Kurth, Director, 5024 Haley Center, Auburn, AL 36830.  
University of Alabama, Dr. David E. Sawyer, Director, Box 2846, University, AL 35486.

##### CALIFORNIA

University of California, Dr. Lawrence Erickson, Director, c/o Graduate School of Education, Los Angeles, CA 90024.

##### COLORADO

Colorado State University, Dr. Duane Blake, Director, C-109 Social Science Bldg., Fort Collins, CO 80523.  
University of Northern Colorado, Dr. Robert F. Barnes, Director, Greeley, CO 80639.

##### CONNECTICUT

University of Connecticut U-93, Dr. Richard Whinfield, Director, Storrs, CN 06268.

##### FLORIDA

Florida State University, Dr. Dolores Robinson, Director, 202 South Woodward Street, Tallahassee, FL 32306.

##### GEORGIA

Georgia State University, Dr. Harmon Fowler, Director, University Plaza, Atlanta, GA 30303.  
University of Georgia, Dr. George O'Kelly, Jr., Director, 628 Aderhold Hall, Athens, GA 30602.

##### HAWAII

University of Hawaii, Dr. Lawrence Zane, Director, c/o College of Education, 2444 Dole Street, Honolulu, HI 96822.

##### IDAHO

University of Idaho, Dr. James Bikkie, Director, c/o College of Education, Moscow, ID 83843. Cooperating with: Washington State University, Pullman, WA 99163.

##### ILLINOIS

University of Illinois, Dr. J. J. Kamerer, Director, c/o Dept. of Voc. Tech. Education, 345 Education Building, Urbana, IL 61801.  
Southern Illinois University, Dr. Wayne Ramp, Director, Carbondale, IL 62901—

##### INDIANA

Purdue University, Dr. P. K. Lowe, Director, c/o Department of Education, West Lafayette, IN 47907. Cooperating with: Ball State University, Muncie, IN 47306; Indiana State University, Terre Haute, IN 47802; and University of Indiana, Bloomington, IN 47401.

##### KENTUCKY

University of Kentucky, Dr. Harold Binkley, Director, Lexington, KY 40506.

##### MARYLAND

University of Maryland, Dr. Donald Maley, Director, College Park, MD 20742.

##### MASSACHUSETTS

University of Massachusetts, Dr. Kenneth Ertel, Director, c/o School of Education, Amherst, MA 01003.

##### MICHIGAN

Michigan State University, Dr. John Fuzok, Director, East Lansing, MI 48824.  
University of Michigan, Dr. Madge Atwood, Director, c/o School of Education, 610 East University, Rm. 4208, Ann Arbor, MI 48109.

##### MINNESOTA

University of Minnesota, Dr. Jerome Moss, Jr., Director, c/o Dept. of Voc. & Tech. Ed., 125 Peik Hall, Minneapolis, MN 55455.

##### MISSISSIPPI

Mississippi State University, Dr. James Shill, Director, c/o College of Education, Drawer DX, Mississippi State, MS 39762.

##### MISSOURI

University of Missouri, Dr. Richard C. Erickson, Director, College of Education—PAVTE, 103 Industrial Ed. Bldg., Columbia, MO 65201.

##### NEBRASKA

University of Nebraska, Dr. Hazel Crain, Director, 105 Bancroft Hall, Lincoln, NB

68588. Cooperating with: Iowa State University, Ames, IA 50010; and Kansas State University, Manhattan, KS 66506.

## NEW JERSEY

Rutgers University, Dr. Carl Schaefer, Director, 10 Seminary Place, New Brunswick, NJ 08903.

## NEW YORK

New York University, Dr. Ronald Todd, Director, c/o Dept. of Tech. & Ind. Ed., 26 Stuyvesant St., Rm. 309, New York, NY 10003.

## NORTH CAROLINA

East Carolina University, Dr. Vila Rosenfeld, Director, c/o Dept. of Home Economics, Greenville, NC 27834.

North Carolina A&T State University, Dr. A. P. Bell, Director, 312 North Dudley St., Greensboro, NC 27411.

North Carolina State University, Dr. Durwin Hanson, Director, P.O. Box 5096, Raleigh, NC 27601.

## OHIO

Ohio State University, Dr. A. J. Miller, Director, 1314 Kinneck Rd., Columbus, OH 43212.

## OKLAHOMA

Oklahoma State University, Dr. Lloyd Wiggins, Director, 413 Classroom Bldg., Stillwater, OK 74074.

## OREGON

Oregon State University, Dr. Joel Galloway, Director, Vocational Tech. Ed., 100 Batcheller Hall, Corvallis, OR 97331.

## PENNSYLVANIA

Pennsylvania State University, Dr. Robert E. Andreyka, Director, Division of Occupational & Voc. Ed., 207 Old Main St., University Park, PA 16802.

Temple University, Dr. C. J. Cotrell, Director, c/o Dept. of Voc. Ed., Philadelphia, PA 19122.

## TENNESSEE

University of Tennessee, Dr. Walter Cameron, Director, 110 Henson Hall, Knoxville, TN 37916.

## TEXAS

East Texas State University, Dr. Billy Pope, Director, P.O. Box 1300, Commerce, TX 75428. Cooperating with: North Texas State University, Denton, TX 75080; and Texas Woman's University, Denton, TX 75080.

Texas A&M University, Dr. Katy Greenwood, Director, c/o College of Education, College Station, TX 77843.

## UTAH

Utah State University, Dr. Ted Ivarie, Director, c/o Vocational Ed. Council UMC-35, Logan, UT 84322.

## VIRGINIA

Virginia Polytechnic Institute and State University, Dr. Samuel Morgan, Director, 301 Lane Hall, Blacksburg, VA 24061.

## WISCONSIN

University of Wisconsin—Madison, Dr. Merle Strong, Director, c/o Vocational Studies Center, Madison, WI 53706.

University of Wisconsin—Stout, Dr. Harold Halfin, Director, c/o Center for VTA Education, Menomonie, WI 54751.

(Catalog of Federal Domestic Assistance Program NO. 13.503, Vocational Education Graduate Leadership Development Program.)

Dated: January 16, 1978.

ERNEST L. BOYER,

U.S. Commissioner of Education.

[FR Doc. 78-1601 Filed 1-18-78; 8:45 am]

## [4110-02]

## VOCATIONAL EDUCATION GRADUATE LEADERSHIP DEVELOPMENT PROGRAM

## Extension of Closing Date for Individual Applications

Notice is given that the February 6, 1978 deadline for filing applications under the Vocational Education Graduate Leadership Development Program, as authorized by Part B, Subpart 2, Section 172 of the Education Amendments of 1976, Pub. L. 94-482, (20 U.S.C. 2402), published in the FEDERAL REGISTER on October 12, 1977, is extended to March 7, 1978.

(a) *Application forms and information.* Application forms and program information packages will be sent to all previous requests received and to requests resulting from this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(b) *Applications sent by mail.* Applications sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.503B, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date.

An application sent by mail will be considered to have been received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail (a) not later than March 2, 1978 for individual applications as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(c) *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Educa-

tion, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(d) *Program information.* Applications are being accepted from individuals to receive Leadership Development Awards for the program.

Potential applicants should be aware of the amount of funds available for the program for Fiscal Year 1978. The combined institutional support and individual stipend and dependency allowances will be approximately \$11,344 per individual for a total of approximately \$1,650,000. It is estimated that there will be approximately 145 individual awards and 24 institutional awards. All grants will be new awards. Leadership Development Awards will be made for a period not to exceed 36 months, and payments to individuals after the first year of the award period (in case of awards made for a period exceeding twelve months) are subject to the continued availability of Federal funds under section 172 of the Act.

(e) *List of approved institutions.* A list of institutions whose leadership development programs have been approved is published in this issue of the FEDERAL REGISTER. Each individual applying for an award must indicate the first, second, and third choice of institution on the individual application form. A copy of the approved list will be included in the application package.

(f) *Individual applications.* Applications from individuals for Leadership Development Awards must be received in the U.S. Office of Education, Application Control Center in Washington, D.C. on or before March 7, 1978. The applicant must submit one copy of the application to the State board for vocational education for the State in which the applicant is a resident, on or before February 20, 1978. The State board for vocational education must review each application, collect advice as to the merits of each application, and forward all applications and statements of advice to the Vocational Education Graduate Leadership Development Program (see address in paragraph (g) below), postmarked on or before March 4, 1978.

(g) *For further information and forms contact.* Vocational Education Graduate Leadership Development Program, Vocational Education Personnel Development, Division of Research and Demonstration, Bureau of Occupational and Adult Education, U.S. Office of Education, 400 Maryland Avenue SW., (Room 5652, ROB No. 3), Washington, D.C. 20202.

(h) *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a) and the Vocational Education Graduate Leadership Development Program Regulation (45 CFR Part 105, Sections 301-312) which is included in the application package.

(20 U.S.C. 2402; 45 CFR Part 105, Sections 301-312.)

(Catalog of Federal Domestic Assistance Program No. 13.503, Vocational Education Graduate Leadership Development Program.)

Dated: January 16, 1978.

ERNEST L. BOYER,  
*Commissioner of Education.*

[FR Doc. 78-1600 Filed 1-18-78; 8:45 am]

#### [4110-12]

##### Office of the Secretary

#### OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

##### Statement of Organization, Functions, and Delegations of Authority

This Notice amends Part A of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare, Office of the Secretary, by modifying certain portions of Chapter AE, "Office of the Assistant Secretary for Planning and Evaluation" (41 FR 47275, dated 10/18/76). The Office of the Deputy Under Secretary for Intergovernmental Affairs of the Office of the Secretary and the Office of State and Community Affairs of the Office of Human Development Services now perform most of the functions of the Division of Intergovernmental Systems of the Office of the Assistant Secretary for Planning and Evaluation. This Notice abolishes the Division of Intergovernmental Systems and transfers the residual functions to a Division of Intergovernmental Policy in the Office of Program Systems, as follows:

##### Section AE.10 Organization:

Delete D1 "Division of Intergovernmental Systems".

Add A4 "Division of Intergovernmental Policy".

##### Section AE.20 Functions:

Delete D1.

Add 4 The Division of Intergovernmental Policy is responsible for conducting and coordinating the necessary policy planning, program analysis, research and evaluation on the implications of alternative departmental policies on State and local governments. Functions include: conduct of policy planning and analysis when such policies have particular impact on State and local governments, review of proposed policies for such impact to ensure that views of other

governments are included in the consideration of proposed policies, and oversight of evaluation and research in areas having intergovernmental significance.

Dated: January 9, 1978.

CHARLES MILLER,  
*Assistant Secretary for  
Management and Budget.*

[FR Doc. 78-1553 Filed 1-18-78; 8:45 am]

#### [4110-12]

##### OFFICE OF FACILITIES ENGINEERING

##### Statement of Organization, Functions, and Delegations of Authority

This notice amends Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare by changes to Chapter AMF "Office of Facilities Engineering" (42 FR 36308, July 14, 1977). The changes result in the abolition of two offices, the consolidation of the functions with other offices, and the change in title of two other offices. Also, the statement deletes reference to the personal property program because that program is now the responsibility of the General Services Administration. Otherwise, the revised statement is a consolidation and clarification of the statement previously published. The new Chapter AMF replaces the present chapter and reads as follows:

Sec. AMF.00 Mission. The mission of the Office of Facilities Engineering (OFE), to be performed for and in cooperation with the Principal Operating Components (POCs) of the Department and the Office of the Secretary staff, is to provide architectural/engineering policy recommendations, direction and services for both direct Federal and Federally assisted construction activity; to manage and integrated facilities engineering system for all DHEW owned or occupied real property; to accomplish maximum utilization of Federal surplus real property; and to manage the Department's safety and occupational health program.

Sec. AMF.10 Organization. The Office of Facilities Engineering (OFE) reports through the Deputy Assistant Secretary for Management (DAS/M), to the Assistant Secretary for Management and Budget (ASMB), and consists of:

Office of the Director.  
Office of Planning and Special Projects.

Office of Technical Services.  
Office of Real Property.  
Office of Safety and Occupational Health.

Sec. AMF.20 Functions:  
A. The immediate staff of the Director and the Executive Staff constitute

the Office of the Director and perform the following functions:

1. Administers, directs, and supervises all OFE activities and personnel resources.

2. Serves as the principal technical advisor to ASMB and other Departments for HEW facilities master planning, energy conservation related to facilities, and compliance activities associated with facilities accessibility and architectural barriers.

3. Reviews POC architectural/engineering manpower and budgetary requirements and makes recommendations to ASMB for evaluation under the Department's staff resource management program.

4. Provides Departmentwide functional management in the functional areas of facilities engineering and safety.

5. Recommends HEW-OFE policies and regulations affecting both HEW-wide and internal OFE/Regional Operations for Facilities Engineering and Construction (ROFEC) operations, and coordinates with POCs, staff offices, and other Federal Departments and agencies. Develops and supervises the OFE/ROFEC policy, procedure, and publication management system, as well as correspondence control system.

6. Serves as the principal OFE contact with the Office of General Counsel and the Office of the Assistant Secretary for Legislation for legal and legislative matters, and serves as principal contact with the Office of Personnel and Training on OFE labor-management activities.

7. Designs, implements, and operates internal engineering management information and performance evaluation systems in coordination with OFE Office heads. Advises on changes in procedures and priorities in all matters relating to internal OFE and HEW-wide facility engineering operations. Designs, implements, and operates the OFE manpower management, program control, and work planning systems.

8. Provides ADP operations and technical ADP support to system users within HEW and GSA for the Facilities Management Information System (FMIS), Facilities Engineering Automated Management System (FEAMS), and Safety Management Information System.

B. Office of Planning and Special Projects. The Office of Planning and Special Projects performs the following functions:

1. Manages and coordinates those designated activities that cut across functional responsibilities within the Office of Facilities Engineering. Such designations are Special Projects. Examples are: (a) the development and recommendation of energy conservation actions for HEW owned facilities

and HEW facility related programs; (b) the development and recommendation of HEW policy and procedures for providing physical accessibility in the area of architectural barriers; and (c) the development and maintenance of a working procedure and process for HEW facilities master planning.

2. Provides technical facilities planning consulting services as appropriate.

C. Office of Technical Services. The Office of Technical Services performs the following functions:

1. Manages and provides technical assistance for design, construction, and contracting matters for Direct Federal special-purpose facilities funded and operated by HEW.

2. Provides technical assistance in coordination with the POC staffs for design and construction of Federally assisted facilities funded by HEW and other Departments in the form of grants and loans, or other special types of funding assistance.

3. Recommends policy and develops procedures and technical guidance, and coordinates the publication of regulations for HEW-wide use in contracting, design and construction of HEW-owned and operated facilities, and for Federally assisted construction activity.

4. Provides technical and management evaluation of architectural/engineering services rendered by the POCs, staff offices, Regional Offices, and field installation staffs.

5. Provides technical services and assistance to Department staff offices and POCs for planning, cost estimating, design, and construction of the Department's facility projects.

6. Manages and coordinates OFE/Regional conferences, ROFEC work plans, work projections and validation, and technical inspections of ROFECs.

7. Directs and coordinates the HEW nationwide natural disaster engineering activity to service the Office of Education and the Department of Housing and Urban Development/Federal Disaster Assistance Administration Programs.

8. Develops the requirements for an information system to monitor construction project schedules, costs, trends, and progress, and annual manpower resources need.

9. Manages the Department construction wage rate (Davis-Bacon) and Labor Standards Program, and coordinates with the Department of Labor in resolving construction contractor violations.

D. Office of Real Property. The Office of Real Property performs the following functions:

1. Formulates policies and develops procedures and standards for the acquisition, management, maintenance, operation and disposal of all real property or space owned and/or occupied by HEW.

2. Formulates policies and develops procedures for the management and operation of the Federal Real Property Assistance Program in accordance with sections 203 (k) and (n) of the Federal Property and Administrative Services Act of 1949, as amended.

3. Formulates policy relating to the facility planning and budget process. Manages the formulation of the annual Department budget estimates for GSA assigned space and reimbursable costs (SLUC).

4. Acts as the HEW principal contact with other Federal agencies, including GSA, and agencies of the Department on real property policy and procedure matters.

5. Provides technical assistance and consultation to POCs, PROs, and ROFECs, in matters relating to the acquisition, management, operations, and disposal of real property.

6. Manages both the HEW-owned real property and GSA-assigned property inventory systems, and collects, analyzes, and publishes management data related to real property functions for all HEW components.

7. Represents the Department on the President's Economic Adjustment Committee which functions to offset adverse economic impacts caused by military installation closures or curtailment.

8. Prescribes necessary reporting requirements and manages a Departmentwide information system to identify emerging problems, monitors Departmentwide activity, and provides a basis for management appraisal and evaluation of performance in all areas of real property.

9. Reviews and evaluates the continuing effectiveness of policy and practice, in headquarters and in the field, relating to real property and initiates changes or corrective actions where appropriate.

E. Office of Safety and Occupational Health. The Office of Safety and Occupational Health performs the following functions:

1. Recommends Departmentwide Safety and Occupational Health Program policy and operating concepts, including procedures for conducting training, work place inspections, abatement plans, and employee complaints and appeals.

2. Develops the requirements for and manages a Departmentwide Safety Management Information System to analyze causal factors of accidents, injuries, and illnesses to determine problem areas and requirements for program emphasis.

3. Evaluates the Safety and Occupational Health Program effectiveness at all organization levels, to determine program effectiveness and conformance with Department policy.

4. Promulgates safety and occupational health standards for use within

the Department, including the review of standards and procedures recommended by other HEW offices.

5. Provides technical guidance and consultation to OS, POCs, Agencies, and Regions in the area of safety engineering, industrial hygiene, and fire safety.

6. Provides assistance to OS staff offices, POCs, and Regions in identifying resource requirements for safety and occupational health.

7. Represents HEW with other Federal agencies and private organizations in support of the Department's safety and occupational health program.

Sec. AMF.30 Delegations of Authority. The Office of Facilities Engineering has been delegated:

1. The authorities vested in the Secretary by law (or delegated to the Secretary from the Administrator of General Services) relating to real property management, engineering, and facility planning and construction, including Federal contracting officer responsibilities required in support of these authorities (exclusive of the financial management authority retained by the Assistant Secretary for Management and Budget).

2. All authorities with respect to direct Federal special purpose construction activities.

3. The authority to recommend such general policies and procedures as may be necessary to govern the functions, personnel, funds, and property in order to establish and administer the Office of Facilities Engineering.

4. Authority vested in the Secretary by section 203 (k) and (n) of the Federal Property and Administrative Services Act of 1949, as amended, as well as authority to redelegate.

5. Authority to recommend and interpret policies, procedures, and regulations for implementing the Uniform Relocation Act, Pub. L. 91-646.

6. Authority as the Department's Safety and Occupational Health Official pursuant to Executive Order 11807.

Dated: January 12, 1978.

CHARLES MILLER,  
Acting Assistant Secretary  
for Management and Budget.

[FR Doc. 78-1554 Filed 1-18-78; 8:45 am]

[4310-84]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska

### Notice of Segregation of Lands

Notice is hereby given that pursuant to the act of May 24, 1928 (49 U.S.C. 211-214), the State of Alaska, Department of Transportation and Public Facilities, has applied for an airport lease for the following land:

That certain real property located in protracted sections 19 and 20, T. 48 S., R. 76 W., Seward Meridian, Alaska, lying and being within the Aleutian Islands Recording District, Third Judicial District, State of Alaska, more particularly described as follows:

Commencing at meander corner No. 1 of U.S. Survey No. 662, Alaska, proceed north a distance of 134.34 feet along a portion of line 1-2 of said survey to the true point of beginning from which U.S.L.M. No. 498 bears S. 11°32'32" E. a distance of 2,034.66 feet; thence N. 84°40'11" W. a distance of 359.16 feet to a point; thence N. 5°19'49" E. a distance of 910 feet, more or less, to a point on the meanders of Bristol Bay; thence northeasterly along the meanders of Bristol Bay a distance of 330 feet, more or less, to a point; thence S. 84°40'11" E. a distance of 4,750 feet, more or less, to a point on the meanders of Nelson Lagoon; thence southwesterly along the meanders of Nelson Lagoon a distance of 2,295 feet, more or less, to a point on line 2-3 of U.S. Survey No. 663, Alaska, from which meander corner No. 3 of said survey bears south a distance of 75 feet more or less; thence north along a portion of line 3-2 of U.S. Survey No. 663 a distance of 755 feet, more or less, to a point common to corner No. 2 of said survey; thence west along line 2-1 of U.S. Survey No. 663 a distance of 660 feet to a point common to meander corner No. 1 of said survey; thence south along a portion of line 1-4 of U.S. Survey No. 663 a distance of 640 feet, more or less, to a point from which meander corner No. 4 of said survey bears south a distance of 111 feet, more or less; thence westerly along the meanders of Nelson Lagoon a distance of 1,470 feet, more or less, to a point on line 3-4 of U.S. Survey No. 662 from which meander corner No. 4 of said survey bears south a distance of 53 feet, more or less; thence north along a portion of line 4-3 of U.S. Survey No. 662 a distance of 445 feet, more or less, to a point which is common to meander corner No. 3 of said survey; thence S. 89°45'39" W. along line 3-2 of U.S. Survey No. 662 a distance of 792.00 feet to a point which is common to meander corner No. 2 of said survey; thence south along a portion of line 2-1 of U.S. Survey No. 662 a distance of 369.90 feet to the true point of beginning.

This tract having an area of 88.1 acres, more or less.

(The parcel described above is designated as Tract I on the State of Alaska, Department of Transportation and Public Facilities (formerly the Department of Public Works, Division of Aviation) Nelson Lagoon Airport Property Plan dated May 3, 1977, unrevised.)

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws. The lands herein described have been segregated since the date the application was filed on September 2, 1977.

Interested persons desiring to express their views should promptly send their name and address to the State Director, Alaska State Office,

Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CURTIS V. McVEE,  
State Director.

[FR Doc. 78-1445 Filed 1-18-78 8:45 am]

[1505-01]

Bureau of Land Management

[AA-6707-A]

ALASKA

Alaska Native Claims Selection

Correction

In FR Doc. 77-36214 appearing on page 63822 in the issue of Tuesday, December 20, 1977, the 3rd column, paragraph (c), the date next to the last line should read, "March 3, 1996".

[4310-84]

Bureau of Land Management

[Serial No. AR 016724 and AR 018777]

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notices of applications of the U.S. Fish and Wildlife Service, Department of the Interior, Serial Nos. AR 016724 and AR 018777 for withdrawal and reservation of lands for the purpose of enlarging the boundary of the Havasu Lake National Wildlife Refuge were published as FR Doc. No. 57-7083 on page 6974 of the issue for August 29, 1957, and FR Doc. 59-1380 on pages 1218 and 1219 of the issue for February 17, 1959, respectively. The subject applications have previously been cancelled in part; the applicant agency has now cancelled the applications in their entirety. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091.25, upon publication of this notice in the FEDERAL REGISTER, the lands described below will be relieved of the segregative effect of the above-mentioned applications. However, portions of the lands herein involved are included in application A 10342, filed by the Fish and Wildlife Service, for withdrawal and reservation of the lands for use as the Bill Williams Unit of the Havasu National Wildlife Refuge and will remain segregated as provided in the notice of proposed withdrawal and reservation of lands published in the FEDERAL REGISTER, Document No. 77-36432, pages 64150 and 64151, of the issue for December 22, 1977.

The lands involved in this notice of termination are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

(AR 016724)

T. 11 N., R. 17 W.,  
Sec. 17, All;  
Sec. 18, Lots 1, 2, 3, and 4, E½W½, E½;  
Sec. 19, Lots 1, 2, 3, and 4, E½W½, E½;  
Sec. 20, E½, E½NW¼, NE¼SW¼,  
S¼SW¼;  
Sec. 21;  
Sec. 28, N½, SW¼.

(AR 018777)

T. 11 N., R. 18 W.,  
Sec. 4, Lots 1, 2, S¼NE¼, SE¼;  
Sec. 10, N½;  
Sec. 11 and 12;  
Sec. 13, NE¼, S½;  
Sec. 22, 23, and 24;  
T. 12 N., R. 18 W.,  
Sec. 19, Lots 1, 2, 3, and 4, E½, E½W½;  
Sec. 29;  
Sec. 30, Lot 1, NE¼, E½NW¼, N¼SE¼,  
SE¼SE¼;  
Sec. 32, Lot 1, N½, E½SW¼, SE¼;  
T. 12 N., R. 19 W.,  
Sec. 5, Lots 1, 2, 3, and 4, S½;  
Sec. 6, Lots 1, 2, 3, 4, and 5, E½SW¼,  
SE¼;  
Sec. 8, Lots 1, 2, and 4, NE¼NE¼;  
Sec. 9, Lot 1, N½, E½SW¼, SE¼;  
Sec. 10;  
Sec. 14, W½;  
Sec. 15, Lot 1, N½, N¼SW¼, SE¼SW¼,  
SE¼;  
Sec. 16, E½NE¼;  
Sec. 22, E½NE¼NE¼, NE¼SE¼NE¼;  
Sec. 23, Lots 2, 3, and 4, N½;  
Sec. 24, N½, N¼SW¼, SE¼SW¼, SE¼;  
T. 13 N., R. 19 W.,  
Sec. 30, Lots 3, 4, E½SW¼, SE¼;  
Sec. 31, Lots 1, 2, and 4, NE¼, E½NW¼,  
N¼SE¼, SE¼SE¼;  
Sec. 32;  
T. 13 N., R. 20 W.,  
Sec. 4, E½E½;  
Sec. 9, SW¼NE¼NE¼, W¼SE¼NE¼,  
E½SE¼;  
Sec. 10, SW¼;  
Sec. 14, SW¼;  
Sec. 15, NE¼SW¼NW¼, SW¼SW¼NW¼,  
NW¼SE¼NW¼, S¼SE¼NW¼,  
NE¼NE¼SW¼, NW¼NW¼SE¼,  
S¼NW¼SE¼, SE¼SE¼;  
Sec. 23, Lot 1, E½, NW¼NW¼,  
SE¼NW¼, NW¼NW¼SE¼,  
SE¼NW¼SE¼, E½SE¼SE¼;  
Sec. 24, SW¼;  
Sec. 25, Lot 3, S¼SW¼NE¼,  
SW¼NE¼NW¼, W¼NW¼NW¼,  
SE¼NW¼NW¼, S¼NW¼, NW¼SE¼,  
SW¼SE¼SE¼.

The areas described aggregate approximately 15,419.45 acres in Yuma and Mohave Counties, Ariz.

Dated: January 10, 1978.

MILDRED C. KOZLOW,  
Acting Chief, Branch of  
Lands and Minerals Operations.

[FR Doc. 78-1522 Filed 1-18-78; 8:45 am]

[4310-84]

[ISAC 047049]

## CALIFORNIA

Termination of Proposed Withdrawal and  
Reservation of Land—Correction

JANUARY 11, 1978.

In FR Doc. No. 77-27666, appearing on page 47881 of the Thursday, September 22, 1977, issue, the thirty-seventh line of the second paragraph, reading "Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$ ," is corrected to read "Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$ ." The forty-first line of the second paragraph, reading "Sec. 36, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ," is corrected to read "Sec. 36, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ."

JOAN B. RUSSELL,

Chief, Lands Section Branch of  
Lands and Minerals Operations.

[FR Doc. 78-1524 Filed 1-18-78; 8:45 am]

[4310-84]

[C-25079]

## COAL LEASE OFFERING BY SEALED BID

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Notice is hereby given that certain coal resources in the lands hereinafter described in Delta County, Colo., will be offered for lease by sealed bid of \$25 per acre minimum to the qualified bidder of the highest cash amount per acre or fraction thereof. The sale will be held at 2 p.m., February 22, 1978 in Room 708, Colorado State Bank Building, Denver, Colo. At that time all sealed bids from qualified bidders will be read, and the highest bid will be announced. The successful high bidder will be notified in writing after the State Director has made his determination. No bids received after 2 p.m., February 22, 1978 will be considered. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time and place set for opening of such bids. The Department of the Interior reserves the right to reject any and all bids and also the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the lease for any reason. If any bid is rejected, the deposit made on the day of the sale will be returned. Payment of the bonus shall be on a deferred basis, one-fifth due on the day of the sale, and the balance in equal annual installments on the first four anniversary dates of the lease. The successful bidder is obligated to pay for the newspaper publications of this notice.

*Qualified bidder.* In addition to the qualification requirements in 43 CFR

3502, a qualified bidder, if other than the applicant who has previously met the short term criteria, will have to meet short-term criteria pursuant to the decision in *Natural Resources Defense Council, et al. v. Royston C. Hughes, et al.*, Civil Action No. 75-1749, in the U.S. District Court for the District of Columbia, dated September 27, 1977. The documents presented to support meeting the short-term criteria must be enclosed with the sealed bid.

*Warning to bidders.* In accordance with the Federal Coal Leasing Amendments Act of 1975, it will be necessary that the high bidder, as a prospective lessee, disclose the nature and extent of his coal holdings to the Department of Justice before issuance of the lease. A lease will not be issued to a bidder who holds or controls more than 46,080 acres of Federal coal leases in any one State or 100,000 acres of Federal coal leases in the United States.

*Coal offered.* The coal resources to be offered is limited to 1,966,667 tons to be mined from the "D" seam, as described in U.S. Bureau of Mines Technical Paper No. 721, 1949, in the following described tract located approximately three miles northwest of the town of Paonia, Delta County, Colo.

T. 13 S., R. 92 W., 6th P.M.

Sec. 24, Lots 1, 2, 3, 4, 5, 6, 8, 9.

Containing 310.51

The successful bidder's coal sales contract or agreement in effect on September 27, 1977, will be attached to the lease as appendix I or the successful bidder's annual production from the existing mine as reflected on September 27, 1977, will be used to establish the rate of production from the leased lands. The coal to be mined will be mined only on the advance in accordance with an approved mining plan.

*Rental and royalty.* A lease issued as a result of this offering will provide for payment of an annual rental of \$3 per acre or fraction thereof and a royalty payable to the United States at the rate of 12½ percent for coal mined by strip-mining methods, and 8 percent for coal mined by underground methods of the value of coal as defined in 30 CFR 211.63.

*Public comments.* The public is invited to submit written comments and any recommendations concerning the fair market value of the "D" seam coal to the Bureau of Land Management for its consideration of fair market value and for U.S. Geological Survey consideration of resource economic evaluation. Public comments will be sent to the State Director, (CO-946A), Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202, to arrive no later than February 13, 1978.

*Notice of availability.* All case file documents and written comments sub-

mitted by the public on fair market value or royalty rates except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act will be available for public inspection at the Bureau of Land Management, Room 701, Colorado State Bank Building, 1600 Broadway, Denver, Colo. Copies of the detailed statement and proposed coal lease are available in Room 700.

JACK G. LORTS,  
Chief,

Division of Technical Services.

[FR Doc. 78-1525 Filed 1-18-78; 8:45 am]

[4310-84]

[M-39381]

## MONTANA

Notice of Proposed Withdrawal and  
Reservation of Lands

JANUARY 11, 1978.

The Forest Service, U.S. Department of Agriculture, has filed application, M 39381, for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for a trailhead facility access into the Selway-Bitterroot Wilderness.

For a period of 30 days from the date of publication of this notice, 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 officer of the Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Mont. 59107.

The Department's regulations (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach 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 as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time, which will be announced.

The lands involved in the application are:

**PRINCIPAL MERIDIAN, MONTANA.**

**LOLO NATIONAL FOREST**

*South Fork Lolo Creek*

T. 11 N., R. 21 W.,  
Sec. 6, Lots 3, 4, and 5.

The area described contains 113.37 acres within Missoula County, Mont.

**ROLAND F. LEE**  
*Chief, Branch of Lands and  
Minerals Operations.*

[FR Doc. 78-1526 Filed 1-18-78; 8:45 am]

**[4310-84]**

**NORTH ATLANTIC OUTER CONTINENTAL  
SHELF OIL AND GAS LEASE SALE NO. 42**

**Clarification of Notice**

Attention is invited to the Notice of Sale for oil and gas lease sale No. 42, published in 42 FR 65285 on December 30, 1977. In an effort to clarify the intent of the Department with regard to the terms under which the "higher royalty tracts" specified in Paragraph 5 are offered, it is hereby stated that it has been the policy and intent of this Department to take no more than 16% percent of the production saved, removed or sold from the leased area as royalty in amount except as provided in Section 6(c) of the lease form. This policy and intent will also apply to the "higher royalty tracts" specified in Paragraph 5 which are offered on a cash bonus bidding basis.

**GEORGE TURCOTT,**  
*Acting Director,  
Bureau of Land Management.*

JANUARY 11, 1978.

Approved: January 13, 1978.

**JAMES A. JOSEPH,**  
*Acting Secretary  
of the Interior.*

[FR Doc. 78-1412 Filed 1-18-78; 8:45 am]

**[1505-01]**

**OUTER CONTINENTAL SHELF, SOUTH  
ATLANTIC**

**Proposed Oil and Gas Lease Sale—No. 43; Oil  
and Gas Leasing**

**Correction**

In FR Doc. 77-35438 appearing on page 62978 in the issue of Wednesday, December 14, 1977 on page 62980, the

40th entry in the table in the 1st column should read:

Tract No.	Block	Descriptions	Hectares
43-54	886	All	2304

On page 62983 the forms should have appeared as set out below:

**OIL AND GAS BID—ROYALTY**

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf described below:

Tract No.	Percent royalty bid expressed to maximum of 5 decimals	Amount of fixed cash bonus submitted with bid
	%	

Proportionate Interest of Company(s) Submitting Bid

Qualification No. .... % .....  
Company

Address \_\_\_\_\_  
Signature \_\_\_\_\_  
(Please type signer's name under signature)

**OIL AND GAS BID**

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Total amount bid	Amount per Hectare	Amount of cash bonus submitted with bid

Proportionate Interest of Company(s) Submitting Bid

Qualification No. .... % .....  
Company

Address \_\_\_\_\_  
Signature \_\_\_\_\_  
(Please type signer's name under signature)

**JOINT BIDDER'S STATEMENT**

I hereby certify that \_\_\_\_\_ (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature \_\_\_\_\_  
(Please type signer's name under signature.)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Notary Public \_\_\_\_\_  
State of \_\_\_\_\_  
County of \_\_\_\_\_

**[4310-84]**

[CA 566]

**SIX RIVERS NATIONAL FOREST**

**Notice of Opportunity for Public Hearing and  
Republication of Notice of Proposed With-  
drawal**

JANUARY 11, 1978.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 566 on July 31, 1973, for a withdrawal in relation to the following described lands:

**HUMBOLDT MERIDIAN, CALIFORNIA**

**SIX RIVERS NATIONAL FOREST**

T.3 S., R. 7 E.,  
Sec. 16, Lot 2.

The area described aggregates 40.16 acres in Trinity County, Calif.

The applicant desires that the land be reserved for and made a part of Six Rivers National Forest.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 13, 1973, FR Doc. 73-19461, pages 25457 and 25458.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the undersigned, Bureau of Land Management, E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, on or before February 21, 1978. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before February 21, 1978.

The above-described lands are temporarily segregated from the operation of the public land laws. The proposed action, when consummated, will transfer jurisdiction to national forest status, subject to all laws and regulations applicable to national forest lands. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Man-

agement Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should be addressed to the undersigned.

JOAN B. RUSSELL,  
Chief, Lands Section, Branch of  
Lands and Minerals Operations.

[FR Doc. 78-1523 Filed 1-18-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

**ENDANGERED SPECIES PERMIT**

Receipt of Application

Applicant: Botanical Garden, University of California, Berkeley, Calif. 94720.

The application is for an Endangered Species permit, authorizing an unlimited number of transactions involving the exchange, loan, or donation of herbarium specimens, seeds, and live plants of endangered plants over a 2 year period for the purpose of scientific research.

Documents and other information submitted with this application available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1719. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1492 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

Receipt of Application

Applicant: Denver Wildlife Research Center, Federal Center, Building 16, Denver, Colo. 80225.

The applicant requests a permit to import peregrine falcon (*Falco peregrinus anatum*) addled eggs, molted feathers, and any dead birds found during studies conducted in Mexico, for the purpose of scientific research.

Documents and other information submitted with this application available to the public during normal business hours in room 534, 1717 H Street NW., Washington, D.C., or by writing

to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1754. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1493 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

Receipt of Application

Applicant: Craig A. Hendee, 1624 Sunset Rider Road, Glenview, Ill. 60025.

The applicant requests a permit to purchase in interstate commerce, two pairs of captive-bred white-eared pheasants (*Crossoptilon crossoptilon*) from Charles Sivelle of New York for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1780. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1494 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

Receipt of Application

Applicant: Dr. Clark Hubbs, Department of Zoology, the University of Texas at Austin, Austin, Tex. 78712.

The applicant requests a permit to take up to 50 Clear Creek gambusia (*Gambusia heterochir*) from Clear Creek, Menard county, Tex. for electrophoretic analysis for the purpose of scientific research and to enhance the survival of the species.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1707. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1495 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

Receipt of Application

Applicant: Los Angeles Zoo, 5333 Zoo Drive, Los Angeles, Calif. 90027.

The applicant seeks a permit to import two female jaguars (*Panthera onca*) from the Morelia Zoo, Morelia, Nichoacan, Mexico, for enhancement of propagation. These animals are the result of captive breeding. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1732. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1496 Filed 1-18-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

**THREATENED SPECIES PERMIT**

Receipt of Application

Applicant: Alfred R. Anacker, R.R. 1 Box 37A, Butterfield, Minn. 56120.

The applicant wishes to apply for a Captive Self Sustaining Population permit authorizing the purchase and

sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1525. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO,   
 Chief, Permit Branch,   
 Federal Wildlife Permit Office.

[FR Doc. 78-1487 Filed 1-18-78; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

*Applicant:* Bonnie J. McDonald, 4233 92nd S.E., Mercer Island, Wash. 98040.

The applicant requests a permit to purchase in interstate commerce, three pairs of masked Bobwhite quail (*Colinus virginianus ridgwayi*) from breeders in Ohio and California as specified in application for the purpose of enhancement of propagation.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street N.W., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1784. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO,   
 Chief, Permit Branch,   
 Federal Wildlife Permit Office.

[FR Doc. 78-1498 Filed 1-18-78; 8:45 am]

#### [4310-55]

##### THREATENED SPECIES PERMIT

###### Receipt of Application

*Applicant:* Col. Clarence K. Darling, 141 Fox Run, San Antonio, Tex. 78233.

The applicant wishes to apply for a Captive Self-Sustaining Population

permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1742. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO,   
 Chief, Permit Branch,   
 Federal Wildlife Permit Office.

[FR Doc. 78-1488 Filed 1-18-78; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

*Applicant:* Harold H. Polk, 2953 Fairchild, Wayzata, Minn. 55391.

The applicant requests a permit to purchase in interstate commerce from Mr. Charles Sivel, Dix Hills, N.Y., one pair of captive-bred white-eared pheasants (*Crossoptilon crossoptilon*) for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1763. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO,   
 Chief, Permit Branch,   
 Federal Wildlife Permit Office.

[FR Doc. 78-1501 Filed 1-18-78; 8:45 am]

#### [4310-55]

##### THREATENED SPECIES PERMIT

###### Receipt of Application

*Applicant:* Mason's Exotic Hatchery, P.O. Box 271, 29545 13th Street, Nuevo, Calif. 92367.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1574. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO,   
 Chief, Permit Branch,   
 Federal Wildlife Permit Office.

[FR Doc. 78-1490 Filed 1-18-78; 8:45 am]

#### [4310-55]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

*Applicant:* Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minn. 55124.

The applicant requests a permit to purchase in interstate commerce, one captive-bred female clouded leopard (*Neofelis nebulosa*) from the Rare Feline Breeding Compound, Center Hill, Fla., for enhancement of propagation and zoological exhibition. Humane consideration has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1821. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1498 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

**Receipt of Application**

*Applicant:* National Zoological Garden, Smithsonian Institution, Washington, D.C. 20008.

The applicant requests a permit to export one pair of surplus captive-bred golden-lion tamarins (*Leontideus rosalia rosalia*) to the Jersey Wildlife Preservation Trust, Channel Islands, Great Britain, for enhancement of propagation.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1753. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1499 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

**Receipt of Application**

*Applicant:* Oklahoma City Zoo, Route 1, Box 1, Oklahoma City, Okla. 73111.

The applicant requests a permit to export one captive-bred snow leopard (*Panthera uncia*) to the Ruhr Zoo, Gelsenkirchen, Germany, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1769. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February

21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1500 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

**Receipt of Application**

*Applicant:* San Diego Zoological Garden, P.O. Box 551, San Diego, Calif. 92112.

The applicant requests a permit to import two pairs of captive-bred wood bison (*Bison bison athabasca*) from Elk Island National Park, Alberta, Canada, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1755. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1502 Filed 1-18-78; 8:45 am]

[4310-55]

**ENDANGERED SPECIES PERMIT**

**Receipt of Application**

*Applicant:* San Diego Zoological Garden, P.O. Box 551, San Diego, Calif. 92112.

The applicant requests a permit to export one pair of captive-bred ring-tailed lemurs (*Lemur catta*) to the Singapore Zoo for enhancement of propagation. Humane considerations have been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1756. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the

above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1503 Filed 1-18-78; 8:45 am]

[4310-55]

**THREATENED SPECIES PERMIT**

**Receipt of Application**

*Applicant:* Shigemi Ogata, 151 Malaai Road, Hilo, Hawaii 96720.

The applicant wishes to apply for a Captive Self Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1731. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 78-1491 Filed 1-18-78; 8:45 am]

[4310-55]

**THREATENED SPECIES PERMIT**

**Receipt of Application**

*Applicant:* Ted D. Harkey, 11033 East Lake Road, Charlotte, N.C. 28215.

The applicant wishes to apply for a Captive Self Sustaining Population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1561. Interested persons may comment on this applica-

tion by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-1489 Filed 1-18-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* University Herbarium, Department of Botany, University of California, Berkeley, Calif. 94720.

The application is for an Endangered Species permit, authorizing an unlimited number of transactions involving the exchange, loan, or donation of herbarium specimens over a two year period, for the purpose of scientific research.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1735. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-1505 Filed 1-18-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* William A. Sumner, D.V.M., 6015 High Point Road, Greensboro, N.C. 27407.

The applicant requests a permit to purchase in interstate commerce, one pair of captive-bred Hawaiian geese (*Branta sandvicensis*) from Dr. Michael Dam of Haines City, Fla., for the purpose of enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing

to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1000. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-1504 Filed 1-18-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* Woodland Park Zoological Garden, 5500 Phinney Avenue North, Seattle, Wash. 98103.

The applicant requests a permit to import one captive-bred female Brazilian tapir (*Tapirus terrestris*) from the Metropolitan Toronto Zoo for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1758. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-1506 Filed 1-18-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

*Applicant:* Woodland Park Zoological Garden, 5500 Phinney Avenue North, Seattle, Wash. 98103.

The applicant requests a permit to purchase in interstate commerce, one male Madagascar radiated tortoise (*Geochelone = (Testudo) radiata*) from the Gladys Porter Zoo, Brownsville, Tex., for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1790. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before February 21, 1978. Please refer to the file number when submitting comments.

Dated: January 16, 1978.

DONALD G. DONAHO, *Chief, Permit Branch,  
Federal Wildlife Permit Office.*

[FR Doc. 78-1507 Filed 1-18-78; 8:45 am]

National Park Service

MIDWEST REGIONAL ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held February 6 and 7, 1978, at the Granada Royale Homotel, 7270 Cedar Street, Omaha, Nebr. The February 6 meeting will begin at 9 a.m. (CST) and the February 7 meeting at 8:30 a.m.

The committee was established pursuant to Pub. L. 91-393 to provide for free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from the public on programs and problems pertinent to the Midwest Region of the National Park Service.

The members of the Advisory Committee are as follows:

Honorable Robert W. Berry III (Chairman)  
Mr. Wallace C. Dayton  
Mr. John J. Franke, Jr.  
Mr. Fred D. Hartley  
Mr. William L. Lieber  
Mr. Erwin D. Sias

The committee will hear reports related to regional operations and programs for the coming year.

The meeting is open to the public, and any member of the public may file with the committee a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Executive Assistant to the Regional Director, Midwest Regional office at Area Code 402, 221-3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebr.

Dated: January 10, 1978.

MERRILL D. BEAL,  
Regional Director,  
Midwest Region.

[FR Doc. 78-1454 Filed 1-18-78; 8:45 am]

[4310-10]

Office of Hearings and Appeals

[Docket No. M 78-34]

BETHLEHEM MINES CORP

Petition for Modification of Application of  
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Bethlehem Mines Corp., Room 1871 Martin Tower, Bethlehem, Pa. 17016, has filed a petition to modify the application of 30 CFR 75.305, weekly examinations for hazardous conditions, to its Mine No. 116, located in Butler County, Pa.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of that portion of 30 CFR 75.305 which requires a certified person to make a weekly examination of the 7th Left secondary intake airway. Massive roof falls in certain locations in the area in question, as well as other adverse conditions, prevent persons from traveling the area in question in accordance with 30 CFR 75.305, and constitute a diminution of safety to persons exposed to such conditions while carrying out the requirements of 30 CFR 75.305.

2. Petitioner proposed an alternate method for achieving the result contemplated by 30 CFR 75.305, and such alternate method will at all times guarantee no less than the same protection afforded by such standard. This alternate method also eliminates the hazards encountered in traveling the area in question.

(a) Two monitoring stations have been established on the intake airway in question; these monitoring stations are used to conduct examinations for hazardous conditions and for the purpose of complying with mandatory health and safety standards. Air and methane readings are also made at these monitoring stations to assure the air flow is in its proper course and usual volume. One monitoring station is located in close proximity to the Montcoal Fan, and the second monitoring station is located in the area where the 7th Left secondary intake airway joins 2nd West Main.

(b) Methane and air readings are made by a certified, competent person on a weekly basis, if not more frequently.

(c) Methane will not be permitted to accumulate in the air course beyond legal limits.

(d) Both access to and the measuring stations themselves will continue to be kept in safe condition.

(e) A date board is located at each measuring station, and air quantity and methane readings are taken and recorded, including the initials of the certified person taking such readings, as well as the date and time the readings are taken. Duplicate records are also kept on the surface and are available to all interested persons. A comparison is made with readings obtained the preceding day, and the direction of the air flow is posted at the stations.

(f) All employees required to perform measurements at the underground stations will be certified for such work on the basis of state examinations.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 21, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT  
Director, Office of  
Hearings and Appeals.

[FR Doc. 78-1446 Filed 1-18-78; 8:45 am]

[4310-10]

[Docket No. 78-29]

CONSOLIDATION COAL CO.

Petition for Modification of Application of  
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Consolidation Coal Co., Box 537, Moundsville, W. Va. 26041, has filed a petition to modify the application of 30 CFR 75.305, weekly examinations for hazardous conditions, to its Ireland Mine, located in Marshall County, W. Va.

The substance of Petitioner's statement is as follows:

1. A notice of violation of section 75.305 was issued December 6, 1977 (1-JAM), stating: the weekly examinations for hazardous conditions by a certified person in at least one entry of the return air course from No. 2 fan to 2 South and 2 North to 1 North were not being conducted due to roof falls and unsupported top making travel inaccessible. We wish to request modification of section 75.305 (section 303(f)) of the Federal Coal Mine Health and Safety Act; for the return air course from No. 2 fan to 2 South

and 2 North to 1 North at the Ireland Mine.

2. To provide no less than the same measure of protection as required by section 301(c), the following alternate method is proposed: Additional daily checkpoint stations (12 and 13) shall be established at locations shown on the accompanying map.<sup>1</sup> Established check stations (7-8-9-10-11) are currently being examined daily subject to prior approval of Petition for Modification (Docket No. M 75-27) Ireland Mine (May 14, 1975).

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 21, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,  
Director, Office of  
Hearings and Appeals.

JANUARY 10, 1978.

[FR Doc. 78-1447 Filed 1-18-78; 8:45 am]

[4310-10]

[Docket No. 78-26]

FIRE CREEK COAL CO.

Petition for Modification of Application of  
Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Fire Creek Coal Co., c/o Mr. Krushenski, P.O. Box 3447, Oak Ridge, Tenn. 37840, has filed a petition to modify the application of 30 CFR 77.1605(k), berms and guardrails, to its Fire Creek No. 1 Mine, located in Anderson County, Tenn.

The substance of Petitioner's statement is as follows:

1. Providing berms or guardrails as required by 77.1605(k) for this mine will create more safety hazards than presently exist at the mine in its present condition.

2. The mine operator will, upon investigation by the Department of the Interior, show that an alternative method of achieving the specific result of Safety Standard 77.1605(k) does exist, which will in fact at all times guarantee no less than the same measure of protection afforded the miners of Fire Creek Coal Co., No. 1 Mine, by such safety standard.

<sup>1</sup>The enclosed map is available for inspection at the address listed in the last paragraph of this petition.

3. Present safety rules in effect at the mine have prevented accidents from occurring at the mine and the measures already taken will be of more benefit than the implementation of Mandatory Safety Standard 77.1605(k).

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 21, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,  
Director, Office of  
Hearings and Appeals.

JANUARY 10, 1978.

[FR Doc. 78-1448 Filed 1-18-78; 8:45 am]

[4310-10]

[Docket No. M 78-28]

#### INDUSTRIAL GENERATING CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Industrial Generating Co., P.O. Box 1111, Rockdale, Tex. 76567, has filed a petition to modify the application of 30 CFR 77.1710(e), protective clothing; requirements, to its Sandow Strip Surface Mine, located in Milam County, Tex.

The substance of Petitioner's statement is as follows:

1. The contractors acquire their forces through the various building trade union halls. These crafts could be employed for a period of months, weeks or even for a day. The craft unions do not require their members to wear hard-toed shoes when they are assigned to a job, nor is such requirement an industry-wide practice in field construction. The contractors generally experience a fairly high turnover rate by the employees due to the men leaving the project for another construction site or being laid off for lack of productivity or poor workmanship. It would almost be impossible for a contractor to purchase steel-toed shoes for his employees because of the length of some jobs and the large turnover in the construction field.

2. The steel erection ironworkers generally wear a soft leather shoe or boot with crepe soles and essentially no heels. This type of shoe or boot enables the ironworker to feel any slight imbalance and provides flexibility in

the toe portion of the shoe so that he can "coon" or climb the steelwork. A steel-toed shoe cannot be bent in this manner for climbing steel and does not provide the ability for the ironworker to feel the steelwork. Therefore, a steel-toed shoe would be more hazardous than a soft-toed shoe.

3. When the MESA rules and regulations were promulgated the primary intent was for the safety and health of underground and surface miners and no consideration was given to contractors' employees because OSHA ruled the construction field. The miners are usually permanent employees and work for the operators permanently until retirement and the health and safety rules can be adhered to and enforced more consistently as opposed to construction workers because they are primarily temporary employees at the mine site.

4. Since the beginning of the expansion program through November 3, 1977, the contractors have worked a total of 56,842 manhours and they have not had one accident involving a foot injury to any employee because of a soft-toed shoe. This fine record speaks for itself.

5. Therefore, Petitioner submits a petition to modify the mandatory standard. In its opinion, if section 77.1710(e) is waived for the contractors' employees, it will not result in a diminution of safety to the miners.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 21, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,  
Director, Office of  
Hearings and Appeals.

JANUARY 10, 1978.

[FR Doc. 78-1449 Filed 1-18-78; 8:45 am]

[4310-10]

[Docket No. M 78-32]

#### NATIONAL MINES CORP.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), National Mines Corp., P.O. Box 12022, Lexington, Ky. 40579, has filed a petition to modify the application of 30 CFR 77.803, fall safe ground check circuits, etc., to its National Pocahontas Mine, located in Wyoming County, W. Va.

The substance of Petitioner's statement is as follows:

1. The Welch Road fan substation is served by a 13,200 volt aboveground open wire pole mounted distribution line. The source transformers are located in a substation adjacent to the National Pocahontas office. The source transformers are resistively grounded through a 25 ampere continuous rated resistor. This particular circuit extends approximately 1½ miles above ground where three substations are served. This line is protected by an approved high voltage air circuit breaker with ground fault, phase overload, and short circuit, and ground monitoring protection. The fall safe ground check circuit extends to within approximately 100 yards of each of the three substation loads. The Petitioner respectively submits that a modification of 30 CFR 77.803 be granted on this circuit from the point where the existing fall safe ground check circuit now ends to the three substations served by this particular circuit. In support of its petition, the Petitioner states that the existing installation now exceeds the safety standards set forth in 77.803.

2. All outdoor type transformers served by the Welch Road 13.2 kv distribution line are designed in such a manner that high voltage components are located at a minimum of 8 feet above ground level.

3. All substations are enclosed by a substantially constructed fence 6 feet in height.

4. An approved insulated high voltage hot stick shall be kept at all times at the Welch Road fan substation.

5. Two separate grounding conductors are installed from the point where the monitor circuit now terminates to each of the served substations.

6. Separate ground fields shall be established for each substation served by the Welch Road 13.2 kv distribution line. This ground field will be in addition to the double ground conductors from the source ground. All metal frames in each substation shall be grounded not only to the source ground conductor but also to the ground fields established at each substation. These ground fields will be located a minimum of 25 feet from existing lightning arrester grounds. Since the fan installation is required to be examined by a certified individual on a daily basis, a procedure will be established whereby this examination includes a visual inspection of the grounding conductors from the point where the monitor circuit ends to each of the served substations.

7. Safe electrical work procedures shall be posted at the entrance of each of the high voltage substations served by the Welch Road 13.2 kv distribution line. These procedures are as follows:

(a) No work shall be performed on any high voltage power circuit until that circuit has been deenergized by a qualified person.

(b) All phases of the affected high voltage circuit where work shall be performed shall be connected to an approved grounding medium with the use of ground clamps.

(c) All high voltage circuits which are deenergized shall be tagged and locked out. The tag and lock shall only be removed by a qualified person who actually installed them or by other such persons qualified and authorized to do so by the qualified individual who originally tagged the circuit out.

(d) Proper equipment shall be used for all repairs on deenergized circuits. Energized high voltage disconnect switches will not be deenergized while under load and such switches will be opened by a qualified individual wearing approved high voltage gloves.

(e) Disconnect or cut out switches used on high voltage surface lines shall be operated only with approved high voltage insulated hot sticks or other devices which are adequately insulated and maintained to protect the operator from the voltage to which he is exposed.

(f) The superintendent of maintenance or another qualified individual shall coordinate and supervise all trouble shooting of the surface high voltage system. All individuals working on the high voltage system shall receive their instructions and directions through this coordinator.

8. The Petitioner avers that neither the installation of a large capacity isolation transformer nor the installation of a series grounding system to the substations served by the 13.2 kv distribution line would make the electrical system safer than the system as proposed above. A major isolation transformer substation that is not needed for the operation of the power system would add other potential areas for accident or injury. The use of a series grounding medium could possibly permit nuisance tripping of the protective high voltage circuit breakers resulting in deenergization of the Welch Road fan which provides ventilation for the gaseous Poca No. 3 seam.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 21, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va.

22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,  
Director, Office of  
Hearings and Appeals.

JANUARY 10, 1978.

[FR Doc. 78-1450 Filed 1-18-78; 8:45 am]

#### [4310-10]

[Docket No. 78-33]

#### THE YOUGHIOGHENY & OHIO COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Youghio gheny & Ohio Coal Co., 4614 Prospect Avenue, Cleveland, Ohio 44103, has filed a petition to modify the application of 30 CFR 75.1403-5(g), belt conveyors, to its Cadiz Portal, located in Harrison County, Ohio.

The substance of Petitioner's statement is as follows:

1. In the design and layout of three belt conveyors of the Cadiz Portal coal handling system, less than 24 inches of clearance has been provided along the side of the conveyor opposite the clearance side.

2. These conveyors are: (a) surge slope conveyor; (b) slope conveyor; (c) stock pile reclaim conveyor.

3. Petitioner's drawing No. 1001 Sheet 4 at a  $\frac{3}{8}''=1'$  scale and sketch showing the reclaim tunnel at  $\frac{1}{4}''=1'$  scale show the location of the conveyor structure within the opening in which it is installed.<sup>1</sup>

4. In each case, the clearance side of the conveyor is on the right side looking toward the tail of the conveyor. In all cases, the conveyor center line was moved to the left to provide additional clearance on the right or clearance side for better access for men and material, on this side.

5. Access to the left sides of these conveyors at the drive and tail ends, where at walkway level, will be screened off and permanent signs "NO CLEARANCE" will be attached to the screens.

6. During repair or maintenance work on these conveyors, the controls will be "locked out" to prevent accidental start up during such repairs or maintenance.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before February 21, 1978.

<sup>1</sup>The enclosed drawing is available for inspection at the address listed in the last paragraph of this notice.

February 21, 1978. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,  
Director, Office of  
Hearings and Appeals.

JANUARY 10, 1978.

[FR Doc. 78-1451 Filed 1-18-78; 8:45 am]

#### [7020-02]

#### INTERNATIONAL TRADE COMMISSION

[332-92]

#### TELEPHONE TERMINAL AND SWITCHING EQUIPMENT INDUSTRY

#### Notice of a Baseline Study

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under the authority of section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), to study factors affecting competition in the telephone equipment industry.

EFFECTIVE DATE: January 13, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Charles Daiker or Mr. Harold Graves, Machinery and Equipment Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0353, 523-0360, respectively.

SUPPLEMENTARY INFORMATION: In response to a request by the Subcommittee on Trade of the Committee on Ways and Means, U.S. House of Representatives, received on December 14, 1977, the U.S. International Trade Commission instituted the above-captioned investigation.

The investigation will be concerned with, among other things, the effects of imports, government regulations, and technology on domestic production and employment. In order to study the effects of these factors, the study will focus on certain key products to be selected from telephone terminal and switching equipment which transmits, distributes, receives and/or displays information.

The imported articles which are within the scope of this investigation are provided for in parts 4 and 5 of schedule 6 of the Tariff Schedules of the United States.

At the completion of its investigation, the Commission shall transmit a report to the Committee on Ways and Means of the U.S. House of Representatives. The report will be released to

the public (consistent with the treatment afforded confidential business information).

**Written submissions.** Interested persons may submit written statements. Any commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential business information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the commission, written statements should be submitted at the earliest practicable date, but not later than May 15, 1978. All such submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

**Request for a hearing.** Any interested person who believes that a public hearing should be held in connection with this investigation may, on or before February 21, 1978, submit a request in writing to the Secretary of the Commission that a public hearing be held. All such requests should state the reasons for such request and be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the commission.

Issued: January 16, 1978.

KENNETH R. MASON,  
Secretary.

[FR Doc. 78-1551 Filed 1-18-78; 8:45 am]

[4410-01]

## DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

### VOLUNTARY DEPARTURE FOR OUT-OF-STATUS NONIMMIGRANT H-1 NURSES

Many foreign nurse graduates were admitted to the United States temporarily under section 101(a)(15)(H)(i) of the Immigration and Nationality Act in order to practice their profession in this country. Their eligibility for such nonimmigrant status was based upon their being able to secure temporary licenses to work as professional nurses immediately following their entry and pending their taking and passing State examinations for permanent licensure. It has been brought to the attention of the INS that many of these nonimmigrant nurses have failed these examinations for permanent licensure, have had their temporary licenses

expire, and have therefore been unable to continue working in a professional capacity. Since they were admitted to the United States solely to work as professional nurses and lacking a license are now not permitted to do so, they no longer have lawful nonimmigrant status and routinely should depart from the United States. Representations have been made, however, that these out-of-status nurses could pass the licensure examinations if given the time and opportunity to do so, free of the anxiety of being imminently required to depart. There is nothing in law or regulation that would require the grant of any further time in the United States to any of these nurses. In view of the representations made, however, and the imminence of an officially acceptable test to screen visa applicants abroad and before they are permitted to come to the United States (which it is expected will largely eliminate the problem), it has been decided to give this group of out-of-status nurses until December 31, 1978, to apply for extended voluntary departure (deferred departure) under the conditions stated below. This notice is effective immediately.

#### CONDITIONS FOR THE GRANT OF VOLUNTARY DEPARTURE TO THE OUT-OF-STATUS H-1 NURSE, IN ORDER TO AFFORD FURTHER OPPORTUNITY TO TAKE AND PASS THE LICENSURE EXAMINATION AS PROFESSIONAL NURSE

1. The nurse's lack of lawful immigration status shall be due only to the nurse's having changed employer without authority, or to his/her having failed the licensure examination. Refusal to take any such examination will be disqualifying for grant of extended voluntary departure.

2. The nurse must have taken the first available licensure examination after arrival in the United States, and have taken consecutively each such examination thereafter.

3. The nurse must show evidence (e.g., a cancelled check) that he/she has been registered to take the next licensure examination offered by the State.

4. A prior change of employer without INS authorization shall not disqualify the nurse from the grant of voluntary departure.

5. The nurse who meets the above conditions shall be given extended voluntary departure status in six-month increments up to a total that does not exceed three years from date of arrival in the United States.

6. The nurse already in the United States in excess of three years who meets the above conditions shall be given a further six-month period of voluntary departure for the purpose of again taking the licensure examinations.

7. During any period of authorized voluntary departure, the nurse shall

be permitted to work in a lesser capacity than professional nurse.

8. The nurse who is successful in passing the examination, and is issued a license to practice professional nursing, may upon the approval by INS of an H-1 visa petition filed by an employer, be restored to H-1 nonimmigrant status.

9. The Nation Alliance for Fair Licensure of Foreign Nurse Graduates, for the benefit of intending applicants for H-1 visas in the future, will undertake to publicize to foreign nurse graduates abroad the information that they must pass State licensure examinations in the United States, and that they may not work as professional nurses after failing such examinations.

10. The nurse already under deportation proceedings shall be eligible for extended voluntary departure as provided above, if those proceedings are based on grounds which arose solely by reason of the nurse's having changed employer without authority, or by reason of his/her previous inability to pass the licensure examination. If such nurse is successful thereafter in passing the examination and achieving licensure, the Service will move to terminate the deportation proceedings with a view to restoring him/her to lawful H-1 status as provided above.

11. The period during which the out-of-status nurse may make application for the above benefit shall expire December 31, 1978.

Dated: January 13, 1978.

LEONEL J. CASTILLO,  
Commissioner of Immigration  
and Naturalization.

[FR Doc. 78-1431 Filed 1-18-78; 8:45 am]

[7532-01]

## NATIONAL COMMISSION ON NEIGHBORHOODS

### RESCHEDULED MEETING

**ACTION:** Rescheduling of meeting.

**SUMMARY:** This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I) reschedules a meeting announced in the FEDERAL REGISTER on January 12, 1978.

**TIME AND DATE:** 8 p.m. (eastern standard time) on Friday, February 3, 1978 and 4 p.m. (eastern standard time) on Saturday, February 4, 1978.

**PLACE:** (February 3 meeting)—Church Hall of United Evangelical Church of Christ, East Avenue at Dillon Avenue, Baltimore, Md. (February 4 meeting)—Gymnasium of Wyman Park Multipurpose Center, 501 West 30 Street, Baltimore, Md.

**AGENDA:** February 3 meeting—1. Consideration of staff reports. 2. Discussion of future hearings.

February 4 meeting—1. Opportunity for citizen testimony from: (a) organized neighborhood groups, (b) public officials, and (c) interested individual citizens.

STATUS: Open to the public.

**CONTACT PERSON:**

Ms Frances Phipps, Deputy Director, 202-632-5200.

JONATHAN STEIN,  
*Administrative Officer.*

[FR Doc. 78-1869 Filed 1-18-78; 8:45 am]

[7555-01]

**NATIONAL SCIENCE FOUNDATION**

**ADVISORY COUNCIL TASK GROUP NO. 4**

**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

**TASK GROUP NO. 4 OF THE NSF ADVISORY COUNCIL**

Place: Room 1145, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date and time: February 9 and 10, 1978; 9 a.m. to 5 p.m.

Type of meeting: Open.

Contact person: Ms. Margaret L. Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street NW., Washington, D.C. 20550, telephone 202-632-4384.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Personnel and Management, National Science Foundation, Room 248, 1800 G Street NW., Washington, D.C. 20550.

Agenda: To assess the need for and potential benefits from increased scientific cooperation between the U.S. and Western European countries, and to suggest scientific areas, modes, and institutional mechanisms best suited for such cooperation.

Dated: January 16, 1978.

M. REBECCA WINKLER,  
*Acting Committee Management Officer.*

[FR Doc. 78-1544 Filed 1-18-78; 8:45 am]

[7555-01]

**SUBCOMMITTEE ON HISTORY AND PHILOSOPHY OF SCIENCE OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES**

**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Founda-

tion announces that the following meeting:

Name: Subcommittee on History and Philosophy of Science of the Advisory Committee for Social Sciences.

Date and time: February 9 and 10, 1978; 9 a.m. to 5 p.m. each day.

Place: National Science Foundation, Room 628 for closed meetings; Room 642 for open meeting.

Type of meeting: Part Open—February 9—9 a.m. to 3 p.m.—Closed. February 9—3 p.m. to 5 p.m.—Open. February 10—9 a.m. to 5 p.m.—Closed.

Contact person: Dr. Ronald J. Overmann, Associate Program Director for History and Philosophy of Science, Room 312, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4182.

Summary of minutes: May be obtained from the Committee Management Coordinator, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research and history and philosophy of science.

Agenda: Closed Session: To review and evaluate research proposals and projects as part of the selection process for awards. Open Session: Suggestions and general discussion by Panel members of research topics which may deserve special emphasis.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Office pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 16, 1978.

M. REBECCA WINKLER,  
*Acting Committee Management Officer.*

[FR Doc. 78-1545 Filed 1-18-78; 8:45 am]

[7555-01]

**SUBCOMMITTEE ON GENETIC BIOLOGY**

**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology. Date and time: February 9-11, 1978; 9 a.m. to 5 p.m. Place: Room 643, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Philip D. Harriman, Program Director, Genetic Biology Pro-

gram, Room 326, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5985.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in genetic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 16, 1978.

M. REBECCA WINKLER,  
*Acting Committee Management Officer.*

[FR Doc. 78-1546 Filed 1-18-78; 8:45 am]

[7555-01]

**SUBCOMMITTEE ON REGULATORY BIOLOGY OF THE ADVISORY COMMITTEE FOR PHYSIOLOGY, CELLULAR & MOLECULAR BIOLOGY**

**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and Time: February 8, 9, 10, 1978; 9 a.m. to 6 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Betty M. Twarog, Program Director, Regulatory Biology Program, Room 333, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4298.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated

the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 16, 1978.

M. REBECCA WINKLER,  
*Acting Committee  
Management Officer.*

[FR Doc. 78-1547 Filed 1-18-78; 8:45 am]

[7555-01]

**SUBCOMMITTEE ON MOLECULAR BIOLOGY**

**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 6 and 7, 1978; 9 a.m. to 5 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Frederick I. Tsuji, Program Director, Biochemistry Program, Room 330, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4260.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 16, 1978.

M. REBECCA WINKLER,  
*Acting Committee  
Management Officer.*

[FR Doc. 78-1548 Filed 1-18-78; 8:45 am]

[7555-01]

**SUBCOMMITTEE ON NEUROBIOLOGY**

**Notice of Meeting**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Neurobiology of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: February 6, 7 and 8, 1978; 9 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Janett Trubatch, Program Director, Neurobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-634-4036.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Neurobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

Dated: January 16, 1978.

M. REBECCA WINKLER,  
*Acting Committee  
Management Officer.*

[FR Doc. 78-1549 Filed 1-18-78; 8:45 am]

[7590-01]

**NUCLEAR REGULATORY  
COMMISSION**

[Docket No. 50-3021]

**FLORIDA POWER CORP., ET AL.**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-72, issued to the Florida Power Corp., City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant located in Citrus County, Fla. The amendment is effective as of the date of issuance.

The amendment deletes the requirement to submit Non-Routine Reports regarding unplanned radioactive releases if the release rate is no greater than 10 percent of the allowable instantaneous release rate. All un-

planned releases will continue to be reported in the Semiannual Operating Report.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 11, 1977, and (2) Amendment No. 10 to license No. DPR-72. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Crystal River Public Library, Crystal River, Fla. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
*Chief, Operating Reactors  
Branch No. 4, Division of  
Operating Reactors.*

[FR Doc. 78-1512 Filed 1-18-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

**METROPOLITAN EDISON CO., ET AL.**

**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co. and Pennsylvania Electric Co. (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

The amendment revises the definition of containment integrity with respect to airlock maintenance, repair or modification and adds surveillance requirements for the interlock systems of airlocks.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 28, 1977, (2) Amendment No. 36 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-1513 Filed 1-18-78; 8:45 am]

[7590-01]

#### REGULATORY GUIDE

##### Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evalu-

ating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.124, Revision 1, "Service Limits and Loading Combinations for Class 1 Linear-Type Component Supports," delineates acceptable levels of service limits and appropriate combinations of loadings associated with normal operation, postulated accidents, and specified seismic events for the design of Class 1 linear-type component supports as defined in subsection NF of section III of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. This guide applies to light-water-cooled reactors. Revision 1 reflects public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 11th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director, Office of  
Standards Development.

[FR Doc. 78-1427 Filed 1-18-78; 8:45 am]

[7590-01]

#### RISK ASSESSMENT REVIEW GROUP

##### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a two-day open meeting of the Risk Assessment Review Group of the U.S. Nuclear Regulatory Commission (NRC), to be held at 8:30 a.m., on February 6 and 7, 1978, in Room 1046 of the Matomic

Building, 1717 H Street NW., Washington, D.C. The purposes of this meeting are to continue the review of the final report of the Reactor Safety Study (WASH-1400) and the peer comments thereon, to obtain information on developments in the field of risk assessment methodology and to discuss subjects that might be included in the report of the Review Group.

The Risk Assessment Review Group is an independent group established by the NRC (42 FR 34955) for the purpose of providing advice and information to the Commission regarding the final report of the Reactor Safety Study, WASH-1400 (NUREG-75/014), and the peer comments on the Study, advice and recommendations on developments in the field of risk assessment methodology and courses of action which might be taken on future development and use of risk assessment methodology. This advice and information will assist the Commission in establishing policy regarding the use of risk assessment in the regulatory process. It will also clarify the achievements and limitations of the Reactor Safety Study. The Review Group will submit a report to the Commission on or before July 1, 1978.

In carrying out these assignments, it is anticipated that a number of working sessions will be scheduled at different locations, with notification to the public well in advance of each meeting. With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 10 readily reproducible copies to the Review Group at the beginning of the meeting. Comments should be limited to areas within the Group's purview. Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than January 30, 1978, to Dr. John H. Austin, Office of Policy Evaluation, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Of course, comments not received in time for this meeting will be circulated to the members of the Review Group for consideration at a future meeting. Comments should pertain to the field of risk assessment methodology or should be based on the final report of the Reactor Safety Study, copies of which are available for public inspection at:

1. The NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.
2. The NRC's five Regional Offices of Inspection and Enforcement:
  - Region I—631 Park Avenue, King of Prussia, Pa. 19406.
  - Region II—Suite 1217, 230 Peachtree Street, Atlanta, Ga. 30303.
  - Region III—799 Roosevelt Road, Glen Ellyn, Ill. 60137.
  - Region IV—Suite 1000, 611 Ryan Plaza Drive, Arlington, Tex. 76012.
  - Region V—Suite 202, 1990 North California Boulevard, Walnut Creek, Calif. 94596.

Copies of the Final Report may be obtained from: U.S. Nuclear Regulatory Com-

mission, Office of Nuclear Regulatory Research, Probabilistic Analysis Staff, Attn.: Melea S. Fogle, telephone 301-492-8377, 7735 Old Georgetown Road, Bethesda, Md. 20014.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The time allotted for such statements will be at the discretion of the Chairman. The Review Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) 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 pre-paid telephone call on February 3, 1978, to the Office of Policy Evaluation, telephone 202-254-5184, Attn.: John Austin, between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be asked only by members of the Review Group.

(e) Statements of views or expressions of opinion made by members of the Review Group at open meetings are not intended to present final determinations or beliefs.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the minutes of the meeting will be available for inspection on or after April 28, 1978, at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Copies may be obtained upon payment of appropriate charges.

Dated at Washington, D.C., January 16, 1978.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 78-1511 Filed 1-18-78; 8:45 am]

[4910-58]

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-3]

### ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

#### Availability and Receipt

*Aircraft Accident Report.*—The National Transportation Safety Board reports that a twin-engine Piper Cheyenne operated by the State of Pennsylvania was improperly loaded when it crashed last February 24 killing nine persons, including the State's Secretary of Transportation. Two crewmembers and six passengers died when the plane plunged into a street in Bressler, Pennsylvania, shortly after takeoff from Capitol City Airport, New Cumberland, Pennsylvania. The ninth victim died when the wrecked

plane sled across a road and struck a house, setting it afire.

The investigation report, officially approved on January 9, indicates that the Safety Board determines the probable cause of the accident was the flightcrew's failure to insure that the aircraft was loaded properly and that its center of gravity was within certificated limits. As a result, the aircraft's control characteristics were degraded significantly by a center of gravity position well aft of the certificated limits. This imbalance led to the pilot's inability to control a longitudinally unstable aircraft during a climbing turn in instrument meteorological conditions.

When loading an aircraft, the flightcrew must keep the center of gravity within prescribed limits so that the aircraft will be properly balanced and not beyond either its aft center of gravity limits, or its forward center of gravity limits—both of which are expressed as "inches" along an imaginary line drawn through the nose to the tail of the aircraft. The approved maximum aft center of gravity for the Piper PA-31T Cheyenne was 138 inches.

Copies of the report are being processed for release to the public in the near future.

*Aircraft Accident Report.*—The Safety Board announces the availability of printed copies of its report of investigation into the crash of a Texas International Airlines Douglas DC-9-14 at Stapleton International Airport, Denver, Colorado, November 16, 1976. The report, No. NTS B-AAR-77-10, was officially approved by Members of the Safety Board last October 27.

Investigation revealed that the aircraft crashed after rejecting a takeoff from runway 8 right at Stapleton. The takeoff was rejected when the stall warning stickshaker activated after the aircraft had rotated for takeoff. When the pilot was unable to stop the aircraft within the confines of the runway, it overran the runway, traversed drainage ditches, struck approach light stanchions, and stopped. Eighty-one passengers and five crewmembers evacuated the aircraft, which had been severely damaged by impact and fire; 14 persons were injured.

The Safety Board determines that the probable cause of this accident was a malfunction of the stall warning system for undetermined reasons which resulted in a false stall warning and an unsuccessful attempt to reject the takeoff after the aircraft had accelerated beyond refusal and rotation speeds. The decision to reject the takeoff, although not consistent with standard operating procedures and training, was reasonable in this case, based upon the unusual circumstances in which the crew found themselves,

the minimal time available for decision, and the crew's judgment concerning a potentially catastrophic situation.

As a result of investigation of this accident, the Safety Board last May 23 recommended that the Federal Aviation Administration (1) give flight attendants recurrent evacuation training in the use of tail cone emergency exits (A-77-26); (2) require that passenger information cards carry data regarding the tail cone exits (A-77-27); and (3) designate the DC-9 tail cone exit as a "required exit" (A-77-28); and (4) issue an airworthiness directive to require that an emergency light be located in proximity to the DC-9 tail cone exit release handle, or that the handle be self-illuminating (A-77-29). In response on August 10 FAA said that Texas International Airlines has made changes in its flight attendant training program designed to conform to the Board recommendations. The FAA also said it has acted on the Board recommendation concerning the tail cone exit on the DC-9. (See 42 FR 28194 and 44045, June 2 and September 1, 1977, respectively.)

Earlier, last April 20, the Safety Board urged that FAA amend 14 CFR 139.45 to require, after a reasonable date, that extended runway safety area criteria be applied retroactively to all certificated airports (A-77-16), and expedite the retrofit of ALS structures with frangible materials and fittings by allocating additional fundings or by increasing the priority of the existing program so that it can be completed within 3 to 5 years (A-77-17). FAA's response of July 11, while indicating nonconcurrence in recommendation A-77-16, agreed that the retrofit program should be implemented as rapidly as resources permitted. (See 42 FR 21676 and 38443, April 28 and July 28, 1977, respectively.)

*Aircraft Accident Reports, Brief Format, U.S. Civil Aviation, Issue Number 5 of 1976 Accidents.*—The Safety Board last week also released its latest compilation of 1976 accident briefs. The current publication, report No. NTSB-BA-77-3, includes the pertinent facts and probable cause, in synoptic form, of 533 general aviation accidents. As in past reports, Issue No. 5 contains accidents which were easily preventable through adequate pre-flight planning.

NOTE.—The brief reports of accidents in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25¢ per page for printed matter, \$1.50 per page for black-and-white photographs, and \$4.00 per page for color photographs, plus postage. Minimum reproduction charge is \$1.00; an additional \$4.00 user-service charge will be made for each order. Re-

quests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester is asked to provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

Copies of Issue Number 5 may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

**Railroad/Highway Accident Report.**—A Federal program to identify and protect railroad-highway grade crossings where inadequate warnings do not permit the prudent and careful driver to cross without risk of injury or death has been called for by the Safety Board. This was one of six recommendations issued by the Safety Board following investigation of the collision of an Amtrak/Atchison, Topeka and Santa Fe Railway train and a tractor-cargo tank semitrailer near Marland, Oklahoma, December 15, 1976. The truckdriver and two train crewmembers were killed; 11 other persons on the train were injured. Property damage was estimated to be \$880,700.

The investigation report on this accident was officially approved by the Board on December 15. Copies of the report will be made available to the public within a few weeks.

The Safety Board determined that the probable cause of this accident was the lack of adequate warning of the approach of a high-speed train to enable the truckdriver to ascertain when it was safe to enter the crossing. Contributing to the accident was the crossing's unsuitability for joint use by high-speed trains and heavily loaded trucks.

There were no automatic signals at the crossing, but investigation showed that the truckdriver did stop short of the track and then moved onto the grade crossing in low gear. As the train approached the crossing the engineer, who was not required to reduce speed because of restricted visibility, sounded his whistle. But because of the fog, the train reached a point about 700 feet, or 5 seconds from the crossing before the engineer was able to see the tank truck. When the train—travelling at 89.6 miles per hour—collided with the truck, the locomotive's nose compartment doors were blown off and the cab windows broke, permitting a massive entry of flaming oil into the engine cab.

As a result of its investigation of this accident, the Safety Board on January 10 issued the following safety recommendations:

To the Federal Railroad Administration—

Require all head-end locomotive units to be designed to prevent serious injury to crewmembers from penetration of flammable substances into control compartments. (R-77-37)

In cooperation with the States, identify those grade crossings where inadequate warnings do not permit the prudent and careful driver to cross without risk of injury or death. (R-77-38)

Undertake a program to protect the crossings which have been so identified. Consideration should be given to adequate protection or reduction of train speeds in conditions of reduced visibility and/or signals that meet real train movement situations. (R-77-39)

To the National Railroad Passenger Corporation—

Strengthen and improve its locomotive units' operating compartments so that they effectively resist impact forces and deter entry of flammable liquids into locomotive cabs. (R-77-40)

To the Oklahoma Department of Transportation—

Initiate studies of those railroad/highway grade crossings in Oklahoma that are used by high-speed trains as well as vehicles transporting oil, gas, and other hazardous materials, to establish whether such joint use is safe in view of existing crossing characteristics and protection. (H-77-33)

Enlarge its grade crossing safety criteria to include use by trucks carrying flammable oil and gas, and other hazardous materials. (H-77-34)

**Highway Safety Recommendations.**—Now under investigation by the Safety Board is the collision of a Midas Mini Motor Home and an automobile, the accident occurring last July 14 on U.S. Route 69 north of Atoka, Oklahoma. The southbound automobile went out of control on wet pavement, crossed the centerline sideways, and collided with the northbound motor home. All six persons in the automobile were killed; the driver and right front passenger in the motor home were also killed, and the six other occupants of the motor home were injured.

The two-lane, two-way section of highway at the accident site was posted at 55 mph and had an average daily traffic volume of 5,000 vehicles, 30 to 36 percent commercial. More than 5 miles of the road had recently been overlaid with 1 inch of asphalt/concrete Oklahoma type-C mix. The "job mix formula" for the project—State-aid Project No. MC3(75)—called for 5 percent asphalt with 93 percent and 44 percent passing through the 3/8-inch and No. 8 sieves, respectively. The project was completed June 29, 1977, and a final inspection made on July 5. There were no deficiencies noted and the project was accepted by the State.

The Safety Board notes that comparison of the specifications of the Oklahoma type-C mix with the latest information from the Asphalt Institute and the American Association of State Highway and Transportation Officials (AASHTO) "Guidelines for Skid Resistant Pavement Design," (1976) indicates that the Oklahoma type-C

mix is a dense graded mix with relatively little coarse texture. AASHTO's guide emphasizes that the coarse aggregates in a mix provide the major skid resistance at high speeds.

At the request of the Safety Board, the Oklahoma Department of Highways on July 18 and 28, and again on September 1, conducted locked-wheel skid tests on the 5.3-mile resurfaced section of U.S. Route 69 with emphasis on the vicinity of the accident. Although the effect of the pavement surface on this accident has not been established, these skid tests clearly indicate that the coefficient of friction on the resurfaced road section is well below minimum recommendations for skid resistance.

Pending completion of its investigation, the Safety Board on January 10 recommended that the Oklahoma Department of Transportation—

Post warning signs conforming to the requirements of the Manual on Uniform Traffic Control Devices on the resurfaced 5.3-mile section of U.S. Route 69 to advise motorists that the surface is slippery when wet. These signs should be maintained until the skid resistance on the overlay surface is increased. (H-77-35)

Evaluate the pavement design and construction practices used on this project in order to eliminate any possibility for this condition to reoccur. (H-77-36)

Expedite the application of necessary materials to remedy the low skid resistance condition on the 5.3-mile resurfaced section of U.S. Route 69. (H-77-37)

Recommendation H-77-35 is designated Class I—Urgent Action; the other two recommendations are designated Class II—Priority Action.

#### RESPONSES TO SAFETY RECOMMENDATIONS

**Aviation: A-77-9 and 10.**—Letter of December 16 from the Federal Aviation Administration is in further response to recommendations issued following investigation of the September 13, 1976, collision between a Cessna 414 and a U.S. Air Force F-4E Phantom II fighter near Brighton, Fla.

The recommendations called for establishment of direct lines of communication between appropriate air traffic control facilities and military tactical operations so that essential tactical information can be relayed to military flight crews while they are being afforded instrument flight rules separation in positive control airspace (A-77-9), and assurance of ultrahigh frequency guard transmitting and receiving capability at all control positions where air traffic control services are provided routinely to military tactical flights (A-77-10).

FAA's December 16 letter indicates that its original position concerning these recommendations, as stated in its April 26 letter (42 FR 24132, May 12, 1977), has not changed. FAA has asked the Air Force what action they

planned to take to implement A-77-9 and was informed that any required implementation plans should be initiated between local FAA and military units; i.e., local FAA facility/military unit requirements/problems will determine the need to establish land lines. In February, a land line was installed between Avon Park gunnery range and the Miami Center. The line is used primarily to relay IFR clearances to flights departing the range, FAA states.

FAA reports that last May each FAA region was asked to evaluate its recommendation to configure one Backup Emergency Communication (BUEC) controller station per center's area of specialization (where there is a significant military activity) to cycle to 243.0 MHz, rather than the sector discrete frequency. Should any region decide that the recommendation was not feasible, FAA asked to be informed of alternative plans to accommodate recommendation A-77-10.

FAA further reports that all of the regions are developing plans to significantly increase coverage on 243.0 MHz, using various combinations of the following approaches to implement A-77-10:

1. Change crystals on the standby Tactical Special Use Frequency transceivers to 243.0 MHz.
2. Reallocate some share guard outlets so that ARTCC's can share 243.0 MHz with either flight service stations or towers.
3. Reconfigure some BUEC transceivers to cycle 243.0 MHz.
4. Install fixed tune/single channel transceivers on 243.0 MHz at select long range radar sites and/or remote communications air/ground facilities.

All of the regional plans should be implemented within the next year and should result in a significant increase in coverage on 243.0 MHz, according to FAA.

**Highway: H-77-28.**—Letter of January 4 from the Federal Highway Administration is an interim response to the recommendation developed after investigation of the July 1, 1976, accident in which five persons were killed when their automobile was struck by a freight train near Des Moines, Iowa. The automobile failed to stop for flashing signal lights at the grade crossing. (See 42 FR 60237, November 25, 1977.) The recommendation asked FHWA to actively participate and support the National Safety Council (NSC) in the development, implementation, and evaluation of a nationwide "Operation Lifesaver" railroad/highway grade crossing safety program.

FHWA, in indicating its support for the concept of this program with NSC serving as the focal point and coordinator, suggests a meeting with the Safety Board, the NSC, and the various other agencies from which the Safety Board has solicited support and

participation on a nationwide basis. At that time, the NSC should be prepared to outline a definitive program to which the various agencies can respond, according to FHWA. FHWA promises a formal response to recommendation H-77-28 shortly after such a meeting takes place.

**Railroad: R-76-18 and 19.**—Letter of December 22 from Auto Train Corporation is a followup to response of May 20, 1976 (41 FR 22428, June 3, 1976) to recommendations which resulted from investigation of an auto-train derailment near Jarratt, Virginia, on May 5, 1976.

Pursuant to recommendation R-76-18, the Corporation is maintaining a program to check all wheels on locomotives, auto carrying cars, and passenger carrying cars by the following actions:

1. Complete inspection utilizing ultrasonic sound wave machines, dye penetrant inspection, magnetic particle inspection, and daily visual inspection of all operating equipment wheels.
2. Maintaining a policy in excess of the requirements of the Association of American Railroads requiring the scrapping of wheels with 1-inch surface metal remaining by establishing a 1/4-inch minimum requirement for wheel removal.
3. Removing from further service all on-tread brake wheels with manufacturer's rim stamped identification having a depth of 3/32".
4. Purchasing only Class BR, rim treated wheels for passenger and auto carrying equipment utilizing on-tread clasp brakes because of superior resistance to shelling and thermal cracks.

Pursuant to recommendation R-76-19, the Corporation has proceeded with three field tests to determine a systematic source of excessive wheel heating. Those tests are now completed and results indicate that the policies established on May 20, 1976, were correct to eliminate systematic conditions affecting wheels under Auto-Train equipment:

1. Tempilstik paint is applied to all wheel rim fronts of cars and locomotives equipped with on-tread type brakes. Visual inspection will indicate when temperatures in excess of 400° F. are generated in service requiring a wheel set to be removed from service.
2. All carriers now in service are equipped with ABD or ABDW brake valves.
3. Followup to recommendations from the Federal Railroad Administration have been accepted and implemented, as indicated in a letter to the National Transportation Safety Board of November 16, 1977 (copy attached).
4. Field tests indicate that implementation of a two-consist service is not the only method of guaranteeing a comfortable ride. Consists up to 50 cars can be handled with assurance of comfort to passengers and efficient equipment utilization; however, experience indicates that a 42-43 car consist can be consistently run with optimum benefits.

As a result of the above actions, Auto-Train has taken the following steps with its operating railroads to

assure the most comfortable ride with no sacrifice to equipment condition, the Corporation states.

1. Required operating crews when making a minimum brake pipe reduction to reduce pipe a minimum of 12 pounds to assure complete release.
2. Voluntarily limited length of consist to 43 cars.
3. Initiated the use of dynamic brakes to reduce reliance of crews on automatic brakes for all speed reductions and the subsequent wear on braking systems.
4. Increased train speed to a maximum of 79 mph where allowed by operating railroads.
5. Specified to the operating railroad supplying Auto-Train with wheel sets not to put in service new or used wheels destined for use in on-tread brake equipped cars if rim stamped markings are 3/32" or deeper.

**NOTE.**—The above notice summarizes Safety Board documents publicly released last week and recommendation response letters recently received.

The Board's safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction.

Single copies of aircraft accident report NTSB-AAR-77-10 may be obtained from the Safety Board without charge; multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Notice will be given in the FEDERAL REGISTER when copies of the other accident reports referenced above are available.

All requests to the Board for copies must be in writing, identified by the report or recommendation number and the date of publication of this notice in the FEDERAL REGISTER. Address requests 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 16, 1978.

[FR Doc. 78-1529 Filed 1-18-78; 8:45 am]

[3190-01]

**OFFICE OF THE SPECIAL  
REPRESENTATIVE FOR TRADE  
NEGOTIATIONS**

**TRADE POLICY STAFF COMMITTEE**

**Generalized System of Preferences: Information on Imports During First Ten Months of 1977**

This notice is for information only, and has no legal effect. It is provided in order to inform the public of certain import statistics covering the period of January through October, 1977. These statistics are relevant to the "competitive-need" limits set forth in section 504(c) of the Trade Act of

1974 (19 U.S.C. 2464(c)), pertaining to the Generalized System of preferences (GSP). Those limits provide, in effect, that any GSP beneficiary country that exported to the United States during the most recent calendar year a quantity of any one GSP-eligible article in excess of (1) \$25 million, adjusted annually to reflect changes in the U.S. Gross National Product, or (2) 50 percent of total U.S. imports of the article, is to cease receiving duty-free treatment under GSP for such article not later than 60 days after the close of that calendar year.

Based on preliminary data, subject to revision, the dollar limit cited in the preceding sentence is expected to be approximately \$33.8 million for calendar year 1977.

An Executive order will be issued on or before March 1, 1978, making the adjustments that are required by section 504(c) of the Trade Act, on the basis of official data covering all of calendar year 1977. Such data are not currently available. It should be emphasized that the information set forth below covers only the first ten months of 1977. While this is not the complete information on which adjustments will be based, it is being published now in order to provide the maximum possible advance indication as to adjustments that may be made to meet the requirements of section 504(c) of the Trade Act.

List I below shows how the "competitive-need" list of countries ineligible to receive GSP benefits for particular articles might look if that list were based on data covering the period January through October, 1977. In fact, the "competitive-need" list that will be issued and become effective on or about March 1 will be based on data for the full twelve months of 1977, so that List I below is indicative only and is subject to changes.

List II below shows countries which, on the basis of data for the first ten months of 1977, were close to exceeding the "competitive-need" limits for particular articles, but which had not actually exceeded those limits.

The column headed "TSUS" in the Lists below sets forth item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), representing categories of imported articles.

LIST I

GSP eligible articles for which a beneficiary country supplied—

(a) 50 percent or more of U.S. imports in January-October 1977, or

(b) imports valued at \$33.8 million or more during that period.

TSUS and country	Percent	Dollars in millions	TSUS and country	Percent	Dollars in millions
107.45 Brazil	55		222.10 Hong Kong	73	
112.94 Republic of Korea	50		222.34 Philippine Republic	59	
113.50 Republic of China	69		222.44 Philippine Republic	52	
114.05 Republic of Korea	51		222.62 Philippine Republic	53	
121.52 India	69		240.02 Philippine Republic	79	
130.35 Argentina	60		240.10 Panama	69	
130.40 Mexico	100		240.16 Honduras	56	
131.35 Hong Kong	63		240.38 Philippine Republic	63	
131.80 Mexico	100		240.40 Republic of Korea	66	
135.51 Republic of China	91		254.63 Mexico	98	
135.80 Nicaragua	69		256.80 Republic of Korea	61	
135.90 Mexico	95		256.85 Mexico	94	
136.00 Dominican Republic	85		304.04 Philippine Republic	100	
136.80 Mexico	50		304.44 Brazil	93	
136.91 Mexico	83		304.48 Haiti	89	
136.92 Mexico	65		305.22 India	57	
136.98 Dominican Republic	56		305.28 India	87	
137.40 Mexico	53		305.30 Thailand	68	
137.71 Mexico	96		306.52 Peru	61	
137.75 Costa Rica	82		306.53 Peru	100	
138.05 Mexico	58		306.71 Mexico	100	
140.09 Thailand	74		308.30 Brazil	99	
140.14 Thailand	90		308.50 Republic of Korea	53	
140.25 Peru	95		308.51 Republic of Korea	63	
141.35 Turkey	66		308.80 Republic of Korea	86	
141.55 Dominican Republic	90		319.01 India	96	
141.70 Republic of China	98		319.03 India	93	
141.77 Mexico	55		319.05 India	99	
145.52 Portugal	64		319.07 India	95	
145.53 Turkey	50		335.50 India	84	
145.60 Republic of China	76		347.30 India	76	
146.44 Philippine Republic	78		355.04 Mexico	75	
147.21 Hong Kong	80		360.35 India	80	
147.33 Jamaica	82		370.17 Portugal	63	
147.80 Dominican Republic	83		389.61 Hong Kong	65	
147.85 Brazil	69		403.40 Mexico	52	
148.72 Chile	83		403.58 Israel	93	
148.77 Republic of Korea	64		403.79 Mexico	62	
149.15 Honduras	90		405.45 Romania	66	
149.50 Dominican Republic	59		407.12 Romania	55	
152.43 Dominican Republic	89		408.75 Romania	81	
153.02 Dominican Republic	96		416.05 Mexico	82	
153.08 Brazil	53		417.20 Guyana	99	
153.28 Portugal	50		418.78 Chile	52	
155.20 Guatemala	7	87	419.00 Republic of Korea	100	
155.20 Dominican Republic	18	138	420.02 Israel	87	
155.20 Peru	4	35	420.70 Hong Kong	100	
155.20 Brazil	5	40	420.82 Israel	90	
155.20 Philippine Republic	24	190	422.76 Mexico	97	
155.35 Barbados	52		425.84 Netherlands Antilles	88	
156.40 Brazil	23	38	426.08 Chile	72	
156.45 Brazil	72		426.12 Republic of China	82	
156.47 Costa Rica	57		427.60 Mexico	79	
161.75 Mexico	91		437.16 India	90	
162.07 Yugoslavia	55		437.64 Brazil	75	
166.30 Israel	58		446.10 Malaysia	54	
168.15 Trinidad	88		460.35 Republic of China	65	
176.15 Brazil	79		460.70 Brazil	67	
176.33 Malaysia	67		461.15 Bermuda	82	
176.70 Mexico	83		465.70 Argentina	100	
177.72 Cayman Islands	53		466.05 Jamaica	79	
182.10 India	100		470.15 Israel	62	
182.90 Panama	64		473.52 Mexico	99	
184.65 Republic of China	50		473.56 Mexico	99	
186.20 Brazil	77		473.62 Mexico	90	
186.40 Mexico	100		473.78 Mexico	78	
188.34 Mexico	62		473.82 Republic of Korea	76	
190.68 Mexico	70		490.30 Republic of China	100	
192.85 Mexico	70		493.21 Republic of China	90	
202.62 Mexico	99		494.40 Cayman Islands	73	
203.20 Republic of China	70		511.31 Mexico	92	
206.45 Philippine Republic	51		511.51 Hong Kong	55	
206.47 Republic of China	64		512.44 Mexico	51	
206.60 Mexico	72		514.11 Dominican Republic	88	
206.98 Republic of China	56		514.44 Republic of China	69	
220.10 Portugal	82		514.54 Mexico	87	
220.15 Portugal	95		515.54 Mexico	61	
220.20 Portugal	78		515.84 Republic of China	50	
220.25 Portugal	69		516.24 India	80	
220.35 Portugal	98		516.71 India	92	
220.37 Portugal	85		516.73 India	92	
220.41 Portugal	90		516.74 India	92	
220.48 Portugal	64				

TSUS and country	Percent	Dollars in millions
516.76 India	91	
517.21 Sri Lanka	69	
517.24 Malagasy	65	
518.41 Mexico	81	
520.35 Thailand	68	
533.26 Romania	81	
535.31 Mexico	63	
540.47 Mexico	70	
545.37 Republic of China	50	
545.53 Mexico	56	
545.65 Mexico	87	
545.81 Republic of China	55	
545.85 Republic of China	50	
546.23 Republic of China	54	
547.41 Hong Kong	56	
602.30 Philippine Republic	63	
603.45 Chile	60	
603.50 Botswana	75	
612.02 Chile	99	
612.03 Mexico	72	
612.06 Peru	10	38
612.06 Chile	19	75
612.06 Zambia	19	75
612.15 Mexico	66	
612.60 Chile	80	
612.63 Yugoslavia	76	
613.04 Mexico	54	
613.15 Peru	79	
624.40 Mexico	100	
624.42 Mexico	100	
624.50 Yugoslavia	100	
628.50 Peru	76	
629.26 Israel	55	
644.28 Portugal	80	
646.04 Hong Kong	100	
646.86 Hong Kong	55	
646.88 Republic of China	58	
646.98 Mexico	96	
647.10 Republic of China	59	
648.89 Republic of China	65	
649.71 Republic of China	54	
649.75 Republic of China	60	
649.89 Hong Kong	95	
650.79 Hong Kong	66	
650.87 Hong Kong	90	
651.01 Hong Kong	57	
651.33 Hong Kong	53	
651.45 India	60	
651.49 Republic of Korea	60	
652.84 Mexico	61	
652.93 Republic of China	56	
653.02 Mexico	68	
653.30 Hong Kong	51	
653.70 Hong Kong	86	
653.85 Republic of China	77	
657.90 Mexico	63	
660.44 Mexico	28	43
662.18 Republic of Korea	93	
662.35 Mexico	55	
672.10 Hong Kong	72	
676.23 Hong Kong	63	
676.52 Hong Kong	13	51
683.80 Hong Kong	91	
684.50 Hong Kong	31	43
685.24 Republic of Korea	8	34
685.24 Hong Kong	26	128
685.24 Republic of China	8	41
678.50 Republic of China	6	39
685.25 Republic of China	8	40
685.90 Mexico	17	57
686.30 Republic of China	51	
688.10 Republic of China	68	
688.12 Mexico	61	
688.20 Yugoslavia	68	
688.40 Hong Kong	29	40
690.15 Mexico	95	
692.27 Mexico	14	106
696.35 Republic of China	59	
700.54 Hong Kong	57	
702.15 Republic of China	66	
702.25 Republic of China	53	
702.40 Republic of China	54	

TSUS and country	Percent	Dollars in millions
702.45 Mexico	98	
703.20 Brazil	100	
703.65 Mexico	72	
703.75 Mexico	75	
704.34 Republic of China	84	
710.34 Hong Kong	100	
711.30 Hong Kong	63	
713.15 Mexico	58	
713.17 Hong Kong	64	
713.19 Mexico	94	
721.10 Hong Kong	61	
723.32 Republic of China	55	
725.20 India	56	
726.70 Mexico	53	
724.48 Republic of China	50	
728.20 Portugal	76	
730.25 Turkey	86	
730.27 Philippine Republic	69	
730.29 Brazil	57	
730.41 Brazil	99	
730.77 Brazil	66	
734.10 Republic of China	86	
734.25 Hong Kong	76	
734.30 Hong Kong	83	
734.34 Hong Kong	62	
734.42 Republic of China	72	
734.51 Republic of China	81	
734.54 Republic of Korea	57	
734.56 Haiti	78	
734.60 Republic of China	89	
734.75 Republic of Korea	59	
734.87 Republic of China	68	
735.11 Republic of China	70	
737.25 Republic of Korea	55	
737.30 Republic of Korea	51	
737.50 Hong Kong	70	
737.80 Hong Kong	63	
740.30 Hong Kong	58	
741.20 Hong Kong	89	
741.50 Hong Kong	51	
745.08 Hong Kong	96	
748.12 India	56	
748.20 Hong Kong	52	
750.05 Hong Kong	52	
750.32 Republic of China	52	
750.35 Republic of China	76	
751.05 Republic of China	65	
751.10 India	75	
751.20 Republic of China	57	
760.65 Republic of China	84	
772.03 Hong Kong	77	
772.35 Republic of China	64	
772.97 Hong Kong	55	
773.10 Hong Kong	65	
774.60 Hong Kong	25	45
790.39 Republic of China	78	
790.61 Republic of China	71	
790.70 Republic of Korea	89	
791.20 Columbia	63	
791.70 Republic of Korea	60	
791.76 Republic of Korea	35	46
791.80 Republic of China	92	
792.30 Republic of Korea	67	
792.50 Philippine Republic	72	
792.60 Hong Kong	84	
792.75 Hong Kong	89	

## LIST II

GSP beneficiary countries which supplied—  
(a) 47 percent or more, but less than 50

percent, of U.S. imports of a GSP eligible article in January-October 1977, or  
(b) imports of a GSP eligible article valued at \$31 million or more, but less than \$33.8 million, during that period.

TSUS and country	Percent	Dollars in million
106.60 India	48	
107.48 Brazil	47	
113.01 Thailand	48	
140.21 Mexico	48	
152.54 Brazil	48	
154.40 Republic of China	49	
156.35 Ivory Coast		31
166.40 Mexico	47	
200.91 Honduras	47	
202.40 Philippine Republic	49	
202.60 Singapore	47	
206.45 Haiti	46	
240.19 Republic of China	48	
252.57 Republic of Korea	48	
256.80 Mexico	49	
420.24 Israel	47	
470.57 Argentina	49	
472.48 Cyprus	49	
520.39 Hong Kong	49	
545.21 Republic of China	47	
632.02 Bolivia	47	
646.82 Republic of China	48	
652.50 Israel	47	
653.50 Republic of China	48	
661.65 Israel	48	
674.56 Mexico	49	
686.40 El Salvador	49	
687.30 Malaysia	47	
687.37 Republic of China	49	
706.40 Hong Kong	47	
731.10 Republic of China	49	
734.40 Republic of China	47	
740.05 Mexico	48	
748.25 Brazil	47	
750.25 Hong Kong	48	
790.62 Republic of China	48	
791.25 Mexico	48	

WILLIAM B. KELLY, Jr.,  
Chairman.

[FR Doc. 78-1361 Filed 1-18-78; 8:45 am]

## [7910-01]

**RENEGOTIATION BOARD**  
**EXCESSIVE PROFITS AND REFUNDS**  
**Interest Rate**

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on January 1, 1978 and ending on June 30, 1978, is 8½ per centum per annum.

Dated: January 16, 1978.

GOODWIN CHASE,  
Chairman.

[FR Doc. 78-1534 Filed 1-18-78; 8:45 am]

[4710-01]

## DEPARTMENT OF STATE

[CM-8/2]

## ADVISORY COMMITTEE ON THE LAW OF THE SEA

## Partially Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 section 5(c), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Thursday, March 2 and in both open and closed sessions on Friday, March 3, 1978. The open session of the meeting will convene on Friday at 2 p.m. in the Loy Henderson Conference Room (formerly the International Conference Room), U.S. Department of State, 21st and C Streets, NW., Washington, D.C.

The purpose of the closed meeting is to discuss specific conference issues and formal planning and policy preparations for the U.S. Delegation to the 1978 Geneva Session of the Third United Nations Conference on the Law of the Sea. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents relate to the issues which the United States will be negotiating at the Conference. The documents are exempt under 5 U.S.C. 552 (b) (1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, national security interests, the nature of a deep seabeds mining regime and proposed deep seabed mining legislation, the breadth of the continental margin, the juridical status of the economic zone, fisheries, vessel source pollution, scientific research, dispute settlement, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues to be considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

At the open session, beginning at 2 p.m. March 3, the general public at-

tending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Mr. Peter Bernhardt by February 15 and provide their name and affiliation to facilitate their attendance. Mr. Bernhardt's telephone number is 202-632-9616.

Dated: December 23, 1977.

ALAN BERLIND  
Director, Office of the  
Law of the Sea Negotiations.

FR Doc. 78-1452 Filed 1-18-78; 8:45 am]

[4910-14]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-001]

## ADVISORY COMMITTEES

## Applicants for Membership

The Coast Guard is seeking applicants who are interested in being appointed as a member on one of the following technical advisory committees:

1. Chemical transportation industry advisory committee (CTIAC). CTIAC advises a high level Coast Guard council (Marine Safety Council) on rule-making matters relating to the carriage of hazardous materials on vessels, the transfer of these materials between the vessels and shore, and waterfront facilities over which these materials move.

2. Rules of the road advisory committee (RRAC). RRAC advises the Marine Safety Council on the formulation and/or modification of the international and inland Rules of the Road which govern the navigation of vessels. Emphasis in the immediate future will be on the development of unified rules to replace the current inland rules.

In order to acquire the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is particularly interested in receiving applicants from minorities, women, and public interest representatives. Selection will be based upon expertise in the subjects under consideration.

Each committee meets once or twice a year at a location selected by the sponsor. Members serve at their own expense and receive neither travel nor per diem allowances.

Interested persons should write to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590, prior to February 20, 1978, identifying which committee they wish to apply for. Supplemental information will then be forwarded. Appointments will

be announced next summer effective 1 July 1978.

G. H. PATRICK BURSLEY,  
Rear Admiral, U.S. Coast Guard  
Chairman, Marine Safety  
Council.

[FR Doc. 78-1528 Filed 1-18-78; 8:45 am]

[4910-14]

Coast Guard

## DESIGN AND INSTALLATION OF DOOR CLOSING HARDWARE FOR FREIGHT CONTAINERS

## Meeting

AGENCY: U.S. Coast Guard.

ACTION: Notice of public meeting.

SUMMARY: An informal public meeting will be held at the Department of Transportation Nassif Building, Room 8332, 400 Seventh Street SW., Washington, D.C. 20590, at 1 p.m., Tuesday, January 31, 1978. The meeting will discuss design and installation of door closing hardware for freight containers as required for certification under the Customs Convention of 1956 and the TIR Convention of 1959.

## FOR FURTHER INFORMATION CONTACT:

Mr. M. H. Allen, U.S. Coast Guard,  
G-MHM-2/83, Washington, D.C.  
20590, 202-426-1577.

SUPPLEMENTARY INFORMATION: White Welding and Manufacturing Co. of Kenosha, Wis., has requested an opportunity to discuss a ruling that requires the Customs Seal arm pivot rivet head be placed on the door side of the arm and of such dimensions that it cannot be removed without breaking the Customs seal or leaving evidence of tampering. It is expected that representatives of the U.S. Customs Service and of the Approval Authorities will be present. Other interested parties are invited to attend.

Dated: January 17, 1978.

H. G. LYONS,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-1604 Filed 1-18-78; 8:45 am]

[4810-31]

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 78-1]

## CLOSED MEETINGS

## Public Availability of Reports

Pursuant to the provisions of the Federal Advisory Committee Act 5 U.S.C. App. I (Pub. L. 92-463), the Advisory Committees of the Bureau of

Alcohol, Tobacco and Firearms, which held closed meetings through December 31, 1977, have prepared summary reports on activities of those meetings. Copies of the reports have been filed and are available for public inspection at two locations:

The Library of Congress, Room 256, Main Building, 10 First Street SE., Washington, D.C.

The Bureau of Alcohol, Tobacco and Firearms, Federal Building, 12th and Pennsylvania Avenue NW., Room 8233, Washington, D.C.

Dated: January 16, 1978.

REX D. DAVIS,  
Director.

[FR Doc. 78-1433 Filed 1-18-78; 8:45 am]

#### [4810-33]

##### Comptroller of the Currency

#### JOINT POLICY CONCERNING IMPROPER PAYMENTS BY BANKS AND BANK HOLDING COMPANIES

CROSS REFERENCE: For a document issued jointly by the Federal Reserve System, the Federal Deposit Insurance Corporation and the Comptroller of the Currency, see FR Doc. 78-1509 appearing under the Federal Reserve System in the notices section of this issue. Refer to the table of contents in the front of this issue under "Federal Reserve System" to find the correct page number.

#### [7035-01]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 568]

#### ASSIGNMENT OF HEARINGS

JANUARY 16, 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.

FD 27972, Louisville & Nashville Railroad Co.—Trackage rights—Over Grank Trunk Western Railroad Co. South Bend subdivision between Munster, Lake County, Ind., and Thornton Junction, Cook County, Ill., and FD 28464, Louisville & Nashville Railroad Co. construction of connecting track over Grank Trunk Western Railroad Co. at Munster, Lake County, Ind., now as-

signed March 6, 1978, at South Holland, Ill., and will be held March 6, 7, 8, and 10 at the Thornton Township Hall, 333 East 162nd Street, in South Holland, and March 9, 1978, at the Dalton Village Hall, 14014 Park Avenue in Dalton, Ill.

MC 136183 (Sub 3), Joe Costa, d.b.a. Trinidad Freight Service, now assigned February 7, 1978, at Santa Fe, N. Mex., is canceled and reassigned for February 7, 1978 (3 days), at Clayton, N. Mex., and will be held at the Union County Courthouse.

MC-C-9763, Home Transportation Co., Inc. v. Colonial Fast Freight Lines, Inc., now assigned February 22, 1978, at Washington, D.C., for prehearing conference, is now reassigned for hearing on February 22, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 129903 (Sub 7), Emporia Motor Freight, Inc., now assigned January 23, 1978, at Emporia, Kans., is postponed to a date to be hereafter fixed.

MC 116273 (Sub 23), Indian Valley Enterprises Inc., now assigned February 16, 1978, at Washington, D.C., is canceled.

MC 45363 (Sub 9), Stones Express, Inc., now assigned January 18, 1978, at New York, N.Y., is canceled.

MC 142809, Don Penick & Harvey Keenan, d.b.a. Double Eagle Trucking, now being assigned February 28, 1978 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 124211 (Sub 297), Hilt Truck Line, Inc., now being assigned March 7, 1978 (2 days), for continued hearing at Los Angeles, Calif., in a hearing room to be later designated.

MC 109772 (Sub 28), Robertson Truck-A-Ways, Inc., now being assigned March 9, 1978 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 142941 (Sub 6), Scarborough Truck Lines, now being assigned March 13, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC 116915 (Sub 30), Eck Miller Transportation Corp., now assigned March 7, 1978, at Dallas, Tex., is postponed indefinitely.

MC 18121 (Sub 19), Advance Transportation Co., now assigned March 14, 1978, at Madison, Wis., is postponed indefinitely.

MC 115841 (Sub 564), Colonial Refrigerated Transportation, Inc., now being assigned February 16, 1978 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

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

[FR Doc. 78-1539 Filed 1-18-78; 8:45 am]

#### [7035-01]

[AB 43 Sub-No. 41]

#### ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Bemis, Tenn., and Holy Springs, Miss., in Madison, Hardeman, and Fayette Counties, Tenn., and Benton and Marshall Counties, Miss.

JANUARY 6, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railroad Co. of its line extending from Bemis, Tenn., to Holy Springs,

Miss., a distance of 67.1 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that the amount of traffic diverted to motor carrier is not expected to create any substantial alterations in existing air quality and fuel consumption patterns. Moreover, there are not definitive land use plans which would be affected by the abandonment. There are existing alternate railheads within a short distance from the line that can handle the line's traffic. It has been determined that the line would be suitable for alternative public use due, among other things, to its proximity to state and national parks.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before February 21, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, JR.  
Acting Secretary.

[FR Doc. 78-1536 Filed 1-18-78; 8:45 am]

#### [7035-01]

[AB 43 (Sub-NO. 37)]

#### ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment near Dyersburg, Tenn., and Hickman, Ky., in Dyer and Lake Counties, Tenn., and Fulton County, Ky.

JANUARY 6, 1978.

The Interstate Commerce Commission's Section of Energy and Environment has concluded that the proposed abandonment by the Illinois Central Gulf Railway Co. of its line between Dyersburg, Tenn., and Hickman, Ky., a distance of approximately 48.9 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment.

It was concluded, among other things, that (1) diversion of traffic from rail to motor carriers would not

create significant impacts on the area's highway network, energy consumption requirements, ambient air quality, or intrusive noise incidents; (2) abandonment could impair the planned development of a port facility and industrial site at Hickman; and (3) the line would be suitable for alternative public use if abandoned.

These conclusions are contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-275-7011. Interested persons may comment on this matter by filing their statements in writing on or before February 21, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issues of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

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

[FR Doc. 78-1535 Filed 1-18-78; 8:45 am]

[7035-01]

[Notice No. 1TA]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

JANUARY 5, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment if will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be gov-

erned by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

**MOTOR CARRIERS OF PROPERTY**

No. MC 99610 (Sub-No. 28TA), filed December 19, 1977. Applicant: ROSS NEELY EXPRESS, INC., P.O. Drawer B, Pratt City Station, 1500 2nd Street, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, Pennsylvania Avenue and 13th Street NW., 1032 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between junction of U.S. Highways 72 and 43 at or near Tuscumba, Ala., and Memphis, Tenn.; from junction of U.S. Highways 72 and 43 over U.S. Highway 72 to Memphis, Tenn., and return over the same route, serving all intermediate points in Alabama; (2) between Hamilton, Ala., and Memphis, Tenn., from Hamilton, Ala., over U.S. Highway 78 to Memphis, Tenn., and return over the same route, serving all intermediate points in Alabama; (3) between Reform, Ala., and Memphis, Tenn., from Reform, Ala., over U.S. Highway 82 to Columbia, Miss., thence over U.S. Highway 45 via Aberdeen, Nettleton, Shannon, and Verona to Tupelo, Miss., thence over U.S. Highway 78 to Memphis, Tenn., and return over the same routes, serving all intermediate points in Alabama; (4) between Atlanta, Ga., and Memphis, Tenn., from Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., and return over the same route, serving all intermediate points in Alabama. Service under routes 1 through 4 above includes service to the Memphis, Tenn., commercial zone. Authority is sought for applicant to tack routes 1 through 4 with applicant's authority presently held under Public Convenience and Necessity No. MC 99610 (Sub-No. 14), and to interline with other carriers at all points of interchange in Alabama, and at Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately one-hundred sixty-two (162)

statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined in the field office named below. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616 2121 Building, Birmingham, Ala. 35203.

No. MC 109324 (Sub-No. 37TA), filed December 19, 1977. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, Ark. 72601. Applicant's representative: Jay C. Miner (same address as applicant). Authority sought to operate as *common carrier* by motor vehicle, over regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), (1) between Conway, Ark. and Fort Worth, Tex. and points within their respective commercial zones, and serving the intermediate points of Little Rock, Ark. and Dallas, Tex. and points in their respective commercial zones: from Conway over Interstate Highway 40 to junction Interstate Highway 30, thence over Interstate Highway 30 to Dallas, Tex., and thence over U.S. Highway 80 to Fort Worth and return over the same route; (2) between Danville, Ark. and Fort Worth, Tex. and points within their respective commercial zones, and serving the intermediate points of Booneville and Greenwood, Ark. and Dallas, Tex., and points within their respective commercial zones: from Danville over Arkansas Highway 10 to junction Arkansas Highway 10S, thence over Arkansas Highway 10S to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., thence over U.S. Highway 80 to Fort Worth and return over the same route; and (3) between Mountain Home, Ark. and Fort Worth, Tex. and points with their respective commercial zones, and serving the intermediate points of Dallas, Tex. and Harrison, Ark.: from Mountain Home over U.S. Highway 62 to junction Arkansas Highway 68, thence over Arkansas Highway 68 to junction Arkansas Highway 74, thence over Arkansas Highway 74 to junction Arkansas Highway 16, thence over Arkansas Highway 16 to Fayetteville, Ark., thence over U.S. Highway 62 to Muskogee, Okla., thence over U.S. Highway 69 to junction U.S. Highway 75,

thence over U.S. Highway 75 to Dallas, Tex., thence over U.S. Highway 80 to Fort Worth and return over the same route. Restriction: The operations described in (1), (2), and (3) above are restricted against the transportation of shipments between Dallas and Fort Worth, Tex. and points in their respective commercial zones, on the one hand, and on the other, Kansas City, Springfield, and St. Louis, Mo. and points within their respective commercial zones. Applicant intends to tack its existing authority with MC 109324 and various subs thereunder for 180 days. Supporting shippers: There are approximately 404 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117344 (Sub-No. 265TA), filed December 16, 1977. Applicant: THE MAXWELL CO. 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia. Restricted to the transportation of traffic originating at the above mentioned plantsite, for 180 days. Supporting Shippers: Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. J. J. Stefanec, Director, Transportation Legislation. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations—Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117820 (Sub-No. 16TA), filed December 14, 1977. Applicant: AURELIA TRUCKING CO., 2136 Pine Grove Avenue, Port Huron, Mich. 48060. Applicant's representative: James D. Osmer, 100 West Long Lake Road, Suite 102 Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric-urethane foam laminates*, from the plantsite of the Shawmut Mills Division of R. H. Wyner Associates, Inc., at Stoughton, Mass., to the facilities of Inmont Products, Inc., at Port Huron, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. H. Wyner Associates, P.O. Box A, Stoughton, Mass. 02072, Justin L. Wyner, President. Send protests to:

Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 120675 (Sub-No. 5TA), filed December 14, 1977. Applicant: ACME TRUCK LINE, INC., P.O. Box 183, 736 St. Joseph Street, Harvey, La. 70058. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof;* (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, for 180 days.* Supporting shippers: There are approximately (30) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 Federal Building and U.S. Post Office, New Orleans, La. 70113.

No. MC 123792 (Sub-No. 15 TA), filed November 23, 1977. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Road, Baltimore, Md. 21237. Applicant's representative: Francis J. ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from White Marsh, Md., to points and place in

North Carolina, under a continuing contract, or contracts with Watkins Salt Co., Watkins Glen, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Larry P. Girven, GTM, Watkins Salt Co., P.O. Box 150, Watkins Glen, N.Y. 14891. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 140024 (Sub-No. 83TA), filed December 15, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Street, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock, 5565 East 52nd Street, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pork, pork sides, pork products and pork by-products* (except commodities in bulk), from the plantsite and facilities of Sigman Meat Co., Inc. at or near Brush, Colo., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sigman Meat Co., Inc., P.O. Box 364, Brush, Colo. 80723. Send protests to: District Supervisor, R. L. BUCHANAN, 492 U.S. Customs House, 721 19th Street, denver, Colo. 80202.

No. MC 143659 (Sub-No. 2TA), filed December 16, 1977. Applicant: VALLEY TRUCKING, INC., Box 55, Rural Route 2, Fargo, N. Dak. 58102. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from cold Spring, Minn., to Fargo, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Bergseth Bros., 501 23rd Street North, Fargo, N. Dak. 58102. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 144095TA, filed December 14, 1977. Applicant: WILLIAM C. FRIAR, doing business as, FRIAR TRUCKING, 1079 Durfee Avenue, Oshkosh, Wis. 54901. Applicant's representative: Michael S. Varda, 121 South Pinckney Street, Madison Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Thercoma* (a granulated fire retardant chemical), in bags, from Farmland, Ind., to Oshkosh, Wis., under a continuing contract or contracts with

Four Seasons Insulation Manufacturing Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Four Seasons Insulation Manufacturing Ltd., P.O. Box 2823, Oshkosh, Wis. 54901, (Leonard R. Zuehlke). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 144098TA, filed December 16, 1977. Applicant: METRO TRUCKING COMPANY, INC., 1523 North 9th Street, Milwaukee, Wis. 53205. Applicant's representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior subsequent movement, in container, beyond the points authorized and further restricted to the performance of packing and unpacking of such containers, between Milwaukee County, Wis., on the one hand, and, on the other, points within the State of Wisconsin, for 180 days. Supporting shipper: Department of Defense, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310 (Dellon E. Coker). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

By the Commission.

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

[FR Doc. 78-1537 Filed 1-18-78; 8:45 am]

#### [7035-01]

[Notice No. 282]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, 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 by February 21, 1978.

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 synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77476, filed December 27, 1977. Transferee: ADAMS, REFRIGERATED EXPRESS, INC., P.O. Box F., Forest Park, Ga. 30050. Transferor: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicants' representative: Donald L. Stern, Attorney at Law, Univac Building (Suite 530), 7100 West Center Road, Omaha, Nebr. 68106. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 82841, issued May 7, 1970, as follows: *Paper and paper products, and products produced or distributed by manufacturers and converters of paper and paper products* (except commodities in bulk), from the plantsite of Bowaters Southern Paper Corp. at or near Calhoun (McMinn County), Tenn., to points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Colorado, and New Mexico, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized under the commodity description immediately above is restricted to traffic originating at the immediately above-named plantsite. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77481, filed January 3, 1978. Transferee: C. C. HILTNER VANNING, INC., 13730 Hiltner Road, Reisterstown, Md. 21136. Transferor: E. M. EBERT, INC., 55 Plainfield Avenue, Elmont, N.Y. 11003. Applicants' representatives: Alvin Altman, 888 Seventh Avenue, New York, N.Y. 10019 and Harold E. Mesirov, 1220 19th Street NW., Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights

of transferor, as set forth in Certificate No. MC 88653, issued February 4, 1965, as follows: *Horses* (other than ordinary livestock), and *equipment and paraphernalia* incidental to the care, transportation and exhibition of such horses, between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Virginia, West Virginia, and Pennsylvania. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77485, filed December 29, 1977. Transferee: DeWAYNE KNISELY, d.b.a. KNISELY TRANSFER, 115 West Mahoning Street, Punxsutawney, Pa. 15767. Transferor: JOHN M. KENDRA, d.b.a. KENDRA'S TRANSFER CO., 562 West Mahoning Street, Punxsutawney, Pa. 15767. Applicants' representative: H. Ray Pope, Attorney at Law, 10 Grant Street, Clarion, Pa. 16214. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 47255, issued September 20, 1940, as follows: *Household goods*, over irregular routes, between points and places in Armstrong, Clearfield, Indiana, and Jefferson Counties, Pa., on the one hand, and, on the other, points and places in Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia, traversing Maryland for operating convenience only. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

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

[FR Doc. 78-1538 Filed 1-18-78; 8:45 am]

#### [7035-01]

[Finance Docket No. 28586 (Sub-No. 1)]

#### MISSOURI PACIFIC RAILROAD CO.—MERGER—MISSOURI PACIFIC RAILROAD CO., ET AL.

Missouri Pacific Railroad Co., a Delaware corporation (MoPac-Delaware), 210 North 13th Street, St. Louis, Mo. 63103; Missouri Pacific Railroad Co., a Missouri corporation (MoPac-Missouri), 210 North 13th Street, St. Louis, Mo. 63103; and MoPac-Missouri's wholly owned subsidiary railroads, Abilene & Southern Railway Co. (A&S), North First at Cypress, Abilene, Tex. 79601; Fort Worth Belt Railway Co. (FWB), T&P Passenger Station Building, Fort Worth, Tex. 76102; Missouri-Illinois Railroad Co. (MI), 210 North 13th Street, St. Louis, Mo. 63103; New Orleans and Lower Coast Railroad Co. (NOLC), 1384 Annunciation Street, New Orleans, La. 70130; St. Joseph Belt Railway Co. (St.

Jo Belt), 210 North 13th Street, St. Louis, Mo. 63103; Texas-New Mexico Railway Co. (T-NM), 101 North Main Street, Monahans, Texas 79756; and Union Terminal Railway Co. (Union Term.), 210 North 13th Street, St. Louis, Mo. 63103, all represented by Mark M. Hennelly, Senior Vice President and General Counsel for MoPac-Missouri, 2000 Missouri Pacific Building, 210 North 13th Street, St. Louis, Mo. 63103, on December 20, 1977, filed with the Interstate Commerce Commission at Washington, D.C., a joint application under section 5(2) of the Interstate Commerce Act for an order authorizing the merger of the properties and franchises of MoPac-Missouri, A&S, FWB, MI, NOLC, St. Jo Belt, T-NM, and Union Term. with and into MoPac-Delaware. The merger proceeding has been assigned Finance Docket No. 28586 (Sub-No. 1). The surviving corporation resulting from such merger, MoPac-Delaware, further made application under section 20a of the Interstate Commerce Act for an order authorizing the issuance of common stock and the assumption of liability in respect of securities to the extent that any of the named railroads is liable as obligor or guarantor of such securities. The stock issuance and assumption of liability proceeding has been assigned Finance Docket No. 28637.

By supplemental application filed December 27, 1977, Missouri Pacific Corp. joins in the merger application. MoPac-Delaware is a wholly owned subsidiary, and MoPac-Missouri a 92.3 percent-owned subsidiary, of Missouri Pacific Corp.

The applicants will effectuate merger under a Plan and Joint Agreement of Merger and Consolidation which provides that upon consummation of the merger, the separate corporate existences of MoPac-Missouri and its named subsidiaries will cease and all of their rights and obligations will vest in MoPac-Delaware. As a part of the merger each share of common stock of MoPac-Missouri will be converted into 0.95 shares of Missouri Pacific Corp. common stock, except that the common stock of MoPac-Missouri which is owned by Missouri Pacific Corp. will be cancelled; the capital stock of the named subsidiary railroads will be cancelled; and the common stock of MoPac-Delaware will be authorized and outstanding. Accordingly, after consummation of the merger, the surviving corporation would remain a wholly owned subsidiary of Missouri Pacific Corp. and would continue the carrier operations and business of MoPac-Missouri and the named subsidiary railroads under the name Missouri Pacific Railroad Co.

MoPac-Missouri operates 12,314 miles of mainline railroad and 4,875

miles of sidings and spur tracks in the States of Texas, New Mexico, Louisiana, Mississippi, Tennessee, Arkansas, Oklahoma, Kansas, Missouri, Illinois, Nebraska, and Colorado. A&S operates 38.61 miles of railroad from Abilene, Tex., to Winters, Tex. FWB operates 2.94 miles of mainline track and 12.33 miles of yard track and sidings in the city of the Fort Worth, Tex. MI operates 332.79 miles of main track and 49.78 miles of yard tracks and sidings in the States of Illinois and Missouri. NOLC operates 34 miles of main track and 15.67 miles of yard track and sidings from New Orleans, La., to Port Sulphur, La. St. Jo Belt operates 2.33 miles of main track, 14.11 miles of yard track, and 0.74 miles of trackage rights just outside the city of St. Joseph, Mo. T-NM operates 108.31 miles of railroad from Monahans, Tex., to Lovington, N. Mex. Union Term. operates 5.87 miles of main track, 16.69 miles of yard track, and 3.10 miles of trackage rights, both inside and outside the city of St. Joseph, Mo.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28586 (Sub-No. 1), and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. HOMME, Jr.  
Acting Secretary.

[FR Doc. 78-1541 Filed 1-18-78; 8:45 am]

## [1505-01]

[Volume No. 51]

**PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS**

*Correction*

In FR Doc. 78-135 appearing at page 1026 in the issue for Thursday, January 5, 1978. On page 1028, in the eighth line of the middle column, "No. MC 11343," should read, "No. MC 113434".

## [1505-01]

[Volume No. 45]

**Petitions, Applications, Finance Matters (Including Temporary Authorities), Railroad Abandonments, Alternate Route Deviations, and Intrastate Applications**

*Correction*

In FR Doc. 77-34350 appearing on page 61107 in the issue of Thursday, December 1, 1977 on page 61117, in the 3rd column, 1st paragraph, 1st line should read, "No. MC 113855 (Sub-No. 390), filed. . . ."

On page 61121, the 3rd column, the 1st paragraph, the 1st line should read, "No. MC 119726 (Sub-No. 104), filed. . . ."

## [7035-01]

[Volume No. 53]

JANUARY 13, 1978.

**PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS**

**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 matters 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 Com-

mission 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)<sup>1</sup> 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 76 (M1) (correction) (Notice of filing of Petition to Broaden Territory), filed November 8, 1977, published in the FEDERAL REGISTER issue of December 30, 1977, and republished, as corrected, this issue. Petitioner: MAWSON & MAWSON, INC., P.O. Box 125, Langhorne, Pa. 19047. Petitioner's representative: Dwight L. Koerber, Jr., 666 Eleventh St. NW., Washington, D.C. 20001. Petitioner holds a motor common carrier Certificate in No. MC 76, issued April 5, 1973, authorizing transportation, over irregular routes, of, as pertinent: *Steel, steel products, and commodities* the transportation of which, because of size or weight, requires the use of special equipment, between Philadelphia, Pa., and points in Pennsylvania within 150 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland. By the instant petition, petitioner seeks to broaden the territorial description to read: Between Philadelphia, Pa., and points in Philadelphia within 150 miles of Philadelphia, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and Pennsylvania. The purpose of this correction is to clarify authority sought.

No. MC 730 (Sub-No. 76) (M1) (notice of filing of petition to modify restriction), filed October 31, 1977. Petitioner: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, P.O. Box 958, 1417 Clay Street, Oakland, Calif. 94604. Petitioner's representative: Alfred G. Krebs (same address as petitioner). Petitioner holds a motor common carrier Certificate in No. MC 730 (Sub-No. 76), issued March 11, 1957, authorizing transportation, as pertinent, over regular routes, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, livestock, gold bullion, and bulk liquids in tank trucks), between Los Angeles, Calif., and Seattle, Wash., serving the intermediate and off-route points of Fresno, Modesto, Stockton, Sacramento, and Redding, Calif., Ashland, Med-

ford, Grants Pass, Roseburg, Eugene, Corvallis, Albany, Salem, and Portland, Oreg., Chehalis, Centralia, Olympia, and Tacoma, Wash., and those in the Los Angeles, Calif. commercial zone as defined by the Commission, restricted to traffic moving between Washington and Oregon points, on the one hand, and, on the other, points in California; and the intermediate point of Klamath Falls, Oreg., restricted to traffic moving between Klamath Falls, on the one hand, and, on the other, points in the Los Angeles Calif., commercial zone, and the Los Angeles Harbor commercial zone, as defined by the Commission: From Los Angeles over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 99E to junction unnumbered highway (formerly U.S. Highway 99E) near Richvale, Calif., thence over unnumbered highway via Nelson and Durham, Calif., to junction U.S. Highway 99E near Chico, Calif., thence over U.S. Highway 99E to Red Bluff, Calif. (also from Sacramento over U.S. Highway 99W to Red Bluff), thence over U.S. Highway 99 to Shady Point, Oreg., thence over Oregon Secondary Highway 235 (formerly U.S. Highway 99) to junction U.S. Highway 99 north of Oakland, Oreg., thence over U.S. Highway 99 to junction Oregon Secondary Highway 235 (formerly U.S. Highway 99), thence over Oregon Secondary Highway 235 to junction Oregon Highway 38 (formerly U.S. Highway 99), thence over Oregon Highway 38 to Anlauf, Oreg., thence over U.S. Highway 99 to junction Oregon Highway 225 (formerly U.S. Highway 99) at or near Goshen, Oreg., thence over Oregon Highway 225 to junction U.S. Highway 126 (formerly U.S. Highway 99), thence over U.S. Highway 99 to junction U.S. Highway 99W north of Junction City, Oreg., thence continue over U.S. Highway 99 (formerly U.S. Highway 99E) to junction Oregon Highway 164 (formerly U.S. Highway 99E) south of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 (formerly U.S. Highway 99E) north of Jefferson, Oreg., thence over U.S. Highway 99 to junction U.S. Highway 99E, thence over U.S. Highway 99E to Portland, (also from Junction City, Oreg., over U.S. Highway 99 to junction U.S. Highway 99W, thence over U.S. Highway 99W to junction U.S. Highway 99 (formerly U.S. Highway 99W), and thence over U.S. Highway 99 to Portland), thence over U.S. Highway 99 to junction Washington Highway 1 (formerly U.S. Highway 99) at or near Olequa, Wash., thence over Washington Highway 1 via Toledo and Chehalis, Wash., to junction Washington Highway 9 (formerly U.S. Highway 99) at or near Centralia, Wash., thence over Washington Highway 9 to

junction unnumbered highway (formerly U.S. Highway 99) at or near Grand Mound, Wash., thence over unnumbered highway via Tenino, Wash., to junction U.S. Highway 99 at or near Tumwater, Wash., thence over U.S. Highway 99 to Seattle, and return over the same routes.

By the instant petition, petitioner seeks to have Klamath Falls, Oreg., be designated as an off-route point in lieu of an intermediate point, and also to modify the second restriction. The following language would therefore be deleted: "and the intermediate point of Klamath Falls, Oreg., restricted to traffic moving between Klamath Falls, on the one hand, and, on the other, points in the Los Angeles, Calif., commercial zone, and the Los Angeles Harbor commercial zone, as defined by the Commission" and the following language substituted in lieu thereof in the above authority: "and the off-route point of Klamath Falls, Oreg., restricted to traffic moving between Klamath Falls, on the one hand, and, on the other, points in California or Oregon."

No. MC 115818 (Sub-No. 13) (M1) (notice of filing of petition to add contracting shipper and broaden territorial description), filed November 16, 1977. Petitioner: WESTBURY TRANSPORT, INC., P.O. Box 272, Manhasset, N.Y. 11030. Petitioner's representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Petitioner holds a motor contract carrier Permit in No. MC 115818 (Sub-No. 13), issued August 19, 1977, authorizing transportation, over irregular routes, of: (1)(a) *Such merchandise as is dealt in by retail department stores* (except commodities in bulk), from New York, N.Y., to points in New Jersey, New York, and Connecticut; and (b) From Paterson N.J., to points in Connecticut, New Jersey (except Paterson), and New York; and (2) *Returned shipments* of the commodities described in (1) above, from points in New Jersey, New York, and Connecticut, to New York, N.Y., (b) From points in Connecticut, New Jersey (except Paterson), and New York, N.Y., to Paterson, N.J., under a continuing contract or contracts with (1) Allied Stores of New York, Inc., of Jamaica, N.Y., and (2) Bedding Showcase, Inc., of Huntington, N.Y. By the instant petition, petitioner seeks to add D. M. Read, Inc., as an additional contracting shipper, and seeks addition of the following: (1)(c) From Bridgeport, Danbury, and Trumbull, Conn., to points in Connecticut (except Bridgeport, Danbury, and Trumbull), New Jersey and New York; and (2)(c) from points in Connecticut (except Bridgeport, Danbury, and Trumbull), New Jersey and New York, to Bridgeport, Danbury and Trumbull, Conn.

<sup>1</sup>Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 129074 (M1) (notice of filing of petition to modify a permit by the addition of contracting shippers), filed July 14, 1977. Petitioner: DELTA TRANSPORT LTD., Blockhouse Lunenburg, P.O. Box 130, North Sydney, Nova Scotia, Canada. Petitioner's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Petitioner holds a motor contract carrier permit in No. MC 129074, issued August 25, 1967, authorizing transportation over irregular routes, of (1) *Fresh and processed fish*, from ports of entry on the United States-Canada boundary line at or near Calais and Houlton, Maine, to Bangor, Maine; Boston, Gloucester, Worcester, and Springfield, Mass., Providence, R.I., Hartford, New Haven, and Bridgeport, Conn., New York, N.Y., and Philadelphia and Pittsburgh, Pa.; and (2) *Fish packaging supplies and trawler equipment and machinery*, from Boston and Gloucester, Mass., and New York City, N.Y., to ports of entry on the United States-Canada boundary line at or near Calais and Houlton, Maine. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: H. B. Nickerson and Sons, Ltd., of North Sydney, Nova Scotia, Canada; and Riverport Seafoods, Ltd., of Riverport, Nova Scotia, Canada. By the instant petition, petitioner seeks to modify the above authority by (1) adding an origin point of Portland, Maine in (2) above; and (2) petitioner seeks to add the following subsidiaries which are wholly owned by H. B. Nickerson and Sons: (a) Canso Seafoods Ltd., Canso, Nova Scotia; (b) Nickerson Outfitting Co. Ltd., North Sydney; (c) Ritcey Bros. (Fisheries) Ltd., Riverport, Nova Scotia; (d) Versatile Contracting Ltd., Sydney, Nova Scotia; (e) H. F. Russell Sea Foods Ltd., Lismore, Nova Scotia; (f) Nickerson Bros. Ltd., Port Mouton, Nova Scotia; (g) Ferguson Industries Ltd., Pictou, Nova Scotia; (h) Amos Brannen & Sons Ltd., Yarmouth, Nova Scotia (i) Wedgeport Marine Products Ltd., Wedgeport, Nova Scotia; (j) Dingwall Fish Co. Ltd., Dingwall, Nova Scotia; (k) Ingalls Head Sea Food Ltd., Grand Manan, New Brunswick.

NOTE.—Riverport Seafoods, Ltd. of Riverport, Nova Scotia, is also a wholly owned subsidiary of Nickerson.

No. MC 135684 (Sub-No. 19) (M1) (Notice of filing of petition to modify certificate of public convenience and necessity), filed October 14, 1977. Petitioner: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Petitioner's representative: Herbert Alan Dubin, 1320 Fenwick

Lane, Suite 500, Silver Spring Md. 20910. Petitioner holds a motor common carrier Certificate in MC 135684 (Sub-No. 19) issued September 15, 1977, which, in pertinent part, authorizes the transportation of: *Paper bags* from Newton, Conn. to points in Pennsylvania, Ohio, and Virginia; *Kraft wrapping paper and wood pulp-board* from West Point, Va. to Newtown, Conn.; *Paper and paper articles* from Newtown, Conn. to points in Maine New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and Ohio; and *Materials, supplies and equipment* (other than bulk) used in the manufacture and distribution of plastic articles and paper articles, and returned shipments of plastic articles and paper and paper articles from the destination points named previously to Newtown, Conn. Said operations are restricted to traffic originating at or destined to facilities of Bemis Company, Inc., and said operations are restricted to traffic originating at points in the above-named origin territory and destined to points in the above-named destination territory. By the instant petition, Petitioner seeks to modify the Certificate so as to change the point Newtown, Conn. to Crossett, Ark. to reflect the shipper's closing of the facility at Newtown, Conn. and the substitution of Crossett, Ark for the distribution and manufacturing functions formerly performed at Newtown, Conn.

#### 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 no representative is named.

No. MC 59806 (Sub-No. 9) (Republication), filed March 14, 1977, pub-

lished in the FEDERAL REGISTER issue of May 5, 1977, and republished this issue. Applicant: GROSS & HECHT TRUCKING, INC., P.O. Box 514, 35 Brunswick Avenue, Edison N.J. 08817. Applicant's representative: A. David Millner, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07006. An Order of the Commission, Review Board No. 3, dated October 19, 1977, and served November 1, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and (2) *equipment, material, and supplies* used in the conduct of the business described in (1) above, between points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N.J., Bronx, Dutchess, Kings, Nassau, New York, Orange, Queens, Putnam, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and Fairfield County, Conn., under a continuing contract, or contracts, with White Rose Frozen Food Corp., of Secaucus, N.J., restricted in (1) and (2) above against the transportation of commodities in bulk, will be consistent with the public interest and the national transportation policy. 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 give notice of the authorization of points in Putnam and Dutchess Counties, N.Y. as additional service points.

No. MC 109397 (Sub-No. 319) (Republication) (Notice of filing of petition to modify certificate), filed May 2, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, and republished this issue. Petitioner: TRISTATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, east on interstate business route 44, Joplin, Mo. 64801. Petitioner's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. An Order of the Commission, Review Board No. 3, dated October 25, 1977, and served November 14, 1977, finds that the present and future public convenience and necessity require modification of petitioner's Certificate No. MC 109397 (Sub-No. 319), issued December 16, 1975, to read: *Canned animal food, and dry dog food*, from Sante Fe Springs and Vernon, Calif., to points in Arkansas, Tennessee, Oklahoma, Virginia, Ohio, Kentucky, New York, New Jersey, Pennsylvania, and Maryland. Petitioner 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 the addition of dry dog food to the commodity description in the modifications authorized to petitioner's certificate.

No. MC 111545 (Sub-No. 236) (Republication), filed April 26, 1977, published in the FEDERAL REGISTER issue of June 3, 1977, and republished this issue. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30065. Applicant's representative: Robert E. Born (same address as applicant). An Order of the Commission, Review Board No. 2, dated November 3, 1977, and served November 15, 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: *Plywood and composition board* from the facilities of Day Companies, Inc., located in Randolph County, Ga., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico (except Florida and Georgia). 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 regulations. The purpose of this republication is to give notice of the addition of composition board to the commodity description in applicant's grant of authority.

No. MC 142289 (Sub-No. 2) (Republication), filed September 2, 1976, published in the FEDERAL REGISTER issue of October 15, 1976, and republished this issue. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, N.J. 08753. Applicant's representative: Rita Tripodi (same address as applicant). An Order on Further Consideration, Review Board No. 3, dated November 10, 1977, and served December 12, 1977, finds on further consideration 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: *Glass, formica panels, prefabricated woodwork, architectural trim, plastic and wooden trim, prefabricated shutters, plastic shutters, prehung doors, and prehung windows*, between the facilities of The Level Line, Inc., at or near Lakewood, N.J., and the facilities of The Level Line, Inc., at or near Allentown, Pa., restricted to the transportation of shipments originating at or destined to the above-described facilities. Applicant is fit, willing, and able 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 give notice (1) of the grant of common carrier authority in lieu of contract carrier; and (2) of the broadening of the territorial description.

#### MOTOR CARRIER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

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 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 particularity 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 2017 (Sub-No. 7), Filed November 25, 1977. Applicant: ALTO'S EXPRESS, INC., Cinnaminson Industrial Park, 2301 Garry Road, Cinnaminson, N.J. 08077. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, equipment and supplies* used or useful in the manufacture sale or distribution of foodstuffs (except in bulk, in tank vehicles); between Moosic, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 11207 (Sub-No. 409), Filed November 23, 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: (1) *Sheet steel containers, plastic containers, terne plate, and tin plate*, from Homerville, Ga. to points in Alabama, Louisiana, Mississippi, and Texas, (2) *materials, and supplies* used in the manufacture of sheet steel containers, plastic containers, terne plate, and tin plate, from points in Alabama, Louisiana, Mississippi, and Texas to Homerville, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 29120 (Sub-No. 207), filed November 17, 1977 Applicant: ALL-AMERICAN, INC., 9393 West 110th Street, 5th Floor, Overland Park, Kans. 66210. Applicant's representative: Harold H. Clokey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment) between Denver, Colo. and Rapid City, S. Dak., serving Ellsworth Air Force Base, Rosebud, Sturgis, Belle Fourche, S. Dak., as off route points. From Denver over U.S. 85 to Torrington, Wyo., thence over U.S. 85 to the junction of U.S. 85 and U.S. 26, thence over U.S. 26 to the

junction of U.S. 26 and U.S. 85, at or near Lingle, Wyo., thence over U.S. 85 to the junction of U.S. 85 and U.S. 16, at or near New Castle, Wyo., thence over U.S. 16 to Rapid City, S. Dak., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo. or Rapid City, S. Dak. Common control may be involved.

No. MC 29910 (Sub-No. 179), filed November 23, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and lift truck attachments, parts and accessories* (except commodities which because of size or weight require the use of special equipment): between the facilities of Nissan Industrial Equipment Co., at or near Memphis, Tenn., on the one hand, and, on the other, points in that part of the United States in and east of Colorado, Montana, New Mexico, and Wyoming, restricted to the transportation of shipments originating at or destined to the facilities of Nissan Industrial Equipment Co., or its distributors or shippers.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 48958 (Sub-No. 148), filed November 18, 1977. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). 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, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) Between Denver, Colo., and Cheyenne, Wyo., serving the intermediate point of Fort Collins, Colo. only: From Denver, Colo. over U.S. Highway 287 to Fort Collins, Colo., thence over Colorado State Highway 14 to junction Interstate Highway 25, thence over Interstate Highway 25 to Cheyenne, Wyo., and return over the same route; (2) Between Greeley, Colo., and Fort Collins, Colo., serving no intermediate points: From Greeley, Colo. over U.S. Highway 34 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Colorado State Highway 68, thence over Colorado State Highway 68 to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return

over the same route; (3) Between Greeley, Colo., and Fort Collins, Colo., serving no intermediate points: From Greeley, Colo. over U.S. Highway 34 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Prospect Street (or over Interstate Highway 25 to junction Colorado State Highway 14) thence over Prospect Street or Colorado State Highway 14 to Fort Collins, and return over the same route; (4) Between Eaton, Colo., and Fort Collins, Colo., serving no intermediate points: From Eaton, Colo. over Weld County Road 74 and Colorado State Highway 68 to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return over the same route; (5) Between Eaton, Colo., and Fort Collins, Colo., serving no intermediate points: From Eaton, Colo. over Weld County Road 74 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Prospect Street (or over Interstate Highway 25 to junction Colorado State Highway 14), thence over Prospect Street or Colorado State Highway 14 to Fort Collins, and return over the same route; (6) Between Ault, Colo., and Fort Collins, Colo., serving no intermediate points: From Ault, Colo. over Colorado State Highway 14 to Fort Collins, Colo., and return over the same route; (7) Between Denver, Colo., and Fort Collins, Colo., serving no intermediate points: From Denver, Colo. over U.S. Highway 87 (Interstate Highway 25) to junction Colorado State Highway 68, Prospect Road or Colorado State Highway 14, thence over Colorado State Highway 68, Prospect Road or Colorado State Highway 14 to Fort Collins, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Fort Collins, Colo.

No. MC 51146 (Sub-No. 549), filed November 21, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* from Seymour, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61231 (Sub-No. 112), filed November 23, 1977. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Perlite products, vermiculite products and insulation* (except commodities in bulk), from the plantsite of W. R. Grace & Co., at Milwaukee, Wis., to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, Ill.

No. MC 61825 (Sub-No. 72), filed November 25, 1977. Applicant: ROY STONE TRANSFER CORP., V. C. Drive, Post Office Box 385, Collinsville, Va. 24078. Applicant's representative: John D. Stone, Roy Stone Transfer Corp., Post Office Box 385, Collinsville, Va. 24078. 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 Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia and (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 Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia, to Eden, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 61825 (Sub-No. 73), filed November 22, 1977. Applicant: ROY STONE TRANSFER CORP., V. C. Drive, P. O. Box 385, Collinsville, Va. 24078. Applicant's representative: John S. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Petroleum and petroleum products, vehicle body sealer and sound deadener compound* (except in bulk), and *filters*, (a) from points in Marion County, Tenn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at points in Marion County, Tenn.; (b) from points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn., (II) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in Part I above (except in bulk), 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.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 63417 (Sub-No. 121), filed November 23, 1977. Applicant: BLUE RIDGE TRANSFER COMPANY, 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: *Agricultural limestone and gypsum* (except in bulk), from Irvington, Ky., to points in Delaware, The District of Columbia, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, and returned shipments of the above commodities from above destinations to Irvington, Ky.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Roanoke, Va. or Washington, D.C.

No. MC 65941 (Sub-No. 46), filed November 23, 1977. Applicant: TOWER LINES, INC., 3rd and Warwood Avenue, Box 6010, Wheeling, W. Va. 27003. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk), and filters, from points in Marion County, Tenn., to points in Alabama, District of Columbia, Florida, Georgia, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at points in Marion County, Tenn.; (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in Part I above (except in bulk), 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.; (3) *petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk), and filters, from points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn., or Pittsburgh, Pa.

No. MC 73165 (Sub-No. 421), filed November 23, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel, Iron and Steel Articles, and Iron and Steel Products*; and those *commodities which because of size and weight require special equipment or handling*, from Savannah, Ga., to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Kentucky, and Virginia.

NOTE.—If hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Savannah, Ga.

No. MC 73688 (Sub-No. 77), filed November 22, 1977. Applicant: SOUTHERN TRUCKING CORP., 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials, siding, asphalt* (except in bulk) and accessories thereto from the plantsite of Masonite Corp., located at or near Meridian, Miss., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee; and (2) *roofing granules and crushed stone in bags* from the plantsite of Minnesota Mining and Mfg. Co. located at or near Little Rock, Ark., to the plantsite of Masonite Corp., located at or near Meridian, Miss.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Meridian, Miss., or Birmingham, Ala.

No. MC 74321 (Sub-No. 137), filed December 2, 1977. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, and trailer chassis* (other than those designed to be drawn by passenger automobiles) in initial movements, in driveway service, from the plantsite of Boyd Tank Trailers, Inc., located at or near Boyd, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Fort Worth, Tex., or Dallas, Tex.

No. MC 78228 (Sub-No. 71), filed November 25, 1977. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products*, from Carrollton, Ohio, and Kittan-

ning, Pa., to Gary, Ind., Chicago, Ill., Dearborn, Detroit, Ecorse, and Melvindale, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 87113 (Sub-No. 17), filed November 18, 1977. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, Ind. 46250. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new furnishings and carpet*, from the ports of entry on the International Boundary line between the United States and Mexico at Laredo, Tex., to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Denver, Colo. Common control may be involved.

No. MC 91811 (Sub-No. 14), filed November 25, 1977. Applicant: MILTON K. MORRIS, INC., P.O. Box 557, Southampton, Pa. 18966. Applicant's representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used in the operations of the wholesale retail and chain store grocery business* (except commodities in bulk, fresh fruits and vegetables and frozen foods), from the plantsites and storage facilities of the Clorox Co. at Jersey City, N.J., to points in Pennsylvania, Maryland, and Delaware, under a continuing contract or contracts with the Clorox Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 156), filed November 22, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta Ga. 20316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and connections, valves, and materials and supplies* used in the installation thereof. From Geneva County, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota. (2) *Materials and supplies* used in the manufacture of commodities named in (1) above from points in the United States in and east of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota to Geneva County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Birmingham, Ala., or Atlanta, Ga.

No. MC 95876 (Sub-No. 223), filed November 23, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Givold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Camper tops*, between Brainerd, Minn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. Common control may be involved.

No. MC 103993 (Sub-No. 910), filed November 22, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46515. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles), in initial movements, from points in Ogle County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106074 (Sub-No. 55), filed November 25, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (except commodities in bulk), from the plantsites of Fibreboard Corp., at or near Fruita, Colo., and Grambling, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, Calif., or Washington, D.C.

No. MC 106400 (Sub-No. 111), filed November 25, 1977. Applicant: KAW TRANSPORT COMPANY, a corporation, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Corn and soybean products*, dry, in bulk, in tank and hopper type vehicles from North Kansas City, Mo., to points in Alabama, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 106603 (Sub-No. 163), filed November 23, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part 1: Building, wall or insulating boards from Jamesburg, N.J. to points in Illinois; Indiana; Iowa; Kentucky; Michigan; Missouri; points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming Counties, N.Y.; Ohio; West Virginia; and Wisconsin. Part 2: Materials, equipment and supplies used in the manufacture and distribution of building, wall and insulating boards from points in Illinois; Indiana; Iowa; Kentucky; Michigan; Missouri; points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans and Wyoming Counties, N.Y.; Ohio; West Virginia; and Wisconsin to Jamesburg, N.J.

NOTE.—Applicant holds contract carrier authority in No. MC 46240 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106603 (Sub-No. 164), filed November 23, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part 1: Building, wall or insulating boards from Florence, Ky., to points in Illinois, Indiana, Iowa, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin. Part 2: Materials, equipment and supplies used in the manufacture and distribution of building, wall and insulating boards from points in Illinois, Indiana, Iowa, Michigan, Missouri, New York, Ohio, Pennsylvania, and Wisconsin to Florence, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Washington, D.C.

No. MC 106674 (Sub-No. 265), filed November 7, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Plumbing, bathroom, and laundry fixtures and accessories*, from the facilities utilized by the Powers Flat Corp., at or near Plainview, Long Island, N.Y., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and sale of plumbing, bathroom, and laundry fixtures and accessories, (a) from points in and east of North Dakota, Nebraska, Kansas, Oklahoma, and Texas (except New York), to the facilities utilized by the Powers Flat Corp., located at or near Plainview, Long Island, N.Y.; and (b) from points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Ohio), to the facilities utilized by the Powers Flat Corp., at or near Monroe, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tulsa, Okla.

No. MC 106674 (Sub-No. 270), filed November 25, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and Fertilizer Ingredients*, in bags, from the facilities of the W. R. Grace & Co., Ag. Chem Group, New Albany, Ind., to points in Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Indianapolis, Ind., or Chicago, Ill.

No. MC 107515 (Sub-No. 1114), filed November 25, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, P.O. Box 308, Forest Park, Ga. 30350. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and film adhesives* (except in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from Harve de Grace, Md., to points in Georgia (except Marietta, Ga.).

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 6), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 107678 (Sub-No. 65), filed January 6, 1978. Applicant: HILL &

HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: David A. Sutherland, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Iron or steel articles*; and (b) *building and construction materials, supplies, and equipment* (except commodities in bulk), from the plantsites and warehouse facilities of Penn-Dixie Steel Corp., and/or Penn-Dixie Industries, Inc. located at Ft. Wayne, Kokomo, and North Judson, Ind.; Columbus and Toledo, Ohio; Detroit, Grand Rapids, Holland, Lansing, and Petoskey, Mich.; Blue Island, Chicago, and Joliet, Ill.; Kingsport, Knoxville, and South Pittsburg, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Kansas City, Mo., and points in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (including Alaska and Hawaii); and (2) *Materials, supplies and equipment* used in the manufacturing and distribution of the commodities in (1) above (except commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Kansas City, Mo., and points in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (including Alaska and Hawaii), to the plantsites and warehouse facilities of Penn-Dixie Steel Corp. and/or Penn-Dixie Industries, Inc. located at Ft. Wayne, Kokomo, and North Judson, Ind.; Columbus, and Toledo, Ohio; Detroit, Grand Rapids, Holland, Lansing, and Petoskey, Mich.; Blue Island, Chicago, and Joliet, Ill.; Kingsport, Knoxville, and South Pittsburg, Tenn. NOTE: Applicant requests that this application be consolidated with No. MC 106398 (Sub-No. 777), *National Trailer Convoy, Extension—Penn-Dixie Steel Corp.*, and other related cases.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. Common control may be involved. Prehearing conference January 31, 1978 at 9:30 a.m. at the Offices of the Interstate Commerce Commission.

No. MC 108453 (Sub-No. 36), filed November 23, 1977. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. 49099. Applicant's representative: William P. Sullivan, Suite 1000, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from White Pigeon, Mich. to points in New York (except Rochester and Buffalo, N.Y.); and (2) *waste paper*, from points in New York (except Rochester and Buffalo, N.Y.) to White Pigeon, Mich., under a continuing contract or contracts with White Pigeon Paper Co. of White Pigeon, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109638 (Sub-No. 32), filed November 22, 1977. Applicant: EVERETTE TRUCK LINE, INC. P.O. Box 145, Cherry Road, Washington, N.C. 27889. Applicant's representative: Cecil W. Bradley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* between points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Ohio, West Virginia, and Tennessee for the account of McCoy Lumber Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C. or Washington, D.C.

MC 109689 (Sub-No. 321), filed November 18, 1977. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonical etchants*, in bulk, from Casa Grande, Ariz., to Arizona, California, Colorado, New Mexico, Oregon, Utah, Washington, Wyoming, and Texas and the return of spent material from destinations above to Casa Grande, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

MC 109689 (Sub-No. 322), filed November 23, 1977. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed supplements*, in bulk, in tank vehicles from Bisbee, Ariz., to Anaheim, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

MC 109689 Sub-No. 323, filed November 23, 1977. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from Miami, Ariz., to Henderson, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Salt Lake City, Utah.

No. MC 110252 (Sub-No. 65), filed November 14, 1977. Applicant: JAMES J. WILLIAMS, INC., 5711 East Third Avenue, Spokane, Wash. 99206. Applicant's representative: John D. Robertson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specially equipped vehicles, between points in Montana lying on and west of U.S. Highway 91 and including incorporated areas which are divided by U.S. Highway 91; those points in Idaho lying on and north of the southern boundary of Idaho County; and those points in Washington lying on and east of U.S. Highway 97.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Spokane, Wash., or Great Falls, Mont.

No. MC 111594 (Sub-No. 77), filed November 22, 1977. Applicant: CW TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from Brookfield, Wis., and North Baltimore, Ohio, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin; and (2) *Materials and supplies* used in the manufacture of chemicals, in bulk, in tank vehicles, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin, to Brookfield, Wis. and North Baltimore, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Milwaukee, Wis.

No. MC 111812 (Sub-No. 546), filed November 23, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233 Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *I. Petroleum and petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *fillers*, (a) from points in Marion County, Tenn. to points in Georgia, Florida, North Carolina, South Carolina, Illinois, Wisconsin, Minnesota, South Dakota, North Dakota, Iowa, Nebraska, Kansas, Colorado, Missouri, Massachusetts, Connecticut, New Hampshire, Maine, and

New York, restricted to traffic originating at points in Marion County, Tenn., (b) from points in Ohio, New York, Rhode Island, Pennsylvania and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to 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 in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky, to points in Marion County, Tenn. Restricted to traffic destined to points in Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 111812 (Sub-No. 547), filed November 22, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facilities of the International Paper Co., at or near Jay and Livermore Falls, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, points in New York on and west of Interstate Highway 81 and points in Pennsylvania on and west of U.S. Highway 15.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Portland, Maine.

No. MC 111812 (Sub-No. 548), filed November 25, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp., located at Logansport, Ind., to points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming,

from the plantsite and warehouse facilities of Wilson Foods Corp., located at Albert Lea, Minn. to points in Wyoming. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 550), filed November 25, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from points in Minnesota, South Dakota, Nebraska, and Iowa to points in Georgia and Florida. Restricted to traffic originating at the named origin States and destined to the named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111940 (Sub-No. 70), filed November 23, 1977. Applicant: SMITH'S TRUCK LINES, a corporation, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products, vehicle body dealer and/or sound deadener compound* (except in bulk), and *filters*, from points in Marion County, Tenn., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to traffic originating at points in Marion County, Tenn.; (2) *Materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk), 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 (3) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk), and *filters*, from

points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Atlanta, Ga.

No. MC-112595 (Sub-No. 73), filed November 28, 1977. Applicant: FORD BROTHERS, INC., P.O. Box 727, 510 Riverside Drive, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids, wire drawing compounds and lubricating oils*, in bulk, in tank vehicles, from the plantsite of the Ironsides Co., at Columbus, Ohio, to points in Arkansas, Iowa, Missouri, Nebraska, and Texas; and (2) *Ingredients and raw materials* used in the manufacture of rolling processing fluids, wire drawing compounds and lubricating oils, in bulk, in tank vehicles, from points in Arkansas, Georgia, Indiana, Iowa, Louisiana, Missouri, Nebraska, Pennsylvania, Tennessee, Texas, Virginia, and Elkridge, Md., and Austin, Minn., to the plantsite of the Ironsides Co., at Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113267 (Sub-No. 355), filed November 25, 1977. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 AMF, Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in section A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite and storage facilities utilized by John Morrell & Co. located at Sioux Falls, S. Dak. and St. Paul, Minn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at the named origins and destined to the named destination.

NOTE.—If hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 242), filed November 22, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggan Road, Muncie, Ind. 47305. Applicant's representative: H. Barney Firestone, 10 South LaSalle

Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from points in Florida to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 114273 (Sub-No. 308), filed November 22, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene foam* (except in bulk, in tank vehicles) from Hanging Rock, Ohio, to Cedar Rapids, Iowa and (2) *Coated Nylon Fabric* (except in bulk, in tank vehicles) from South Braintree, Mass. to Cedar Rapids, Iowa. Restricted to traffic originating at and destined to the above-named points.

NOTE.—Applicant states the purpose of this application is to substitute single-line service for existing joint-line service. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C. Common control may be involved.

No. MC 114273 (Sub-No. 310), filed November 22, 1977. Applicant: CRST INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implement parts* from Ashtabula, Ohio to Moline, Ill. Restricted to traffic originating at and destined to the above-named points.

NOTE.—Applicant states it is presently handling the involved traffic via joint-line service. The purpose of this application is to substitute single-line service for existing joint-line service. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 314), filed November 28, 1977. Applicant: CRST, INC. P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Elwood, Upland, and Port Isabel, Ind., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Kentucky, Virginia, West Virginia, Ohio, Pennsylvania, and Delaware; and (2) *materials, equipment, and supplies* used in the manufacture of canned goods, from the above-named destination points, to

Elwood, Upland, Port Isabel, Ind. Restricted: (1) to traffic originating at the plantsites and storage facilities utilized by Fettig Canning Corp. at Elwood, Upland, and Port Isabel, Ind., and destined to the above-named States; (2) to traffic originating at the above-named destination States and destined to the plantsites and storage facilities utilized by Fettig Canning Corp. at Elwood, Upland, and Port Isabel, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115311 (Sub-No. 254), filed November 23, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Petroleum and petroleum products, vehicles body sealer and sound deadener compound* (except in bulk) and *filters* (a) from: Points in Marion County, Tenn., to Points in Alabama, District of Columbia, Florida, Georgia, Kentucky Maryland, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia. Restricted to traffic originating at points in Marion County, Tenn., (b) from: points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia, to Points in Marion County, Tenn. Restricted to traffic destined to Marion County, Tenn. II. *Materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in Part I above (except in bulk). 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.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at: Memphis, Tenn. or Pittsburgh, Pa.

No. MC 115331 (Sub-No. 439), filed November 25, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc Oxide*, from Hillsboro, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Kansas, Louisiana, Minnesota, Missouri, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115496 (Sub-No. 74) filed November 28, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: VIRGIL H. SMITH, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportation of: *Polyvinyl chloride, plastic pipe and fittings* from the plantsite of Tridyn Industries, Inc. at or near Colfax, N.C., to points in Alabama, Georgia, Florida, Mississippi, Texas, Oklahoma, Louisiana, Arkansas, Tennessee, Kentucky, Indiana, Ohio, Illinois, North Carolina, South Carolina, Virginia, Maryland, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Colfax, N.C.

No. MC 115841 (Sub-No. 576), filed November 22, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning and heating equipment and materials, equipment, and supplies*, used in the manufacturing and distribution thereof from Nashville, Tenn., to points in Louisiana, Arkansas, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Nashville, Tenn.

No. MC 115841 (Sub-No. 577), filed November 22, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by food business houses between Nashville, Tenn., on the one hand, and, on the other, points in Texas, Alabama, Arkansas, Georgia, Florida, Mississippi, Illinois, Kentucky, Indiana, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Nashville, Tenn.

No. MC 115841 (Sub-No. 578), filed November 23, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Iron, and steel articles and commodities* the transportation of which because of size or weight require the use of special equipment, from Davidson and Rutherford Counties, Tenn., to points in Kentucky, Virginia, West Virginia, Michigan, Ohio, Indiana, Illinois, Wisconsin, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Nashville, Tenn. or Washington, D.C.

No. MC 115904 (Sub-No. 87), filed November 23, 1977. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass*, from the facilities of Guardian Industries at or near Kingsburg, Calif., to points in the United States (except Alaska and Hawaii); (2) *Flat glass*, from the facilities of Guardian Industries at or near Kingsburg, Calif., to the Ports of Entry on the International Boundary line between the United States and Canada located in Washington, Idaho, and Montana. Restricted to traffic, destined in foreign commerce to the Provinces of British Columbia, Alberta and Saskatchewan; (3) *Materials, equipment and supplies* used in the manufacture and distribution of flat glass from points in the United States (except Alaska and Hawaii) to the facilities of Guardian Industries at or near Kingsburg, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Fresno, Calif. or Washington, D.C.

No. MC 116915 (Sub-No. 44), filed November 25, 1977. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 S. Plate Street, Kokomo, Ind. 46901. Applicant's representative: Mr. Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, and materials, equipment, and supplies* used in the manufacture thereof, between the plantsite of U.S. Reduction located at or near Russellville, Ala., on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 116915 (Sub-No. 45), filed November 25, 1977. Applicant: ECK

MILLER TRANSPORTATION CORP., 1830 S. Plate Street, Kokomo, Ind. 46901. Applicant's representative: Mr. Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets, timbers, cross-ties, and particle board*, between points in Alabama, Arkansas, Georgia, Indiana, Mississippi, and Tennessee. Restricted to service for the account of The McGinnis Lumber Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., Nashville, Tenn., or Louisville, Ky.

No. MC 116999 (Sub-No. 4), filed November 5, 1977. Applicant: EPHRAIM FREIGHT SYSTEMS, INC., P.O. Box 1159, St. Joseph, Mo. 64502. Applicant's representative: Kirk Wm. Horton, 260 Sheridan Avenue, Palo Alto, Calif. 94302. 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): Between Denver, Colo. and Grand Junction, Colo., serving the intermediate points of Eagle, Gypsum, Glenwood Springs, Newcastle, Silt, Rifle, Grand Valley, and Debeque; from Denver over U.S. Highway 6 to Grand Junction and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Glenwood Springs, Colo.

No. MC 117589 (Sub-No. 45), filed November 18, 1977. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, Wash. 98108. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Suite 300, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts*, as described in Appendix 1 to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank or hopper-type vehicles), (2) *Frozen foods*, and (3) *commodities*, the transportation of which would be otherwise exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with commodities listed in (1) and (2) above, from points in Colorado to points in Washington, Oregon, Idaho, Montana, Wyoming, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash., or Denver, Colo.

No. MC 117686 (Sub-No. 192), filed November 22, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Mr. Robert A. Wichser (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular office systems, modular industrial handling systems and modular health care units and components, equipment, materials, and supplies*, used in the manufacture, installation, sale, and distribution of the commodities named above when moving in mixed shipments therewith, (1) from Zeeland and Grand Rapids, Mich., Atlanta Ga., and Houston, Tex., to points in Arizona, California, New Mexico, Oregon, Washington, and Texas, and (2) between Zeeland and Grand Rapids, Mich., Atlanta, Ga., and Houston, Tex. Restriction: Restricted to the transportation of shipments originating at the plantsite and storage facilities of Herman Miller, Inc., located at the above designated origin points and destined to points in the designated destination states.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., Omaha, Nebr. or Washington, D.C.

No. MC 117686 (Sub-No. 193), filed November 22, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, P.O. Box 417, Sioux City Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn*, from Greensboro, N.C. to Minneapolis, Minn. Restriction: Restricted to shipments destined to the plantsite and storage facilities of Munsingwear, Inc., at or near Minneapolis, Minn.

NOTE.—If an oral hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn. or Washington, D.C. Applicant seeks authority in No. MC-F-13256 to purchase a permit; therefore dual operations may be involved.

No. MC 117940 (Sub-No. 243), filed November 22, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (except commodities in bulk), from the plant and warehouse facilities of the Green Giant Co., located at or near Belvidere, Ill., to points in Indiana, Kentucky, Michigan, and Ohio, restricted to traffic originating at specified facilities at

named origin and destined to points in named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn. Applicant holds contract carrier authority in MC 114789 (Sub-No. 28), and other subs thereunder, therefore dual operations may be involved.

No. MC 119789 (Sub-No. 394), filed November 23, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film*, from Griffin, Ga., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass.

No. MC 123091 (Sub-No. 23), filed November 25, 1977. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and installation accessories therefor*, from points in Shelby County, Tenn., and Grenada County, Miss., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Memphis, Tenn., or Washington, D.C.

No. MC 123233 (Sub-No. 80), filed November 23, 1977. Applicant: PROVOST CARTAGE INC., 7887 Grenache Street, Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from the Ports of Entry on the International Boundary Line between the United States and Canada located in New York, Vermont, and Maine, to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania. Restricted to the transportation of traffic having an immediately prior movement in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Albany, N.Y., or Montpelier, Vt.

No. MC 123407 (Sub-No. 414), filed November 25, 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) *Plastic pipe, plastic pipe fittings, and accessories used in the installation thereof* (except commodities in bulk, in tank vehicles and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and byproducts) from the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, Iowa, to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies, and accessories used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof* (except commodities in bulk, in tank vehicles) from points in the United States (except Alaska and Hawaii) to the facilities of Cresline Plastic Pipe Co., Inc., at Council Bluffs, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 123407 (Sub-No. 415), filed November 25, 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) *Composition board*, from Coldwater, Mich., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies*, used in the manufacture of (1) above from points in the United States (except Alaska and Hawaii) to Coldwater, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Detroit, Mich.

No. MC 123407 (Sub-No. 429), filed January 3, 1978. 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: *Lumber, lumber products, wood products, building board, insulating materials, and roofing materials* (except commodities in bulk) from Alabama, Florida, Georgia, South Carolina, North Carolina, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

Applicant requests that the instant application be heard on a consolidated basis with that of Machinery Transports, Inc., MC-124947 (Sub-No. 78).

No. MC 124078 (Sub-No. 764), filed November 23, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rice hull ash*, in bulk, from Stuttgart, Ark., to points in Alabama, Kentucky, Louisiana, Mississippi, Ohio, Tennessee and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Ark.

No. MC 124213 (Sub-No. 11), filed November 22, 1977. Applicant: SWIFTLINES, INC., 7878 "I" Street, Omaha, Nebr. 68106. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat 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 Estherville, Iowa, and Sioux Falls, S. Dak., to points in Illinois, restricted to traffic originating at the above-named origins and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebr.

No. MC 124328 (Sub-No. 118), filed November 23, 1977. Applicant: BRINK'S INC., 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: William Gambone (same address as applicant). Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes in the transportation of: *Precious metal, scrap, and sweeps*, between Chicago, Ill., on the one hand, and, on the other, Detroit, Mich., and points in New Jersey, New York, Pennsylvania and Connecticut, under a continuing contract or contracts with Simmons Refining Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124896 (Sub-No. 39), filed November 21, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Petroleum and petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *filters* (a) from points in Marion County, Tenn., to points in Alabama, District of Columbia, Florida, Georgia, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia. Restricted to traffic originating at points in Marion County, Tenn. (b) 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. II. *Materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in part I above (except in bulk) 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.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn. or Pittsburgh, Pa.

No. MC 125103 (Sub-No. 6), filed November 25, 1977. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, Minn. 56101. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), from the facilities of Landy of Wisconsin, Inc., at or near Eau Claire, Wis., to points in Kansas, Nebraska, North Dakota, South Dakota, and Tennessee, under a continuing contract or contracts with Landy of Wisconsin, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Minneapolis or St. Paul, Minn.

No. MC 126126 (Sub-No. 7), filed November 17, 1977. Applicant: RABB BROS. TRUCKING, INC., P.O. Box 736, San Joaquin, Calif. 93660. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Dry fertilizer*, in bulk and bagged, (1) from Helm, Bena, Edison, and Hercules, Calif., to points in Lane, Linn, and Benton Counties, Oreg.; and (2) from Bena, Edison, and Hercules, Calif., to points in Douglas, Coos, Curry, Josephine, Klamath, Jackson, and Lake Counties, Oreg., under a continuing

contract or contracts with Valley Nitrogen Producers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at San Francisco, Calif.

No. MC 126844 (Sub-No. 45), filed November 23, 1977. Applicant: R.D.S. TRUCKING CO., CO., INC., 1713 North Maine Road, Vineland, N.J. 08360. Applicant's representative: Terrence D. Jones, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Standard Brands Inc., at Atlanta and Doraville, Ga., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 128273 (Sub-No. 115), filed November 25, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk) 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. (2) *Materials, supplies and equipment* used in the manufacture, sale, and distribution of the commodities named in part (1) (except in bulk) from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky, to points in Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn. (3) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk) and *filters*, from points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—If oral hearing is deemed necessary, applicant requests this application be consolidated with that of similar applications recently filed.

No. MC 128273 (Sub-No. 274), filed November 22, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701.

Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is used by, dealt in, or distributed by wholesale or retail grocery, department, drug and variety stores and institutional supply firms, and (2) *supplies and materials* used in the manufacture and sale of commodities described in (1) above, between Byhalia, Miss., on the one hand and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests this proceeding be consolidated with a similar application.

No. MC 128981 (Sub-No. 10), filed November 22, 1977. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, explosives, commodities requiring special equipment, automobiles, trucks and buses), (1) between points in Arkansas on and west of U.S. Highway 167; and (2) between points in (1) above, on the one hand, and, on the other, points in Kansas, Missouri, Nebraska, Oklahoma, and Texas. Restriction: Restricted in (1) and (2) above to the transportation of traffic having an immediately prior to subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 133119 (Sub-No. 127), filed November 22, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Pizza*, from Joplin, Mo., to Albuquerque, N. Mex., and points in Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 133119 (Sub-No. 128), filed November 25, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products,*

meat by-products, and articles distributed by meat packinghouses as described in Section A and C of appendix I to the report in Description in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsites and/or warehouse facilities utilized by Iowa Beef Processors Inc. located at or near Denison and Fort Dodge, Iowa; Luverne, Minn.; Dakota City and West Point, Nebr., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Sioux City, Iowa.

No. MC 133228 (Sub-No. 10), filed November 22, 1977. Applicant: JOHN WELCH, WILLIAM WELCH AND W. D. WELCH, d.b.a. WELCH RROS. TRUCKING CO., 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, N. Mex. 87102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum wallboard, gypsum joint cement and related commodities* (except commodities in bulk), from points in Hardeman County, Tex., to points in New Mexico, under a continuing contract, or contracts, with Georgia-Pacific Corp., Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex. Common control may be involved.

No. MC 133689 (Sub-No. 157), filed November 25, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: James E. Aronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wisconsin Beef Industries, Inc., at Eau Claire, Wis., to points in Illinois, Ohio, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, and Michigan, restricted to traffic originating at the above named origin and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134094 (Sub-No. 8), filed November 25, 1977. Applicant: HEIGHTS

SERVICE, INC., 521 E. Nevada Avenue, St. Paul, Minn. 55101. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials, premiums, and malt beverage dispensing equipment when moving in mixed loads with malt beverages*, from St. Paul, Minn., to Lansing, Ill., under a continuing contract or contracts with the Vierk Corp. of Lansing, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 134286 (Sub-No. 39), filed November 25, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate 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 and commodities in bulk), from the plantsites and/or warehouse facilities utilized by Iowa Beef Processors, Inc., located at or near Dennison and Fort Dodge, Iowa; Luverne, Minn.; Dodge City and West Point, Nebr., to points in the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa or Omaha, Nebr.

No. MC 134575 (Sub-No. 23), filed November 25, 1977. Applicant: FIGOL DISTRIBUTORS LTD., 11233-156 Street, Edmonton, Alberta, Canada T5M 1Y2. Applicant's representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt liquor, wine and distilled alcoholic beverages*, in containers, from ports of entry on the international boundary line between the United States and Canada located in Minnesota, North Dakota, Montana, Idaho, and Washington to points in Arizona, California, Colorado, Illinois, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Texas, Washington, and Wyoming. Restricted to traffic originating in the Province of Alberta.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Great Falls or Missoula, Mont.

No. MC 135078 (Sub-No. 63), filed November 23, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebr. 68127. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, Mo. 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive grains* for the manufacture of grinding wheels from the facilities of General Abrasives Division of Dresser Industries, Inc., in Niagra Falls, N.Y., to points in Illinois, Indiana, Massachusetts, Minnesota, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill., or Omaha, Nebr. Applicant holds contract carrier authority in MC-135007 (Sub-No. 1) and other subs thereto therefore, dual operations may be involved.

No. MC 135691 (Sub-No. 20), filed November 1977. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, Dallas, Tex. 75234. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from Concord, Ark., to Seward, Nebr.; Lake Mills, Iowa; Batavia, Ill., and Arden, N.C., restricted to a transportation service to be performed under a continuing contract, or contracts, with Walker Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135861 (Sub-No. 23), filed November 25, 1977. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint pigments and paint ingredients* (except commodities in bulk), from Brooklyn and Glens Falls, N.Y., and Bayonne, Linden, New Brunswick, Newark, and Parling, N.J., to facilities of Ennis Paint Manufacturing, Inc., at Ennis, Tex., under continuing contract, or contracts, with Ennis Paint Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas or Fort Worth, Tex.

No. MC 136916 (Sub-No. 18), filed November 23, 1977. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Morton E. Kiel Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Salt and salt products*, from Perth Amboy, N.J., to points in Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

MC 138144 (Sub-No. 25), filed November 22, 1977. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof. Building materials, construction materials, supplies, and equipment*, from the plantsites and warehouse facilities of Penn-Dixie Steel Corp. and/or Penn-Dixie Industries, Inc. and its one hundred percent owned subsidiary Stevens Spring located at or near Kokomo, Ind.; Elkhart, Ind.; Toledo, Ohio; Columbus, Ohio; Lansing, Mich.; Grand Rapids, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island, Ill.; Joliet, Ill.; Jackson, Miss.; Nazareth, Pa.; Cabot, Pa.; Petoskey, Mich.; Holland, Mich.; Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; West Des Moines, Iowa; Kingsport, Tenn.; Knoxville, Tenn.; Richard City, Tenn.; Atlanta, Ga.; Salisbury, N.C.; North Arlington, N.J.; North Judson, Ind.; Cicero, Ind.; and Newton, Kans., to all points in the United States (except Alaska and Hawaii); (2) *materials, supplies, and equipment*, used in the manufacture and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to the plantsites and warehouse facilities of Penn-Dixie Steel Corp. and/or Penn-Dixie Industries, Inc. and one hundred percent owned subsidiary Stevens Spring located at or near Kokomo, Ind.; Fort Wayne, Ind.; Elkhart, Ind.; Toledo, Ohio; Columbus, Ohio; Lansing, Mich.; Grand Rapids, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island, Ill.; Joliet, Ill.; Jackson, Miss.; Nazareth, Pa.; Cabot, Pa.; Petoskey, Mich.; Holland, Mich.; Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; West Des Moines, Iowa; Kingsport, Tenn.; Knoxville, Tenn.; Richard City, Tenn.; Atlanta, Ga.; Salisbury, N.C.; North Arlington, N.J.; North Judson, Ind.; Cicero, Ind.; and Newton, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. Common control may be involved. Prehearing Conference January 31, 1978, at 9:30 a.m., at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 138157 (Sub-No. 52), filed November 25, 1977. Applicant:

SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, Tenn., 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, tools and accessories and materials, equipment and supplies*, used in the manufacture, production, and distribution of motor vehicle parts, tools and accessories, (a) between Jacksonville, Fla., on the one hand, and, on the other, Cleveland, Ohio, and Los Angeles, Calif., (b) from Jacksonville, Fla., to Denver, Colo. Restriction: Restricted to traffic having a prior or subsequent movement by water. Further restricted against the transportation of commodities in bulk and tank vehicles and commodities which by reason or size or weight require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in MC 134150 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138741 (Sub-No. 42), filed December 21, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials* (except commodities in bulk), from the plantsites and shipping facilities of Penn Dixie Steel Corp., Penn Dixie Industries, Inc. and its affiliates and subsidiaries at or near Cicero, North Judson, Kokomo, Fort Wayne, and Elkhart, Ind.; Centerville and West Des Moines, Iowa; Blue Island, Chicago, and Joliet, Ill.; Denver, Colo.; Jackson, Miss.; Columbus and Toledo, Ohio; Detroit, Petoskey, Grand Rapids, Lansing, and Holland, Mich.; Nazareth and Cabot (West Winfield), Pa.; Milwaukee, Wis.; Kingsport, Knoxville, and South Pittsburg, Tenn.; Atlanta, Ga.; Salisbury, N.C.; and Newton, Kans. to points and places in the States of Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin; and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of iron and steel articles and building and construction materials, except commodities in bulk,

from the States in (1) above to the plantsites and shipping facilities of Penn Dixie Steel Corp., Penn Dixie Industries, Inc., and its affiliates and subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. Prehearing conference January 31, 1978, at 9:30 a.m., at the Offices of the Interstate Commerce Commission.

No. MC 138882 (Sub-No. 27), filed November 25, 1977. Applicant: WILEY SANDERS, INC., P.O. Drawer 621, Troy, Ala. 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Pipe, fittings, hydrants, valves, and parts and accessories* for the aforementioned items (except commodities in bulk), from the facilities of United States Pipe & Foundry Co. at or near Birmingham and Bessemer, Ala., to points in Texas, Missouri, Iowa, Wisconsin, Oklahoma, Minnesota, Nebraska, North Dakota, South Dakota, and Kansas. Restricted to the transportation of traffic originating at the facilities of United States Pipe & Foundry Co. at or near Birmingham and Bessemer, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 138875 (Sub-No. 64), filed November 22, 1977. Applicant: SHOE-MAKER TRUCKING CO., a corporation, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Such products as are dealt in by wholesale and retail distributors of floor, wall, ceiling, and counter coverings*, from Salem, N.J. to the facilities of Robison Distributing Co., Inc. located at Salt Lake City, Utah, and Burley, Idaho Falls, Pocatello, and Twin Falls, Idaho. Restriction: Except the transportation of products in bulk in tank vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 139294 (Sub-No. 4), filed November 25, 1977. Applicant: H. T. L., INC., P.O. Box 122, Fairfield, Ala. 35064. Applicant's representative: Robert E. Tate, Registered Practitioner, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and particleboard*, in straight or mixed shipments, from the plant and warehouse facilities of MacMillan Bloedel, Inc., at Pine Hill and Opelika, Ala., to Mobile, Ala., in Interstate or Foreign Commerce.

NOTE.—Applicant holds contract carrier authority in No. MC 135867 (Sub-No. 1) therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 139495 (Sub-No. 288), filed November 23, 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: *Insulating material*, (except in bulk,) from the plantsite of Fibreboard Corp., at or near Grambling, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139973 (Sub-No. 36), filed November 23, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts and pole-line hardware*, between Visalia, Calif., on the one hand, and on the other, all points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the facilities of McGraw-Edison Co.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 and sub numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or St. Louis, Mo.

No. MC 140010 (Sub-No. 13), filed November 23, 1977. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30324. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, over irregular routes, by motor vehicle, transporting: (1) *Such commodities as are dealt in or used by automotive service stations* (except commodities in bulk and except commodities which, because of size or weight, require the use of special equipment), between Fulton County, Ga., on the one hand, and, on the other, points in the United States in and east of Wisconsin, Illinois, Missouri, Oklahoma, and Texas; and, (2) *plastic granules* (except in bulk), from Houston, Baytown, and Orange, Tex., to points in Alabama, Florida, Georgia, North Carolina,

South Carolina, and Tennessee. Service under parts (1) and (2) to be performed under a continuing contract or contracts with Gulf Oil Company-U.S., a Division of Gulf Oil Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Atlanta, Ga.

No. MC 140024 (Sub-No. 82), filed November 25, 1977. Applicant: J. B. MONTGOMERY, INC., a Delaware Corporation, 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, other than frozen*, (except commodities in bulk), from Battle Creek, Mich. to Denver, Colo., restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140612 (Sub-No. 39), filed November 21, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces and air conditioners*, between points in Iowa, California, Washington, Idaho, Oregon, Arizona, Utah, Nevada, Montana, Tennessee, Arkansas, and Texas. Restricted to the transportation of traffic moving from, to or between the facilities of Lennox Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa, or Lincoln, Nebr. By the instant application, applicant seeks conversion of motor contract carrier authority held in No. MC 138003 (Sub-No. 2), to a certificate of public convenience and necessity. Applicant holds other motor contract carrier authority in MC 138003 and Sub-numbers thereunder, therefore dual operations may be involved.

No. MC 140883 (Sub-No. 16), filed November 23, 1977. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shelves, kitchen cabinet, oven, rack, or refrigerator*, from the facilities of Garland Enterprises, Inc., at or near Garland, Tex., to points in the United States, (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 140883 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 141668 (Sub-No. 1), filed November 25, 1977. Applicant: LONGMONT TURKEY PROCESSORS, INC., 149 Kimbark Street, Longmont, Colo. 80501. Applicant's representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turkeys and turkey products and (2) materials, equipment, and supplies* used in the raising, manufacture, production, and distribution of turkeys and turkey products, except commodities in bulk, between points in Weld and Boulder Counties, Colo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service performed under a continuing contract or contracts with Longmont Turkey Processors, Inc.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Denver, Colo.

No. MC 142059 (Sub-No. 13), filed November 23, 1977. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, 1830 Mound Road, Joliet, Ill. 60434. Applicant's representative: Jack Riley, P.O. Box 911, Joliet, Ill. 60434. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam products, building materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between St. Louis, Mo., on the one hand, and on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 142059 (Sub-No. 15), filed January 3, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, Ill. 60434. Applicant's representative: Fred H. Daly, 1725 K Street NW., Suite 1009, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials* from facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Holland, Mich., Detroit, Mich., Milwaukee, Wis., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Denver, Colo., Albuquerque, N. Mex., Jackson, Miss., Columbus, Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South

Pittsburgh (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., North Arlington, N.J., and Newton, Kans., to points in the United States (except Alaska and Hawaii), and, (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corporation, and subsidiaries of the foregoing companies, located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Holland, Mich., Detroit, Mich., Milwaukee, Wis., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Denver, Colo., Albuquerque, N. Mex., Jackson, Miss., Columbus Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South Pittsburgh (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., North Arlington, N.J., and Newton, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.; Prehearing Conference, January 31, 1978, at 9:30 am at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 142296 (Sub-No. 3), filed November 25, 1977. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: Lawrence A. Winkle, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, Tex. 75245. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: A. *Yarn* from Gastonia, Belmont, and Albenarle, N.C., and Thomaston, Ga., to Minneapolis, Minn.; and B. *clothing, wearing apparel, robes*, both hanging and boxed and *component parts* used in the manufacture thereof (except commodities in bulk). (1) From Hamilton and Guin, Ala., and New Albany, Miss., to Minneapolis, Minn.; Memphis, Tenn.; and Winnfield, La.; (2) from Winnfield, La., to Arkadelphia, Ark., and Memphis, Tenn.; (3) from Crossville, Tenn., to Minneapolis, Minn.; (4) from Los Angeles, Calif., and Seattle, Wash., to Minneapolis, Minn.; (5) from Minneapolis, Minn., to points in Alabama, California, Georgia, Florida, and Washington; (6) from Memphis, Tenn., to Burlington, N.J.; (7) from Burlington, N.J., to Hamilton, Ala.; Arkadelphia, Ark. and Paris, Tex.; (8) and from Hamilton, Ala., to Crossville, Tenn. Service under Parts A and B of the application will be performed under a continuing contract or contracts with Munsingwear, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Memphis Tenn.

No. MC 143377 (Sub-No. 2), filed November 23, 1977. Applicant: BARRY J. WEST, d.b.a. B.J.'s SERVICE, P.O. Box 595, Lititz, Pa. 17543. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Bound and unbound paper and material* from printing firms, such as printed material and various correspondence or instructions, between points in York, Lebanon, and Lancaster Counties, Pa., on the one hand, and, on the other, points in the New York, N.Y., commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 143391 (Sub-No. 1), filed November 25, 1977. Applicant: CICIO TRUCKING CO., INC., P.O. Box 661, Woodridge, N.Y. 12789. Applicant's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice*, from Sullivan County, N.Y. to New York, New Jersey, and Pennsylvania; *materials and supplies* used in production of egg cartons, from Westboro, Mass., to Sullivan County, N.Y.; and *materials and supplies* used in packaging and distribution of eggs, from Palmer, Mass., to Sullivan County, N.Y.; from Sullivan County, N.Y., to New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in New York City, N.Y., or Syracuse, N.Y.

No. MC 143511 (Sub-No. 1), filed November 22, 1977. Applicant: HARDINGER TRANSFER CO., INC., P.O. Box 521, Erie, Pa. 16512. Applicant's representative: Paul P. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment) in piggyback trailers or containers, and empty piggyback trailers or containers, between points in Erie County, Pa., on the one hand, and, on the other, rail piggyback facilities in Cleveland, Ohio, restricted to traffic having an immediately prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Erie, Pa.

No. MC 143691 (Amendment), filed September 6, 1977, published in the FEDERAL REGISTER issue of October 20, 1977, and republished, as amended,

this issue. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Francis J. Mulcahy (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, microfiche, microforms, and related items* between Flora, Miss., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Louisiana, North Carolina, Ohio, South Carolina, and Tennessee, restricted to shipments under a continuing contract or contracts with banks, banking institutions and Southern Vital Records Center; (2) *microfilm, microfiche, microforms, and related items* between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Mississippi, and Missouri, restricted to shipments under a continuing contract or contracts with banks, banking institutions and Eastman Kodak; and (3) *microfilm, microfiche, microforms, and related items* (a) between Jackson, Miss., on the one hand, and, on the other, Flora, Miss., and (b) between Orlando and Miami, Fla., on the one hand, and, on the other, points in Florida, restricted to the transportation of shipments having an immediately prior or subsequent movement by air and further restricted to the transportation of shipments under a continuing contract or contracts with banks, banking institutions and Southern Vital Records Center.

NOTE.—Applicant has motor common carrier authority pending in No. MC 142330 (Sub-No. 5), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn. The purpose of this amendment is to change the language of the restriction in part (3) above.

No. MC 143848 (Sub-No. 1), filed November 25, 1977. Applicant: J. & B. TRUCKING, INC., 201 Frisco Avenue (P.O. Box 117), Clinton, Okla. 73601. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Petroleum products*, in containers (except in bulk in tank vehicles), from the facilities of Congo Refinery located in Hancock County, W. Va., to the warehouse facilities of Morrison Wholesale, Inc., located in Clinton, Okla.; and (2) *pneumatic rubber tires and tubes*, from Texarkana, Ark., to the warehouse facilities of Morrison Wholesale, Inc., located in Clinton, Okla., under a continued contract or contracts in (1) and (2) above, with Morrison Wholesale, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Oklahoma City, Okla.

No. MC 143949 (Sub-No. 3), filed November 25, 1977. Applicant: JOHN GALT LINE, INC., 9600 Lucas Ranch Road, Cucamonga, Calif. 91730. Applicant's representative: Lucy Kennard Bell, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, Calif. 90017. Applicant seeks authority as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Motor homes*, in truckaway service, from the plantsites and facilities of Chinook International, Inc., located in Los Angeles County, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 144011, filed November 14, 1977. Applicant: HALL SYSTEMS, INC., 212 South 10th Street, Birmingham, Ala. 35233. Applicant's representative: Robert D. Hunter, Lange, Simpson, Robinson & Somerville, 1700 First Alabama Bank Building, Birmingham, Ala. 35203. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Birmingham, Ala., and New Orleans, La.: From Birmingham over Interstate Highway 65 to junction Interstate Highway 10 thence over Interstate Highway 10 to New Orleans and return over the same route; (2) between Birmingham, Ala., and New Orleans, La.: From Birmingham over U.S. Highway 31 to junction U.S. Highway 90 thence over U.S. Highway 90 to New Orleans and return over the same route. In connection with route 1 and route 2 above serving all intermediate points on route 2 from the Mississippi-Alabama State line to New Orleans and serving those same points as off-route points on route 1. In connection with route 1 above, serving Gainesville, Miss., as an off-route point; (3) between Birmingham, Ala., and New Orleans, La.: From Birmingham over Interstate Highway 59 to New Orleans and return over the same route; (4) between Birmingham, Ala., and New Orleans, La.: From Birmingham over U.S. Highway 11 to New Orleans and return over the same route. In connection with route 3 and route 4 above, serving Meridian, Miss., Laurel, Miss., Hattiesburg, Miss., and Slidell, La., as intermediate points and serving Gainesville, Miss. as an off-route point. Also serving all intermediate points on route 4 from the Mississippi-Alabama State line to New Orleans and serving the same points as off-

route points on route 3; (5) between Birmingham, Ala., and Jackson, Miss.: From Birmingham over Interstate Highway 20 to Jackson and return over the same route; (6) between Birmingham, Ala., and Jackson, Miss.: From Birmingham over U.S. Highway 11 to junction U.S. Highway 80 thence over U.S. Highway 80 to Jackson and return over the same route. In connection with route 5 and route 6 above, serving Meridian, Miss. as an intermediate point on both routes. Also serving all intermediate points on route 6 from the Mississippi-Alabama State line to Jackson, Miss., and serving those same points as off-route points on route 5; (7) between Jackson, Miss., and Gulfport, Miss.: From Jackson over U.S. Highway 49 to Gulfport and return over the same route. In connection with route 7 above, serving all intermediate points between Jackson and Gulfport. Restrictions: No service from New Orleans, La., to points in Mississippi. No service to any Alabama points not in the commercial zone of Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala.; New Orleans, La. or Meridian, Miss.

No. MC 144027, filed November 23, 1977. Applicant: WHITE'S DELIVERY SERVICE, INC., 3645 Tulip Street, Philadelphia, Pa. 19134. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa beans and cocoa products*, except in bulk, from Norfolk and Newport News, Va. and Baltimore, Md. to Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 144029, filed November 23, 1977. Applicant: CUMBERLAND TRANSPORTATION CORP., 5940 Fisher Road, P.O. Box 487, East Syracuse, N.Y. 13057. Applicant's representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, N.J. 07066. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products, and materials, supplies, and equipment* used in the manufacture and distribution of pulpboard and pulpboard products, between Scotia, N.Y. on the one hand, and on the other, New York, New Jersey, Pennsylvania, Vermont, New Hampshire, Massachusetts, and Connecticut, under continuing contract or contracts with St. Regis Paper Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 144036, filed November 25, 1977. Applicant: J. R. PHILLIPS

TRUCKING LTD., R. R. No. 2, Maidstone, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, between the plantsite and warehouses of Zaley Brothers, Ltd., located at or near Port Huron and Detroit, Mich., on the International Boundary Line between the United States and Canada, on the one hand, and on the other, points in that part of Michigan on and south of Michigan Highway 55, including points located on the aforesaid highway, restricted to transportation in foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich.

No. MC 144041, filed November 28, 1977. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk), from Decatur and Conyers, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of chemicals (except in bulk), from points in the United States (except Alaska and Hawaii), to Decatur and Conyers, Ga.

NOTE.—Applicant holds contract carrier authority in MC 140883 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 144044, filed November 25, 1977. Applicant: WILLIAM DARE, JOHN R. DARE, JAMES M. DARE, AND RICHARD W. DARE, a partnership, d.b.a. DARE'S GARAGE, 6255 E. S.R. 22 and S.R. 3, Morrow, Ohio 45152. Applicant's representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and replacement vehicles*, in wrecker service, between points in Hamilton, Warren, Clinton, and Butler Counties, Ohio, on the one hand, and, on the other, points in Michigan, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, Kentucky, Tennessee, New Jersey, Texas, Florida, and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 144126, filed January 3, 1978. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials*, from facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Holland, Mich., Detroit, Mich., Milwaukee, Wis., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Jackson, Miss., Columbus, Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South Pittsburg (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., and Newton, Kans., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and West Virginia; and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities named in (1) above, from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin and West Virginia, to facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies, located at or near Lansing, Mich., Grand Rapids, Mich., Petoskey, Mich., Detroit, Mich., Milwaukee, Wis., Holland, Mich., Chicago, Ill., Blue Island, Ill., Joliet, Ill., Kokomo, Ind., Fort Wayne, Ind., North Judson, Ind., Elkhart, Ind., Cicero, Ind., Centerville, Iowa, West Des Moines, Iowa, Jackson, Miss., Columbus, Ohio, Toledo, Ohio, Kingsport, Tenn., Knoxville, Tenn., South Pittsburg (Richard City), Tenn., Atlanta, Ga., Salisbury, N.C., Cabot, Pa., Nazareth, Pa., and Newton, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Indianapolis, Ind. or Washington, D.C. Applicant holds motor contract carrier authority in MC 123905, therefore dual operations may be involved. Prehearing Conference, January 31, 1978, at 9:30 am at the Offices of the Interstate Commerce Commission, Washington, D.C.

#### PASSENGERS

No. MC 109736 (Sub-No. 38), filed November 22, 1977. Applicant: CAP-

ITOL BUS COMPANY, d.b.a. CAP-ITOL TRAILWAYS, a Corporation, 1061 South Cameron Street (P.O. Box 3343), Harrisburg, Pa. 17104. Applicant's representative: S. Berne Smith, 100 Pine Street (P.O. Box 1166), Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, and in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Columbia, Lycoming, Montour, Northumberland, Snyder, and Union Counties, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Williamsport, Pa. Common control may be involved.

No. MC 143874 (Correction), filed October 18, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished, as corrected this issue. Applicant: COLUMBIANA COUNTY MOTOR CLUB, INC., 213 East Fourth Street, East Liverpool, Ohio 43920. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in special and charter operations, between points in Columbiana County, Ohio, on the one hand, and, on the other, Pittsburgh International Airport, Pa.

NOTE.—The purpose of this correction is to indicate the correct spelling of applicant's name. If a hearing is deemed necessary, applicant requests it be held at East Liverpool, Youngstown, or Columbus, Ohio or Pittsburgh, Pa.

#### FREIGHT FORWARDER

No. FF 504 (Correction), filed September 29, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and, republished, as corrected, this issue. Applicant: GRAY INTERNATIONAL FREIGHT FORWARDING CO., a Corporation, 1290 South Pearl Street, Denver, Colo. 80210. Applicant's representative: Henry C. Winters, 235 Evergreen Building, 15 South Grady Way, Renton, Wash. 98055. The purpose of this correction is to applicant's correct address in Washington, in lieu of West Virginia as previously published. The remainder of the application remains the same as previously published.

#### FINANCE APPLICATIONS

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-13345. (Correction) (Consolidated Freightways Corp. of Delaware—Pooling of Agreement—Nelson's Express, Inc., et al.), published in the October 14, 1977, issue of the FEDERAL REGISTER, on page 55344. Previous notice was published with an incorrect docket number. The correct number should be MC-F-13345.

No. MC-F-13453. Authority sought for control by A.G.C. Corp. (non-carrier), 111 West Clarendon, Phoenix, Ariz. 85013, of Greyhound Lines, Inc., 111 West Clarendon, Phoenix, Ariz. 85013, Gray Line New York Tours Corp., 354 West 54th Street, New York, N.Y. 10019, Walters Transit Corp., 525 11th Avenue, New York, N.Y. 10018, Texas, New Mexico & Oklahoma Coaches, Inc., Box 1800, Lubbock, Tex. 79409, and Vermont Transit Co., Inc., 135 St. Paul Street, Burlington, Vt. 05401, and for acquisition by the Greyhound Corp., 111 West Clarendon, Phoenix, Ariz. 85013, of control of such rights through the transaction. Applicant's attorney: L. G. Lemon, General Counsel, the Greyhound Corp., 111 West Clarendon, Phoenix, Ariz. 85013.

Application has been filed by A.G.C. Corp. to acquire control of the above-stated carriers under section 5 of the Interstate Commerce Act. All of the issued and outstanding stock of A.G.C. Corp. is owned by the Greyhound Corp. which currently controls the carriers involved in this proceeding.

The Greyhound Corp. desires to change its State of incorporation from Delaware to Arizona where it maintains its corporate headquarters. The legal mechanism for this change is to merge the Greyhound Corp. into an Arizona corporation which has been created for this purpose, namely A.G.C. Corp.

This merger will not change the name of the company, its authorized or outstanding stocks or securities, or the nature of location of its business, assets, liabilities, or officers or directors. Further, neither this application nor the merger will change any carriers currently controlled by the Greyhound Corp. (a Delaware corporation)

or to be controlled by A.G.C. Corp. before the merger or the Greyhound Corp. (an Arizona corporation) after the merger. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Motion to dismiss filed simultaneously with application.

No. MC-F-13465. Authority sought for purchase by COOPER-JARRETT, INC., Hanover Plaza, Morristown, N.J. 07960, of a portion of the operating rights of Eastern Express, Inc., Debtor-In-Possession, 1450 Wabash Avenue, Terre Haute, Ind. 47808, and for acquisition by R. E. Cooper, Jr., Hanover Plaza, Morristown, N.J. 07960, of control of such rights through the purchase. Applicant's attorneys: Irving Klein, 371 Seventh Avenue, New York, N.Y. 10001 and Roland Rice, 501 Perpetual Building, 1111 East Street NW., Washington, D.C. 20004. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier*, over regular routes, between Indianapolis, Ind., and Rochester, Pa., serving no intermediate points, but serving the off route points of Anderson and Muncie, Ind., and Dayton, Ohio; from Indianapolis over U.S. Highway 40 to LaFayette, Ohio, thence over U.S. Highway 42 via Mansfield, Ohio, to Lodi, Ohio, thence over U.S. Highway 224 to Canfield, Ohio, thence over Ohio Highway 46 to Columbiana, Ohio, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Beaver, Pa., and thence over Pennsylvania Highway 68 to Rochester, and return over the same route, with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Washington, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13466. Authority sought for purchase by MARTEN TRANSPORT, LTD., Route 3, Mondovi, Wis. 54755, of a portion of the operating rights of Hiawatha Produce Co., 4195 Fourth Street, Winona, Minn. 55987, and for acquisition by Roger Marten, Route 3, Mondovi, Wis. 54755, of control of such rights through the transaction. Applicant's attorneys: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402, and Allan B. Torhorst, 217 East Jefferson Street, P.O. Box 190, Burlington, Wis. 53105. Operating rights sought to be purchased: *Dairy products* (except commodities in bulk), as a *common carrier*, over irregular routes, from points in Minnesota and Wisconsin to

points in Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission) and points in that part of Missouri on and east of U.S. Highway 65, with restrictions; *Foodstuffs*, except commodities, in bulk, as a *common carrier*, over irregular routes, from the (1) facilities of Mississippi Valley Milk Producers at or near Maquoketa, Iowa, (2) the facilities of Farmers Co-op at or near Cresco and Decorah, Iowa, (3) the facilities of Farmers Butter & Dairy Co-op at or near Fredericksburgs, Iowa, and (4) the facilities of Land O'Lakes, Inc., at or near Hudson, Iowa, to points in Minnesota and Wisconsin, with restrictions; *Foodstuffs*, except in bulk, as a *common carrier*, over irregular routes, from points in Minnesota and Wisconsin to points in Illinois, Missouri, Kansas, Nebraska, and Iowa, with restrictions. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, and as a contract carrier in Arkansas, Ohio, South Dakota, California, North Dakota, Tennessee, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13467. Authority sought for purchase by BHY TRUCKING, INC., 9231 Whitmore, El Monte, Calif. 91733, of a portion of the operating rights of Western Gillette, Inc., 1077 Gorge Boulevard, Akron, Ohio, 44309, and for acquisition by Roy G. Barrow, 9231 Whitmore, El Monte, Calif. 91733, and G. W. Howell, P.O. Box 10480, Santa Ana, Calif. 92711, of control of such rights through the purchase. Applicant's attorneys: Milton W. Flack, 4311 Wilshire Boulevard, No. 300, Los Angeles, Calif. 90010, and William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Operating rights to be transferred: *Mining and road building machinery and equipment* (including structural steel, pipe and well casing, but not including explosives), and used construction camp equipment, which because of size or weight require the use of special equipment, as a *common carrier*, over irregular routes, between points in California, on the one hand, and, on the other, points in Arizona. Vendee is authorized to operate as a *common carrier* in the States of California, Arizona, Texas, New Mexico, Nevada, Oklahoma, Kansas, Arkansas, and Louisiana. Applicant states it intends to tack the authority sought with existing authority. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13471. Authority sought for purchase by COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220, of the operating rights of Fortenberry Transports, Inc., P.O. Box 47, Lubbock,

Tex., 79408, and for acquisition by Billy D. Cox Truck Leasing, Inc. and Billy D. Cox, also of Dallas, Tex., of control of the rights through the purchase. Applicant's attorneys: D. Paul Stafford and Lawrence A. Winkle, P.O. Box 45538, Dallas, Tex. 75245. Operating rights sought to be purchased: *Meats, meat products, and meat by-products*, with exceptions, as a *common carrier*, over irregular routes, from the plantsite of Swift & Co. near Clovis, N. Mex. to points in the states of Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee, except Memphis, Tenn., Mobile and Selma, Ala., and Pensacola, Fla., as more fully described in Certificate No. MC 133765. Vendee is authorized to operate as a *common carrier*, transporting specific commodities, over irregular routes, between points in the states of Texas, California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, District of Columbia, Arizona, Colorado, Florida, New Mexico, North Carolina, Louisiana, Idaho, Nevada, Oregon, Utah, Washington, Georgia, Iowa, Nebraska, Arkansas, Oklahoma, Alabama, Illinois, Indiana, Kentucky, Missouri, Tennessee, Mississippi, Montana, Wyoming, Kansas, West Virginia, Michigan, Wisconsin, and Ohio, and pursuant to Permit No. MC 142296 as a contract carrier of clothing and wearing apparel between Memphis, Tenn. and Los Angeles and San Francisco, Calif. Approval of the proposed transaction will not result in duplicating authority. Application has not been filed for temporary authority under section 210a(b). This application is not related to any pending or simultaneously filed application.

No. MC-F-13475. Authority sought for purchase by NEUENDORF TRANSPORTATION CO., 121 South Stoughton Road, Madison, Wis. 53714, of a portion of the operating rights of Fore Way Express, Inc., 204 South Bellis Street, Wausau, Wis. 54401, and for acquisition by C. J. Neuendorf, of Madison, Wis., and Ervin H. Pries, of Medford, Wis., of control of the such rights through the purchase. Applicant's attorney: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Operating rights sought to be purchased: *General commodities*, with the usual exceptions, as a *common carrier*, over regular routes between Milwaukee, Wis., and Plover, Wis., serving Madison, Wis., as an intermediate point and Lawrence, Wis., as an off route point, restricted to traffic originating at or destined to Lawrence, Wis., and points in New Chester Township (Adams County), Wis.; and between New Chester Township, Wis., and Milwaukee, Wis., over regular routes, serving the intermedi-

ate point of Lawrence, Wis., as described in Certificate No. MC 99565 (Sub-No. 11-Portion). Vendee is authorized to operate as a common carrier in Wisconsin, Illinois, Minnesota, Indiana, Iowa, Michigan, Ohio, Pennsylvania, New York, and New Jersey. Duplicating authority may be involved. Application has not been filed for temporary authority under section 210a(b).

#### OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and 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 applicant's representative, or applicant if no representative is named.

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 140389 (Sub-No. 21), filed December 30, 1977. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton-Factory Products*, from points in Georgia (except Atlanta, Ga.), North Carolina (except Greensboro, N.C.), South Carolina, and those in that part of Alabama on and east of U.S. Highway 31 to points in Washington, Oregon, Idaho, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Atlanta, Ga. This is a Gateway Elimination application filed in connection with the merger application—Osborn Transportation, Inc.—Merger—Tompkins Motor Lines, Inc., MC-F-13069 published in the FEDERAL REGISTER issue of March 31, 1977. Osborn Transportation, Inc., and Tompkins Motor Lines, Inc., are under common ownership. They are presently transporting the involved traffic through the Nashville, Tenn., gateway. The applica-

tion seeks to eliminate this gateway in connection with merger of the carriers.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

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 48958 (Deviation No. 79), ILLINOIS-CALIFORNIA EXPRESS, INC., 601 Ross St., Amarillo, Tex. 79189, P.O. Box 9050, filed January 9, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wickenburg, Ariz., over U.S. Highway 89 to junction U.S. Highway 93, thence over U.S. Highway 93 to junction U.S. Highway 66, 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 Wickenburg, Ariz., over U.S. Highway 89 to junction U.S. Highway 66 near Ash Fork, Ariz., thence over U.S. Highway 66 to junction U.S. Highway 93 near Kingman, Ariz., and return over the same route.

No. MC 48958 (Deviation No. 80), ILLINOIS-CALIFORNIA EXPRESS, INC., 601 Ross St., P.O. Box 9050, Amarillo, Tex. 79189, filed January 9, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Amarillo, Tex., over U.S. Highway 287 to junction Texas Highway 256, thence over Texas Highway 256 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 281, thence over U.S. Highway 281 to junction U.S. Highway 277 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 Amarillo, Tex., over U.S. Highway 287 to Wichita Falls, Tex.,

thence over Texas and Oklahoma Highway 79 to junction U.S. Highway 70 near Waurika, Okla., thence over U.S. Highway 70 to junction Oklahoma Highway 76 near Healdton, Okla., thence over Oklahoma Highway 76 to junction Oklahoma Highway 19 at Lindsay, Okla., thence over Oklahoma Highway 19 to junction U.S. Highway 277 near Chickasha, Okla., thence over U.S. Highway 277 to junction U.S. Highway 281 near Richards Spur, Okla., and return over the same route.

No. MC 75320 (deviation No. 67), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed January 5, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and U.S. Highway 54 over U.S. Highway 54 to junction U.S. Highway 36 near Pittsfield, Ill., thence over U.S. Highway 36 to Springfield, Ill., and return over the same route for operating convenience only. This notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 40 and U.S. Highway 54 over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 66 to Springfield, Ill., and return over the same route.

No. MC 89723 (deviation No. 44), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th St., St. Louis, Mo. 63103, filed January 9, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From West Memphis, Ark., over Interstate Highway 40 to junction U.S. Highway 49, thence over U.S. Highway 49 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction Arkansas Highway 98, thence over Arkansas Highway 98 to junction U.S. Highway 82, thence over U.S. Highway 82 to Texarkana, Ark., 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 West Memphis, Ark., over U.S. Highway 64 to Bald Knob, Ark., thence over U.S. Highway 67-167 to N. Little Rock, Ark., thence over U.S. Highway 67 to Texarkana, Ark., and return over the same route.

#### MOTOR CARRIER INTERSTATE APPLICATION(S)

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 au-

thority 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* (49CFR 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.

Florida Docket No. 770973 CCT, filed December 14, 1977. Applicant: **ROUNDTREE TRANSPORT, INC.**, 3580 Southwest 46th Avenue, Fort Lauderdale, Fla. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, Fla. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of *building and construction material and supplies*, in truckload lots, on flat-bed equipment only, between points in Florida. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 77-674-T, filed December 2, 1977. Applicant: **ASKINS MOVING & STORAGE, INC.**, 1305 East Palmetto Street, Florence, S.C. 29502. Applicant's representative: Jack L. Nettles, 229 South Coit Street, P.O. Box 1461, Florence, S.C. 29503. Certificate of Public Convenience

and Necessity sought to operate a freight service, as follows: Transportation of (1) *household goods*, between points and places in South Carolina; and (2) *commodities in general* (except petroleum products in bulk in tank trucks; classes A and B explosives and classes A, C and D poisons as defined under explosives and other dangerous articles in American Trucking Association, Inc., Agent tariff No. 10, MF-ICC No. 11, PSCSC No. 11, supplements thereto or reissues thereof; and household goods and related articles, as defined in Motor Truck Rate Bureau, Agent, household goods Tariff, Motor Freight Tariff No. 8-D, SCPSC-MF No. 79, supplements thereto or reissues thereof; and except drugs and drug sundries for King Drug Co., Florence, S.C., from Florence to Darlington, Hartsville, Kingstree, Lake City, Lamar, Olanta and Timmonsiville, S.C.; and commodities in general for Sears, Roebuck & Co., unless having prior or subsequent movement by rail in TOFC Trailers), between points and places in Darlington and Florence Counties, S.C., and between points and places in Darlington and Florence Counties and points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Box 11649, Transportation Department, Columbia, S.C. 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-1424 Filed 1-18-78; 8:45 am]

[7035-01]

[Notice No. 5]

**SPECIAL PROPERTY BROKERS**

JANUARY 16, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-12, filed October 20, 1977. Applicant: **MERCURY INTERNATIONAL FORWARDERS, INC.**, 820 East "D" Street, Wilmington, Calif. 90744. Applicant's representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015.

By the Commission.

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

[FR Doc. 78-1540 Filed 1-18-78; 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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[6355-01]

1

### CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m., January 25, 1978.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

##### UNVENTED GAS-FIRED SPACE HEATERS

The staff will brief the Commission on a possible proposed ban of unvented gas-fired space heaters under the Consumer Product Safety Act, because of possible carbon monoxide poisoning or asphyxiation hazards associated with these heaters.

#### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-122-78 Filed 1-17-78; 1:57 pm]

[6355-01]

2

### CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m., January 26, 1978.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

1. *Recommendation to Accept Corrective Action Plan: Massey-Ferguson, Inc., lawn tractor, ID 77-67.*—The staff has recommended that the Commission accept the corrective action plan which Massey-Ferguson has implemented to deal with a possible hazard associated with steering wheels on certain Massey-Ferguson lawn tractors.

2. *Petition to Require Special Packaging for Acetaminophen Preparations PP 76-9.*—Stephen D. Steckel, assistant director of pharmacy at Strong Memorial Hospital, Rochester, N.Y., has asked the Commission to require child-resistant packaging on products containing the aspirin-substitute acetaminophen, because of alleged overdose problems among children.

3. *Commission Meeting in California.*—James P. DiGrazia, director of the Commission's San Francisco Area Office, has recommended that the Commission hold a formal business session in California, in order to provide greater public exposure to CPSC decisionmaking.

#### CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Consumer Product Safety Commission, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-121-78 Filed 1-17-78; 1:57 pm]

[6570-06]

3

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Monday, January 23, 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: Part will be open to the public and part will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Part open to the public:  
American Arbitration Association; Proposed Contract for development of materials to be used in staff training for resolution of conflicts arising from the filing of charges of employment discrimination.

Part closed to the public:  
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 16, 1978.

[S-115-78 Filed 1-17-78; 8:52 am]

[6570-06]

4

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-115-78, ante.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Monday, January 23, 1978.

#### CHANGES IN THE MEETING:

The following item is added to the agenda for the closed part of the meeting:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under § 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

The vote was as follows: In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner.

Opposed: None.

#### CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued January 17, 1978.

[S-126-78 Filed 1-17-78; 3:53 pm]

[7545-01]

5

### NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m. Friday, January 27, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:

Robert Volger, Acting Executive Secretary, Washington, D.C. 20570, telephone number 202-254-9430.

Dated: January 16, 1978, Washington, D.C.

By direction of the Board.

For the National Labor Relations Board.

GEORGE A. LEET,  
Associate Executive Secretary.  
[S-114-78 Filed 1-17-78; 8:52 am]

[4910-58]

6

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Friday, January 20, 1978 [NM-78-4].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Closed. (A majority of the Board has voted that the meeting may be closed and that no earlier notice was possible.) (Exemption 9B.)

MATTERS TO BE CONSIDERED: Formulation of Board comments on proposed legislation, as requested by Office of Management and Budget.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming 202-426-8860.  
[S-124-78 Filed 1-17-78; 3:31 pm]

[4910-58]

7

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, January 26, 1978 [NM-78-5].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*.—Collision of the SS *Marine Floridian* with

the Benjamin Harrison Bridge near Hopewell, Va., on February 24, 1977.

2. *Railroad Accident Report*.—Rear end collision of two ConRail freight trains, Stemmers Run, Baltimore, Md., June 12, 1977.

3. *Aviation Special Study*.—Emergency locator transmitters: An overview.

4. *Discussion*.—Letter to the Secretary of State concerning international aviation investigations and NTSB order 6220.1, Board policy regarding participation in international aircraft accident investigations.

5. *Discussion*.—NTSB public hearings and how rotation among the members will be established.

6. *Discussion*.—Selection of railroad accidents to investigate.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-426-8860.  
[S-125-78 Filed 1-17-78; 3:31 pm]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, January 12, 1978.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open (additional item)

MATTERS TO BE CONSIDERED:

2 p.m.—Affirmation of order extending time in review of ALAB-447 (Exxon). By unanimous vote on January 12, 1978 the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. Immediate action is required to permit additional time to review the matter.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

JANUARY 13, 1978.

[S-117-78 Filed 1-17-78; 10:36 am]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of January 16, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed (Changes).

MATTERS TO BE CONSIDERED:

Monday, January 16

9:30 a.m. Final Disposition of NRDC Petition for Reconsideration in S-3 Rulemaking Proceeding (Public Meeting). Rescheduled from Wednesday, January 18, 1978.

Wednesday, January 18

2 p.m. (1) Discussion of Proposed Publication of Final Export/Import Regulations (Public Meeting). Approximately 1 hour, if required, continued from January 12. Other items as scheduled.

Thursday, January 19

2 p.m. (2) Additional item—Appellate Review in Midland (Closed-Exemptions 6 and 10), continued from January 12, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,  
Office of the Secretary.

JANUARY 13, 1978.

[S-119-78 Filed 1-17-78; 10:36 am]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, January 16, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (Additional Item).

MATTERS TO BE CONSIDERED:

3 p.m.—Discussion Concerning a Special Proceeding in the Midland Licensing Proceeding (Exemption 10).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE  
Office of the Secretary.

JANUARY 16, 1978.

[S-116-78 Filed 1-17-78; 10:36 am]

[7590-01]

11

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of January 23, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

## MATTERS TO BE CONSIDERED:

*Monday, January 23*

9:30 a.m. (1) Briefing on NRC Policy on Notifying Boards and Panels. Approximately 1 hour. Public Meeting. (2) Proposals for Settlement of Sheffield Waste Disposal Case. Approximately 1/2 hour. Public Meeting.

1:30 p.m. (1) Briefing on National Plan for Safeguards Contingencies. Approximately 1 hour. Public Meeting. (2) Discussion of Notification of Congress with Regard to International Safeguards Matters. Approximately 1 hour. Public Meeting.

*Tuesday, January 24*

9:30 a.m. (1) Oral Arguments in St. Lucie (ALAB-420). Approximately 1 hour. Public Meeting. (2) Discussion of St. Lucie (ALAB-420). Approximately 1 hour. Public Meeting.

1:30 p.m. (1) Briefing by Department of State Representatives on Export Matters. Approximately 1 hour. (Closed—Exemptions 1 and 9.) (2) Discussion of Personnel Matter. Approximately 1 1/2 hours. (Closed—Exemption 6.)

## CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

[S-118-78 Filed 1-17-78; 10:36 am]

[7905-01]

12

## U.S. RAILROAD RETIREMENT BOARD.

## "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., January 23, 1978.

CHANGES IN THE MEETING: Additional item to be considered at closed meeting: (7) Appeal from referee's denial of disability annuity application, William W. Abbott.

## CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, COM No. 312-751-4920, FTS No. 387-4920.

[S-120-78 Filed 1-17-78; 12:26 pm]

[8010-01]

13

## 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 23, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, January 24, 1978, at 10 a.m. Open meetings will be held on Tuesday, January 24, 1978, at 3:30 p.m., on Wednesday, January 25, 1978, at 10 a.m., on Wednesday, January 25, 1978, at 2:30 p.m., and on Thursday, January 26, 1978, at 2 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are 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 meetings 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)(9) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 24, 1978, at 10 a.m., will be:

Referral of investigative files to Federal, State or Self-Regulatory authorities. Formal orders of investigation.

Institution of injunctive actions. Institution of administrative proceedings. Settlement of administrative proceedings. Other litigation matters.

The subject matter of the open meeting scheduled for Tuesday, January 24, 1978, at 3:30 p.m., will be:

The Commission will meet with representatives of the Association of Corporate Secretaries to discuss current issues and developments of mutual concern.

The subject matter of the open meeting scheduled for Wednesday, January 25, 1978, at 10 a.m., will be:

1. The issuance of a release confirming the expiration date of January 31, 1978, with regard to Rule 15c2-11(f)(4)(T) concerning information required for initiation or resumption of quotations. (The expiration date for this rule has been previously extended by the Commission several times).

2. Further consideration of soliciting public comments on proposed Rule 206(4)-3 under the Investment Advisers Act of 1940 which would set forth guidelines pursuant to which investment advisers can make cash payments to persons who solicit clients for such investment advisers.

3. The issuance of a release announcing the Commission's preliminary response to the recommendations of the Advisory Committee on Corporate Disclosure.

The subject matter of the open meeting scheduled for Wednesday, January 25, 1978, at 2:30 p.m., will be:

Oral argument in the matter of Allen Mansfield concerning an appeal from disciplinary action taken against him by the National Association of Securities Dealers, Inc.

The subject matter of the open meeting scheduled for Thursday, January 26, 1978, at 2 p.m., will be:

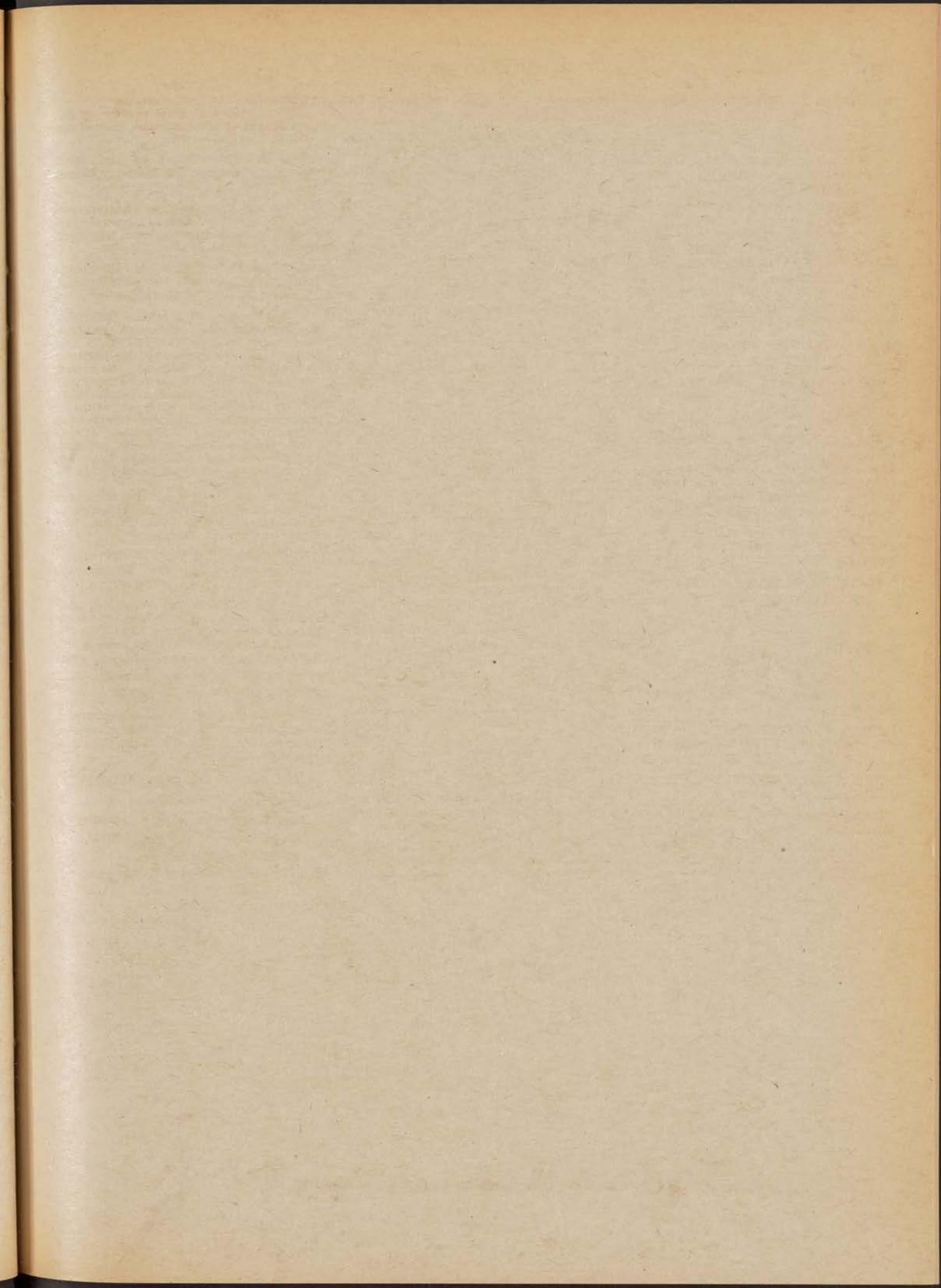
The Commission will meet with interested persons who wish to express their views concerning the valuation of portfolio securities by money market funds.

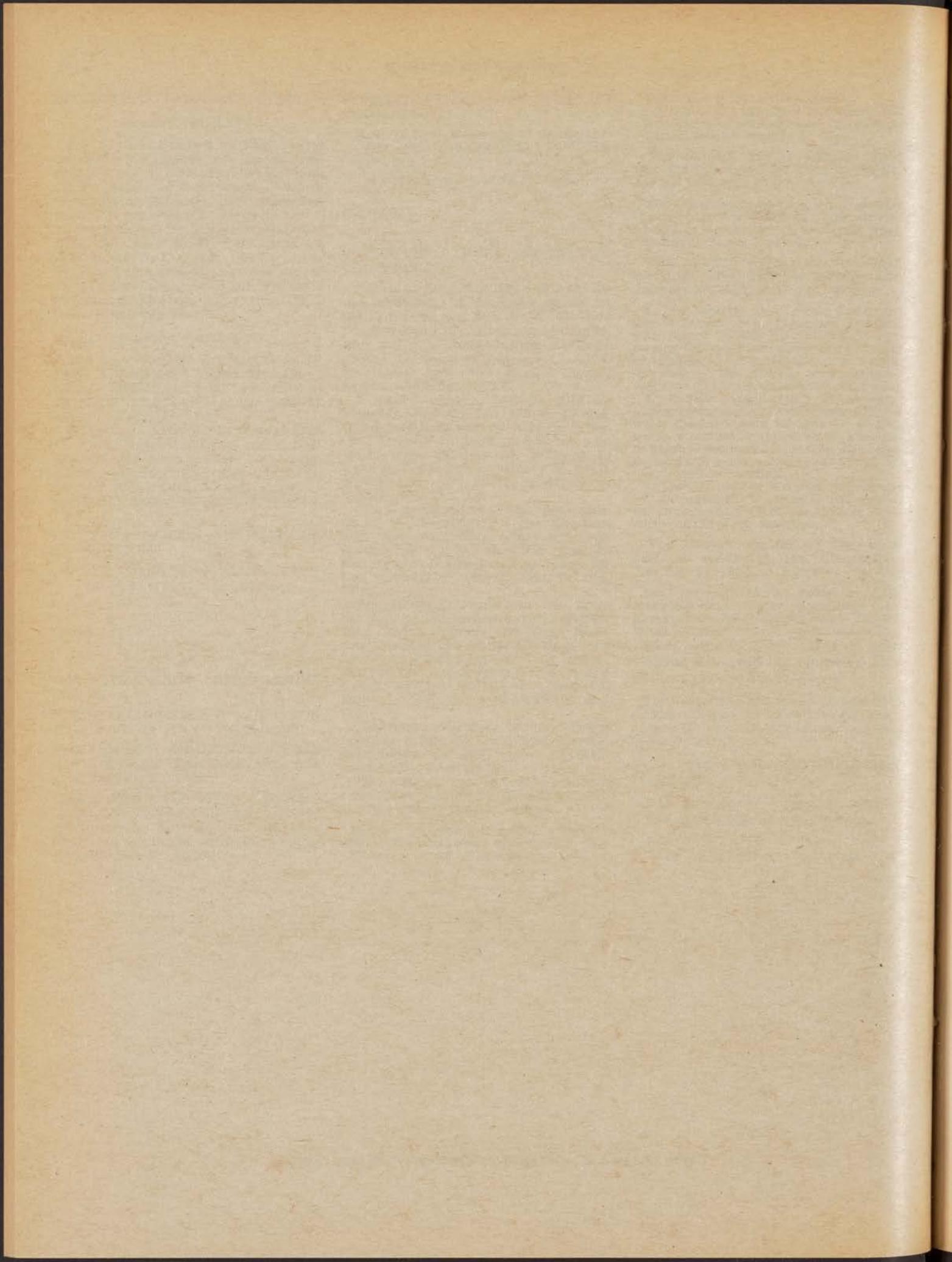
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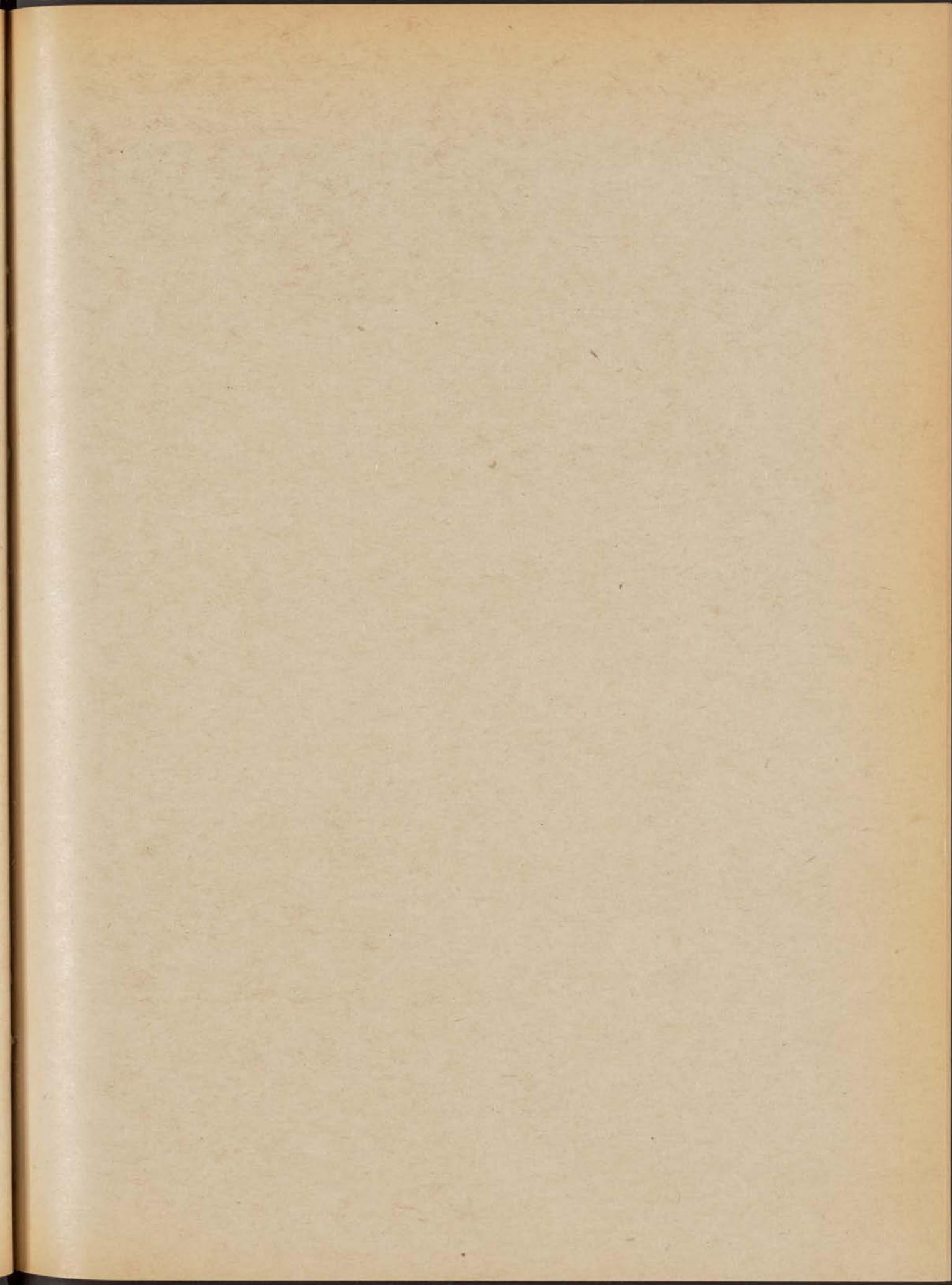
Judy L. Chesser at 202-376-8065 or Margaret Topps at 202-376-8003.

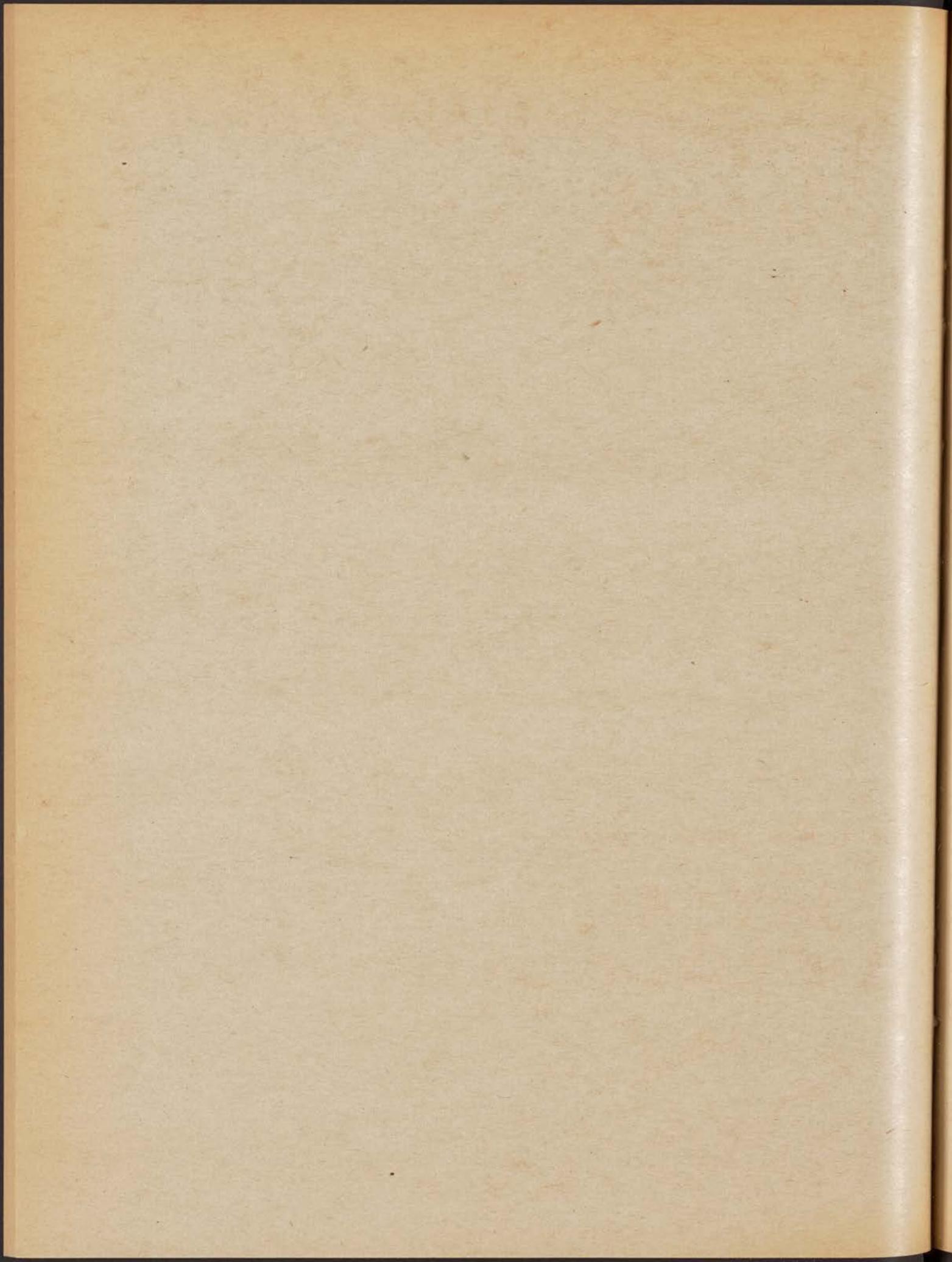
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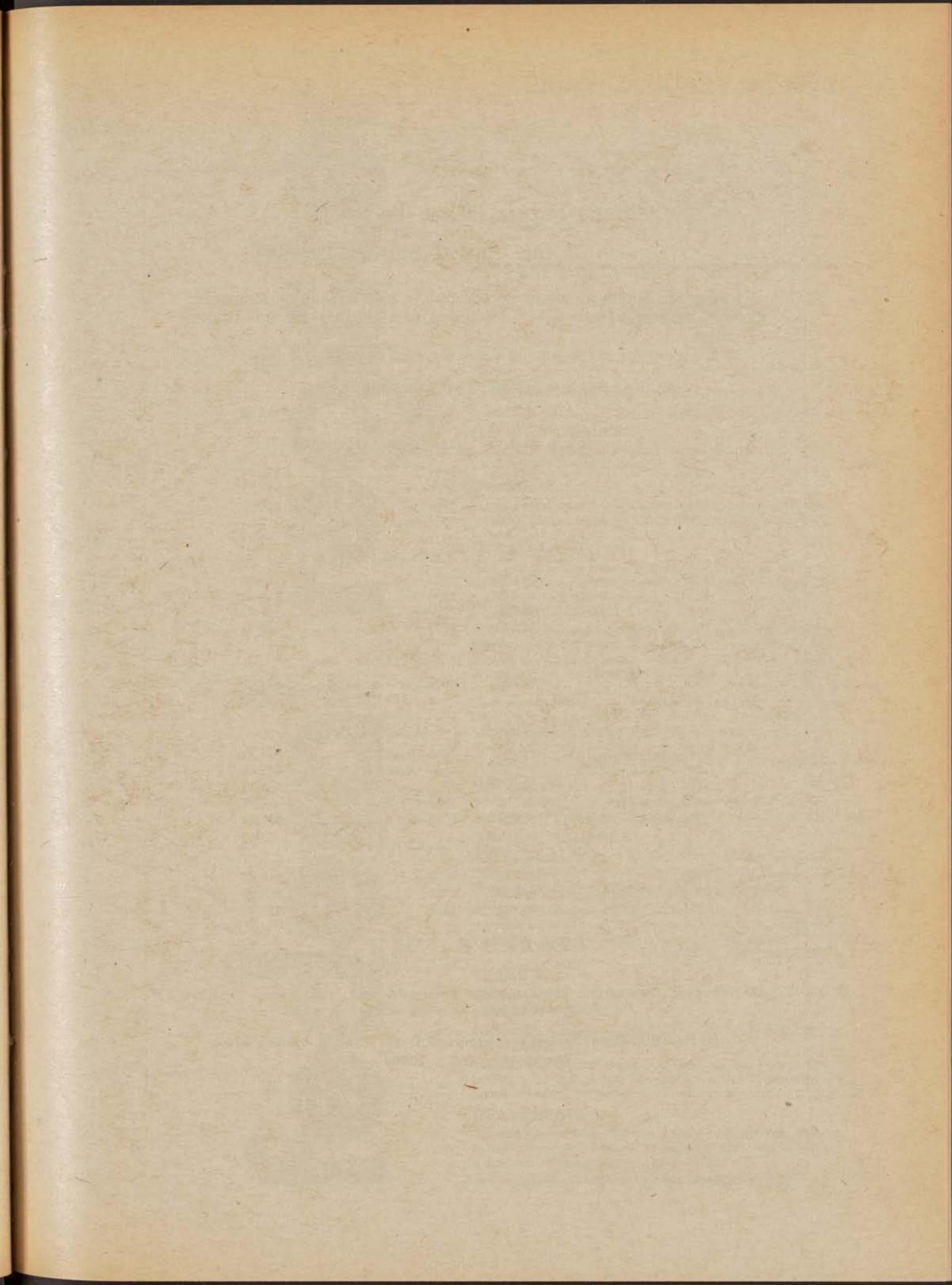
[S-123-78 Filed 1-17-78; 3:31 pm]











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