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THURSDAY, JANUARY 26, 1978



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

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

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

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[3410-02]

Title 7—Agriculture

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

[Navel Orange Reg. 428; Navel Orange Reg. 426, 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 27-February 2, 1978, and increases the quantity of such oranges that may be so shipped during the period January 20-26, 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 27, 1978, and the amendment is effective for the period January 20-26, 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 20, 23, and 24, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges continues good.

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. Section 907.728 is added as follows:

§ 907.728 Navel Orange Regulation 428.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period January 27, 1978, through February 2, 1978, are established as follows:

(1) District 1: 949,000 cartons;
(2) District 2: 351,000 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 § 907.726 Navel Orange Regulation 426 (43 FR 2719), is hereby amended to read;

(1) District 1: 1,050,000 cartons;
(2) District 2: 150,000 cartons;
(3) District 3: unlimited movement.

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

Dated: January 25, 1978.

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

[FR Doc. 78-2423 Filed 1-25-78; 11:24 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-WE-32-AD; Amdt. 39-3129]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. BAC 1-11 Series Airplanes With Auxiliary Fuel Tanks Installed in Accordance With Supplemental Type Certificate SA2971WE.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to BAC 1-11 airplanes incorporating auxiliary fuel tanks per Supplemental Type Certificate SA2971WE by providing a means of ensuring the integrity of the auxiliary fuel tank system. The amendment is needed to return the auxiliary fuel tank system to eligibility for operation.

EFFECTIVE DATE: January 31, 1978.

ADDRESSES: The applicable reports may be obtained from: National Aircraft Leasing, 1888 Century Park East, Los Angeles, Calif. 90067, telephone 213-552-6311.

Also, a copy of these reports may be reviewed at, or a copy obtained from:

Rules Docket, in Room 916, FAA, 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 Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone: 213-536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3062 (42 FR 21102), AD 77-21-08 which currently requires either removal or deactivation of the auxiliary fuel system for BAC 1-11 airplanes certifi-

cated in all categories incorporating auxiliary fuel tanks per Supplemental Type Certificate SA2971WE. After issuing amendment 39-3062, The FAA has determined that modification of the auxiliary fuel system in accordance with National Aircraft Leasing Service Bulletin TA-4-8, Revision "A" dated November 22, 1977 is adequate to insure the integrity of the fuel fitting shrouds and eliminates the cause of cracking of the inner tanks. Therefore, the FAA is amending Amendment 39-3062 to allow the use of the auxiliary fuel system, conditional upon accomplishment of specified modifications.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are E. W. Mason, Aircraft Engineering Division and DeWitte Lawson, Jr., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89). Section 39.13 of the Federal Aviation Regulation (14 CFR 39.13) is amended, by amending Amendment 39-3062 (42 FR 21102), AD 77-21-08 as follows:

Add a new Paragraph (d) to read as follows:

(d) The limitation required by Paragraph (a) may be removed and the deactivation or removal required by Paragraph (b) may be reactivated or reinstalled, after the auxiliary fuel system is modified in accordance with National Aircraft Leasing Service Bulletin TA-4-8 Revision "A" dated November 22, 1977 or later FAA approved revision.

This amendment becomes effective January 31, 1978.

(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, Calif, on January 16, 1978.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc. 78-2114 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-SO-5]

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

Alteration of Federal Airway; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a VOR Federal airway identified as V-159 between Miami, Fla., and Palm Beach, Fla. This action reduces controller workload and chart clutter and simplifies flight planning for pilots by realigning V-159 along existing airways (V-7, V-51 and V-97) between Miami, Fla., and Palm Beach, Fla.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to realign a segment of VOR Federal airway identified as V-159 between Miami, Fla., and Palm Beach, Fla. This action assures that V-159 between Miami and Palm Beach overlie V-7, V-51 and V-97. Since this amendment is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 GMT, March 23, 1978, as follows: In § 71.123 V-159 "Miami 343" is deleted and "Miami 337" is substituted therefor.

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

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

Issued in Washington, D.C., on January 19, 1978.

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

[FR Doc. 78-2191 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-62]

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

Alteration of Federal Airways; Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters VOR Federal airways identified as V-76 and V-306 in the vicinity of Austin, Tex. This amendment improves air traffic efficiency by simplifying air traffic control instructions being issued to aircraft arriving into the Austin, Tex., terminal area.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On December 1, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter two Federal airways identified as V-76 and V-306 in the vicinity of Austin, Tex. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received four responses to the NPRM in which the commenters posed no objection to the proposal. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) adopts the airspace action proposed in the NPRM (42 FR 61049).

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traf-

fic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In § 71.123 V-76 "Industry 305°" is deleted and "Industry 310°" is substituted therefor. In V-306 between "Navasota, Tex.;" and "INT Navasota" "including a south alternate from Austin via INT Austin 109° and College Station, Tex., 240° radials; INT College, Tex., 240° and Industry, Tex., 310° radials;" is added.

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

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

Issued in Washington, D.C., on January 18, 1978.

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

[FR Doc. 78-2192 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-11]

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

Extension of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends VOR federal airway V-208 from Myton, Utah, to Page, Ariz. This action provides a route east of the Wasatch Mountain Range to accommodate an increasing amount of north/south traffic.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

On November 25, 1977, the FAA proposed to amend Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR federal airway V-208 from Myton, Utah, to Page, Ariz., via Carbon, Utah, Hanksville, Utah, to Page (42 FR 60162). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The comment received expressed no objection. This amendment is that proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) (14 CFR Part 71) extends VOR Federal airway V-208 from Myton, Utah, to Page, Ariz., via Carbon, Utah, Hanksville, Utah, to Page. This action is necessary to provide a route east of the Wasatch Mountain Range, where the weather is significantly different than that on the western slope. This airway extension will accommodate an increasing amount of north/south traffic.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In V-208 "From Myton, Utah, 79 MSL, via" is deleted and "From Page, Ariz., via Hanksville, Utah; Carbon, Utah; Myton, Utah; 79 MSL" is substituted therefor.

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

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

Issued in Washington, D.C., on January 19, 1978.

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

[FR Doc. 78-2190 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-62]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Federal Airways, Reporting Points, Area High Routes and Jet Routes—Name Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments change six names to be identical to the new names of VORTACs located near Birmingham, Ala.; Dothan, Ala.; Mobile, Ala.; Columbus, Miss.; and Hattiesburg, Miss. These actions will eliminate the possible confusion of using two names for the same location. These amendments contain no changes in the designation of airspace or its use.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to: (1) Change the name of Birmingham, Ala., to Vulcan, Ala.; (2) change the name of Dothan, Ala., to Wiregrass, Ala.; (3) change the name of Huntsville, Ala., to Rocket, Ala.; (4) change the name of Mobile, Ala., to Semmes, Ala.; (5) change the name of Columbus, Miss., to Bigbee, Miss.; and (6) change the name of Hattiesburg, Miss., to Eaton, Miss.; where they appear in the description of airways, reporting points, jet routes and area high routes. Because these actions merely rename existing navaids without changing the designation of any airspace or its use, these amendments are a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

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

tor, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (43 FR 307, 631, 638, 714 and 730) and amended (42 FR 60123 and 63167) are amended, effective 0901 GMT, March 23, 1978, as follows:

§ 71.123 [Amended]

1. Section 71.123 (43 FR 307) is amended as follows:

a. "Birmingham" is deleted and "Vulcan" is substituted therefor wherever it appears in the description of V-7, V-18, V-49, V-115, V-159, V-168 and V-278.

b. "Dothan" is deleted and "Wiregrass" is substituted therefor wherever it appears in the description of V-7 and V-241.

c. "Huntsville" is deleted and "Rocket" is substituted therefor wherever it appears in the description of V-54 and V-321.

d. "Mobile" is deleted and "Semmes" is substituted therefor wherever it appears in the description of V-11, V-20, V-209, V-240 and V-241.

e. "Columbus" is deleted and "Bigbee" is substituted therefor wherever it appears in the description of V-245 and V-278.

f. "Hattiesburg" is deleted and "Eaton" is substituted therefor wherever it appears in the description of V-222 and V-455.

§ 71.203 [Amended]

2. Section 71.203 (43 FR 631) is amended as follows:

a. "Birmingham, Ala." is deleted and "Vulcan, Ala." is substituted therefor.

b. "Columbus, Miss." is deleted and "Bigbee, Miss." is substituted therefor.

c. "Dothan, Ala." is deleted and "Wiregrass, Ala." is substituted therefor.

d. "Hattiesburg, Miss." is deleted and "Eaton, Miss." is substituted therefor.

e. "Huntsville, Ala." is deleted and "Rocket, Ala." is substituted therefor.

f. "Mobile, Ala." is deleted and "Semmes, Ala." is substituted therefor.

§ 71.207 [Amended]

3. Section 71.207 (43 FR 638) is amended as follows:

a. "Birmingham, Ala." is deleted and "Vulcan, Ala." is substituted therefor.

b. "Mobile, Ala." is deleted and "Semmes, Ala." is substituted therefor.

§ 75.100 [Amended]

4. Section 75.100 (43 FR 714) is amended as follows:

a. "Birmingham" is deleted and "Vulcan" is substituted therefor wherever it appears in J-14, J-22, J-31, J-39, J-41, J-52, J-69 and J-151.

b. "Columbus" is deleted and "Bigbee" is substituted therefor wherever it appears in J-52.

c. "Mobile" is deleted and "Semmes" is substituted therefor wherever it appears in J-2, J-37 and J-69.

§ 75.400 [Amended]

5. Section 75.400 (43 FR 730) is amended as follows:

a. "Birmingham" is deleted and "Vulcan" is substituted therefor wherever it appears in J-811R, J-874R, J-875R, J-934R and J-952R.

b. "Columbus" is deleted and "Bigbee" is substituted therefor wherever it appears in J-934R.

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

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

Issued in Washington, D.C., on January 20, 1978.

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

[FR Doc. 78-2193 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-60]

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

Alteration of Control Zone: Corpus Christi NAS, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This alters the control zone at Corpus Christi (Naval Air Station) NAS, Tex., to provide controlled airspace for aircraft executing revised instrument approach procedures to NAS Corpus Christi. The change in procedures was necessitated by the recent relocation of the Navy Corpus Christi (very high frequency omnidirectional range technical air navigation) (VORTAC).

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 10, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 58540) stating that the Federal Aviation Administration proposed to alter the Corpus Christi NAS, Tex., control zone.

Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Corpus Christi NAS, Tex., control zone. This action provides controlled airspace for revised instrument approach procedures necessitated by the recent relocation of the Navy Corpus Christi VORTAC.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegted to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 355) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In Subpart F, 71.171 (42 FR 355), the Corpus Christi NAS, Tex., control zone is amended as follows:

That airspace within a 5-mile radius of NAS Corpus Christi (Latitude 27°41'30" N., Longitude 97°17'15" W.) including the following extensions based on the Navy Corpus VORTAC (Latitude 27°41'09" N., Longitude 97°17'40" W.); 3 miles each side of the 331 radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; 1.5 miles each side of the 016 radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; 1.5 miles each side of the 016 radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC; 3 miles each side of the 118 radial, extending from the 5-mile radius zone to 7 miles southeast of the VORTAC; and 1.5 miles each side of the 160 radial, extending from the 5-mile radius zone to 6.5 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c)), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Fort Worth, Tex., on January 9, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-2172 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-57]

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

Alteration of Transition Area: Vernon, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This alters the transition area at Vernon, Tex., to provide controlled airspace for aircraft executing instrument approach procedures to the Wilbarger County Airport, using the newly established nondirectional beacon (NDB) located on the airport. Coincident with this action, the airport is changed from visual flight rules (VFR) to instrument flight rules (IFR) for public use.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 10, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 58541) stating that the Federal Aviation Administration proposed to alter the Vernon, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Vernon, Tex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Wilbarger County Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, 71.181 (42 FR 440), the Vernon, Tex., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14'00" N., longitude 99°17'30" W.) within 2 miles west of the Altus VOR 182° radial extending from the 6-mile radius to 7 miles north of the airport; within 3 miles each side of the 016° bearing from the Vernon NDB (latitude 34°13'48" N., longitude 99°16'44" W.) extending from the 6-mile radius area to 11.5 miles north of the NDB, excluding the portion within the Hobart, Okla., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Fort Worth, Tex., on January 10, 1978

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-2173 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-AL-3]

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

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a 700 foot transition area at Dutch Harbor, Alaska. This action provides controlled airspace for the protection of aircraft executing instrument approaches to the Dutch Harbor Airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On October 17, 1977, the FAA published for comment a proposal to designate a 700 foot transition area at Dutch Harbor, Alaska (42 FR 55477). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only comment received expressed no objection. Section 71.181 of Part 71 was published in the FEDERAL REGISTER on January 3, 1978 (43 FR 440). Since this action involved in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates as a 700 foot transition area the airspace within 5 miles each side of the Dutch Harbor NDB 360° bearing extending from the NDB to 17.5 miles north of the NDB and that airspace within 4.5 miles east and 9.5 miles west of the 360° bearing extending from 11.5 miles to 36 miles north of the NDB. This action provides controlled airspace to accommodate aircraft executing Standard Instrument Approach Procedures (SIAP) to the Dutch Harbor Airport.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., March 23, 1978, by adding the Dutch Harbor, Alaska, transition area as follows:

DUTCH HARBOR, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Dutch Harbor NDB 360° bearing extending from the NDB to 17.5 miles north of the NDB and within 4.5 miles east and 9.5 miles west of the NDB 360° bearing extending from 11.5 miles to 36 miles north of the NDB.

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

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

Issued in Washington, D.C., on January 19, 1978.

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

[FR Doc. 78-2174 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-50]

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

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters VOR Federal airway identified as V-159 in the southeastern United States. This amendment revokes a segment of V-159. An airspace utilization study indicated insufficient IFR traffic on this segment of V-159 to warrant retention.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 14, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Federal Airway V-159 in the State of Florida (42 FR 58956). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received three responses to the NPRM in which the commenters posed no objection to the proposal. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) adopts the airspace action proposed in the NPRM (42 FR 58956).

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In § 71.123 V-159 "Fla., including an E alternate via INT Vero Beach 341° and Orlando 123° radials;" is deleted and "Fla.;" is substituted therefor.

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

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

Issued in Washington, D.C., on January 19, 1978.

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

[FR Doc. 78-2175 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-14]

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

Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters VOR federal airways identified as V-2, V-14, V-141, V-229, V-447, V-475 and V-490 in the northeastern United States. This amendment improves air traffic efficiency by providing continuous preferential routing with charted radials, distance and minumum en route altitudes.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On October 27, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter seven federal airways identified as V-2, V-14, V-141, V-229, V-447, V-475 and V-490 in the northeastern United States (42 FR 56619). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. We received three responses to the NPRM in which the commenters posed no objection to the proposal. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307) and amended (42 FR 58930).

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) adopts the airspace action proposed in the NPRM (42 FR 56619).

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) and amended (42 FR 58930) is amended, effective 0901 GMT, March 23, 1978, as follows:

1. In § 71.123 V-2 "Gardner; Boston, Mass." is deleted and "Gardner." is substituted therefor.

2. In V-14 "128° and Boston, Mass., 251° radials; Boston." is deleted and "195° and Norwich, Conn., 351° radials; Norwich." is substituted therefor.

3. In V-141 "Boston, Mass.; INT Boston 015° and Manchester, N. H. 117° radials; Manchester;" is deleted and "to Boston, Mass. From Manchester, N. H.," is substituted therefor.

4. In V-229 after "Gardner," "; Keene, N. H.; INT Keene 336° and Burlington, Vt., 160° radials; Burlington," is substituted therefor.

5. In V-447 "Montpelier, Vt.," is deleted and "Cambridge, N. Y., Montpelier, Vt.;" is substituted therefor.

6. In V-475 between "Providence, R.I.;" and "INT Providence" "including an east alternate from Madison to Providence via INT Madison 082° and Providence 212° radials;" is added.

7. In V-490 "; INT Manchester 117° and Boston, Mass., 015° radials." is deleted.

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

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

Issued in Washington, D.C., on January 16, 1978.

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

[FR Doc. 78-2178 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-45]

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

Alteration of Federal Airways; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of December 15, 1977, Vol. 42, page 63167, the Llano, Tex., 026° radial was incorrectly stated as 025° in the amendatory paragraphs numbered 3 and 4. This correction reflects the correct radial of Llano, Tex., to be 026°.

EFFECTIVE DATE: January 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

FEDERAL REGISTER Document 77-35555 was published on December 15, 1977 (42 FR 63167) with an effective date of January 26, 1978, and designated segments of V-161 and V-163 via the Llano, Tex., 025° radial. This 025° radial was inadvertently published incorrectly and should have been published as 026°. Action is taken herein to correct this error.

DRAFTING INFORMATION

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

ADOPTION OF THE CORRECTION

Accordingly, pursuant to the authority delegated to me by the Administrator, FEDERAL REGISTER Document 77-35555 as published on December 15, 1977, page 63167, is amended in the description of a segment of V-161 and a segment of V-163 by deleting the third line of the amendatory paragraph numbered 3 and the eleventh line of the amendatory paragraph numbered 4 and substituting therefor "026° and Millsap, Tex., 193° radials; Millsap;" and "Tex., Llano, Tex., and Int. Llano 026° and" respectively.

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

Issued in Washington, D.C., on January 16, 1978.

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

[FR Doc. 78-2179 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-43]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Avon Park, Fla., Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter several restricted areas near Avon Park, Fla. The alterations were requested by the United States Air Force (USAF) to contain the flight profiles of high performance military aircraft engaged in ordnance delivery. These alterations will provide sufficient restricted area airspace to permit the USAF to perform its mission in this area.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

HISTORY

The restricted area complex at Avon Park has been used for years by the USAF for expenditure of ordnance. Only the inner portion of the area is used for actual delivery of ordnance, and the outer portions are used for high speed, head in the cockpit operation preparing for ordnance delivery. Introduction of higher performance military aircraft resulted in the USAF request for additional restricted area airspace. Accordingly, on November 14, 1977 (42 FR 58957), the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to enlarge the restricted areas at Avon Park as necessary. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. Two comments were received and due consideration has been given to all matters presented. Except for editorial changes, and except as specifically discussed below, these amendments are the same as proposed in the notice. Sections 71.151 and 73.29 were republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 344 and 672 respectively).

THE RULE

The amendment to Part 73 of the Federal Aviation Regulations (FAR's) enlarges the Avon Park, Fla., restricted area complex to provide more restricted area airspace for higher performance military aircraft engaged in ordnance delivery. The amendment to Part 71 of the FAR's makes an administrative change to remove R-2901A from § 71.151 (Subpart D). By definition, the continental control area excludes airspace within restricted areas; however, airspace within restricted areas above 14,500 feet MSL can be designated as continental control area by including those restricted areas in Subpart D of Part 71. R-2901A is presently included in Subpart D; however, since it will no longer extend into the continental control area, it will no longer be necessary to list that restricted area in Subpart D, and it is removed.

In the notice the description of R-2901C inadvertently specified a geographical coordinate as "Lat. 27°44'50" N., Long. 81°25'20" W.", and highway descriptions as "Florida State routes 60 and 80." These descriptions should have been "Lat. 27°46'00" N., Long. 81°25'20" W." and "Florida State routes 60 and 630" respectively. These corrections are reflected herein. Since the correction to the geographical coordinate is minor and the correction to the highway number is administrative, notice and public procedure are deemed unnecessary.

DISCUSSION OF COMMENTS

Comments were received from the Air Line Pilots Association (ALPA) and the Florida State Department of Transportation. ALPA commented that the proposed enlargement of Avon Park complex would cause substantial increase in distance flown by air carrier aircraft in circumnavigating the area. This was discussed with ALPA and when it was shown that the small increase in area extended up to only 5,000 feet MSL, and that air carrier aircraft would nearly always be above that altitude in the vicinity of Avon Park, ALPA withdrew its objection. The State of Florida Department of Transportation (DOT) suggested that the restricted area boundaries be defined by more prominent landmarks so that nonparticipating aircraft could avoid the area more easily. The boundaries suggested by the Florida DOT would result in a decrease in existing

special use airspace. This was discussed with the United States Air Force (USAF) which advised that they could not accept any decrease in restricted airspace without serious derogation to their training mission. The Florida DOT was advised that the FAA reviewed the USAF position and concurs with the USAF statement on mission derogation.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, effective 0901 G.m.t., March 23, 1978, as follows:

1. By amending § 71.151 (42 FR 345) by deleting "R-2901A Avon Park, Fla."

Part 73; § 73.29.

1. By revoking R-2901A, R-2901B, R-2901C, R-2901D, R-2901E, R-2901F and R-2901G, and substituting therefor the following:

a. R-2901A Avon Park, Fla. Boundaries. Beginning at Lat. 27°44'45" N., Long. 81°25'20" W.; via Lat. 27°44'45" N., Long. 81°11'40" W.; Lat. 27°35'00" N., Long. 81°09'00" W.; Lat. 27°32'30" N., Long. 81°07'30" W.; Lat. 27°29'00" N., Long. 81°13'30" W.; Lat. 27°32'40" N., Long. 81°16'50" W.; Lat. 27°32'32" N., Long. 81°21'40" W.; Lat. 27°42'00" N., Long. 81°25'20" W.; to point of beginning.

Designated altitudes. Surface to and including 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

b. R-2901B Avon Park, Fla. Boundaries. Beginning at Lat. 27°44'45" N., Long. 81°25'20" W.; via Lat. 27°44'45" N., Long. 81°11'40" W.; Lat. 27°35'00" N., Long. 81°09'00" W.; Lat. 27°32'40" N., Long. 81°12'20" W.; Lat. 27°32'32" N., Long. 81°21'40" W.; Lat. 27°42'00" N., Long. 81°25'20" W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to and including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

c. R-2901C Avon Park, Fla. Boundaries. Beginning at Lat. 27°44'45" N., Long. 81°25'20" W.; via Lat. 27°46'00" N., Long. 81°25'20" W.; thence east along Florida State routes 60 and 630 to Lat. 27°48'30" N., Long. 81°14'00" W.; Lat. 27°44'50" N., Long. 81°14'00" W.; to point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

d. R-2901D Avon Park, Fla. Boundaries. Beginning at Lat. 27°44'50" N., Long. 81°25'20" W.; via Lat. 27°50'00" N., Long. 81°25'20" W.; Lat. 27°50'00" N., Long. 81°14'00" W.; Lat. 27°48'30" N., Long. 81°14'00" W.; thence west along Florida State routes 80 and 630 to point of beginning.

Designated altitudes. 500 feet MSL to 4,000 feet MSL east of Long. 81°21'00" W.; 1,000 feet AGL to 4,000 feet MSL west of Long. 81°21'00" W.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administrtion, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

e. R-2901E Avon Park, Fla. Boundaries. Beginning at Lat. 27°50'00" N., Long. 81°25'20" W.; via Lat. 27°55'00" N., Long. 81°25'20" W.; Lat. 28°00'00" N., Long. 81°21'00" W.; Lat. 28°00'00" N., Long. 81°14'00" W.; Lat. 27°50'00" N., Long. 81°14'00" W.; to point of beginning.

Designated altitudes. 1,000 feet MSL to 4,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

f. R-2901F Avon Park, Fla. Boundaries. Beginning at Lat. 27°32'32" N., Long. 81°21'40" W.; via Lat. 27°32'40" N., Long. 81°16'50" W.; Lat. 27°29'00" N., Long. 81°13'30" W.; Lat. 27°24'45" N., Long. 81°11'00" W.; Lat. 27°30'45" N., Long. 81°17'50" W.; to point of beginning.

Designated altitudes. 4,000 feet MSL to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

g. R-2901G Avon Park, Fla. Boundaries. Beginning at Lat. 27°29'00" N., Long. 81°13'30" W.; via Lat. 27°32'30" N., Long. 81°07'30" W.; Lat. 27°29'30" N., Long. 81°05'30" W.; Lat. 27°24'45" N., Long. 81°11'00" W.; to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

h. R-2901H Avon Park, Fla. Boundaries. Beginning at Lat. 27°24'45" N., Long. 81°11'00" W.; via Lat. 27°29'30" N., Long. 81°05'30" W.; Lat. 27°21'00" N., Long. 81°00'00" W.; to point of beginning.

Designated altitudes. 1,000 feet MSL to 4,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

i. R-2901I Avon Park, Fla. Boundaries. Beginning at Lat. 27°24'45" N., Long. 81°11'00" W.; via Lat. 27°21'00" N., Long. 81°00'00" W.; Lat. 27°16'45" N., Long. 81°06'00" W.; to point of beginning.

Designated altitudes. 1,500 feet MSL to 4,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTCC.

Using/scheduling agency. 56th TFW, MacDill AFB, Fla.

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

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

Issued in Washington, D.C., on January 16, 1978.

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

[FR Doc. 78-2177 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-23]

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

Designation of Transition Area—West Union, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a transition area at West Union, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the George L. Scott Municipal Airport, West Union, Iowa, which is based on the Waukon, Iowa, VHF omnidirectional range (VOR), a navigational aid.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the George L. Scott Municipal Airport, West Union, Iowa, has been established based on the Waukon, Iowa, VOR, a navigational aid. This navigational aid will provide new navigational guidance for aircraft utilizing said airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet above ground level (AGL) at West Union, Iowa, within which aircraft are provided air traffic control service. The intended effect of this action is to ensure adequate controlled airspace protection for aircraft executing the new instrument approach procedure to George L. Scott Municipal Airport.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Oper-

ations, Procedures and Airspace Branch, Air Traffic Division, and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On pages 59758 and 59759 of the FEDERAL REGISTER dated November 21, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at West Union, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

Accordingly, subpart G, section 71.181, of the Federal Aviation regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), is amended, effective 0901 G.m.t. March 23, 1978, by adding the following transition area:

WEST UNION, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the George L. Scott Municipal Airport (latitude 42°59'00" N., longitude 91°48'00" W.); and within 2½ miles each side of the 010° bearing from the George L. Scott Municipal Airport, extending from the 5-mile radius to 6 miles northeast of the airport.

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

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

Issued in Kansas City, Mo., on January 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-2115 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-CE-17]

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

Alteration of Transition Area—Grandview, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the existing transition area at Grandview, Mo., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Johnson County, Kansas Industrial Airport which is based on the Johnson County TVORW, a navigational aid.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION: A new instrument approach procedure to the Johnson County, Kansas Industrial Airport has been developed based on the Johnson County, Kans., TVORW, a navigational aid. This navigation aid will provide additional guidance for aircraft utilizing this airport. The establishment of an instrument approach procedure based on the navigation aid entails alteration of the Grandview, Mo., transition area at and above 700 feet above the ground (AGL) within which aircraft will be provided additional air traffic control service. The intended effect of this action is to insure adequate controlled airspace for aircraft executing the new instrument approach procedure.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Operations, Procedures and Airspace Branch, Air Traffic Division, and John L. Fitzgerald, Jr., Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 59389 of the FEDERAL REGISTER dated November 17, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulation so as to alter the transition area at Grandview, Mo. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rule making. The NPRM did not clearly state the location of the TVORW as being located on the Johnson County, Kans., Executive Airport. Since the transition area alteration is not affected by this clarification an amended NPRM is not necessary.

Accordingly, subpart G, section 71.181, of the Federal Aviation regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), is amended, effective 0901 G.m.t. March 23, 1978, by altering the following transition area:

GRANDVIEW, MO.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6 mile radius of Johnson County Executive Airport (latitude 38°51'00" N., longitude 94°44'15" W.), excluding that portion which coincides with Richards-Gebaur AFB's 700 feet transition area; within 3 miles each side of the 182° bearing from Johnson County Executive Airport, extending from the 6-mile radius area to 8 miles south of the airport; and within an 8.5 mile radius of the Johnson County Industrial Airport (latitude 38°49'47" N., longitude 94°53'29" W.), excluding that portion which coincides with the Johnson County Executive Airport's 700 feet transition area.

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

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

Issued in Kansas City, Mo., on January 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-2116 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-AL-8]

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

Alteration of Control Zone and Transition Area at Iliamna, Alaska

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Iliamna, Alaska, control zone and transition area in order to provide protected airspace for aircraft executing approach and departure procedures at Iliamna, Alaska.

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

FOR FURTHER INFORMATION CONTACT:

John G. Costello, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501, telephone 907-265-4271.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subparts F and G of Part 71 of the

Federal Aviation Regulations (14 CFR Part 71) is to alter the Iliamna, Alaska, control zone and transition area. The NPRM was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56340) and a corrected NPRM was published in the FEDERAL REGISTER on November 25, 1977 (42 FR 60164). The proposal resulted from a revision to the instrument approach procedure which was necessary due to the relocation of the Iliamna NDB. Interested persons were given the opportunity to comment on the proposal. The two comments received concurred with the proposal.

DRAFTING INFORMATION

The principal authors of this document are John Costello, Air Traffic Division, and Donald H. Boberick, Esq., Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 355 and 440) are amended, effective 0901 G.m.t., March 23, 1978, as follows:

1. In § 71.171 (42 FR 355) the Iliamna, Alaska, control zone is amended to read as follows:

ILIAMNA, ALASKA

Within a 5-mile radius of the Iliamna airport (latitude 59°45'12" N., longitude 154°54'54" W.); and within 2.5 miles each side of the 189° bearing from the Iliamna NDB, extending from the 5-mile radius zone to 9.5 miles south of the NDB. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (42 FR the Iliamna, Alaska, transition area is amended to read as follows:

ILIAMNA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N., longitude 154°54'54" W.); and within 2.5 miles each side of the 189° bearing from the Iliamna NDB, extending from the 5-mile radius area to 9.5 miles south of the NDB; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles west and 9.5 miles east of the Iliamna NDB 189° bearing from the Iliamna NDB, extending from the NDB to 18.5 miles south of the NDB.

This amendment is made under the authority of § 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.

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

Issued in Anchorage, Alaska, on January 13, 1978.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc. 78-1958 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-61]

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

Designation of Transition Area: Dumas, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area at Dumas, Tex., to provide controlled airspace for aircraft executing newly established instrument approach procedures to the Dumas Municipal Airport utilizing the Dalhart VORTAC. Coincident with this action, the airport is changed from VFR to IFR.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 21, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 59759) stating that the Federal Aviation Administration proposed to designate the Dumas, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) designates the Dumas, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Dumas Municipal Airport.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended effective 0901 G.m.t., March 23, 1978, as follows.

In Subpart G, 71.181 (43 FR 440), the following transition area is added:

DUMAS, TEX.

That airspace extending upward from 700 feet above the surface within a 6-statute-mile radius of the Dumas Municipal Airport (latitude 35°51'30" N., longitude 102°00'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Fort Worth, Tex., on January 13, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-1962 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SW-64]

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

Alteration of Transition Area: Lampasas, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This alters the transition area at Lampasas, Tex., to provide additional controlled airspace for aircraft executing instrument approach procedures to the Lampasas Airport utilizing the newly established Lampasas VORTAC.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 25, 1977, a notice of proposed rule making was published in the FEDERAL REGISTER (42 FR 60163) stating that the Federal Aviation Administration proposed to alter the Lampasas, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Lampasas, Tex., transition area. This action provides additional controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Lampasas Airport utilizing the newly established Lampasas VORTAC.

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 GMT, March 23, 1978, as follows:

In Subpart G, 71.181 (43 FR 440), the Lampasas, Tex., transition area is amended by adding the following:

"and within 1.5 miles either side of the 197°R from the Lampasas VORTAC (latitude 31°11'04" N., longitude 98°08'28" W.), extending from the five-mile radius to six miles north of the Lampasas Airport."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Fort Worth, Tex., on January 13, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-1961 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-SO-54]

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

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters V-5E by changing the Nashville, Tenn., 117° radial one degree to 116° and alters V-16N by changing the Hinch Mountain, Tenn., 301° radial three degrees to 304°. This action reduces two three-airway intersections to single intersections at both GRILL and MCMIN, improves traffic handling at these locations, and reduces chart clutter.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to realign V-5E to overlie the present MCMIN intersection and to realign V-16N to overlie the present GRILL intersection. The slight realignment of these alternate airways will improve traffic handling at GRILL and MCMIN intersections.

As a result of this action, the radials from four different navaids will overlie GRILL and radials from five different navaids will overlie MCMIN. Chart clutter will be reduced and flight planning made easier. Because this action merely realigns one radial three degrees and another radial one degree, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure are unnecessary.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

1. In V-5 "including an east alternate via INT Chattanooga 332° and Nashville 117° radials;" is deleted and "including an east alternate via INT Chattanooga 332° and Nashville 116° radials;" is substituted therefor.

2. In V-16 "Hinch Mountain; including a north alternate via INT Nashville 085° and Hinch Mountain 301° radials;" is deleted and "Hinch Mountain; including a north alternate via INT Nashville 085° and Hinch Mountain 304° radials;" is substituted therefor.

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

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

Issued in Washington, D.C., on January 18, 1978.

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

[FR Doc. 78-1960 Filed 1-25-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-15]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter VOR Federal airways and a jet route identified as V-130, V-451 and J-79 in the northeastern United States. These actions improve air traffic efficiency by providing continuous preferential routing with charted radials, distance and minimum en route altitudes.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On December 8, 1977, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter two Federal airways, one jet route and one area high route identified as V-130, V-451, J-79, and J-833R in the northeastern United States (42 FR 62017). Interest-

ed persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received four responses to the NPRM in which the commenters posed no objections to the proposal. Sections 71.123 and 75.100 were republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307 and 714) and amended (42 FR 60123).

THE RULE

These amendments to Subpart C of Part 71 and Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) realign V-130 from over Norwich, Conn., VOR to Martha's Vineyard VOR; realign and extend V-451 from over Whitman, Mass., VOR to Brunswick, Maine VOR; and extend J-79 from over Kennedy, N.Y., VOR to Bangor, Maine VOR. These amendments, with the exception of J-833R, are those proposed in the notice (42 FR 62017). A review of the area navigation route structure in the United States is presently being conducted which includes J-833R. Therefore, no action, if any, pertaining to J-833R will be taken until the study is completed.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 and Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (43 FR 307 and 714) and amended (42 FR 60123) are amended, effective 0901 G.m.t., March 23, 1978, as follows:

In § 71.123 V-130 "Martha's Vineyard, Mass.;" is deleted and "INT Norwich 120° and Martha's Vineyard, Mass., 273° radials; Martha's Vineyard;" is substituted therefor.

In V-451 "Boston, Mass." is deleted and "INT Whitman 041° and Kennebunk, Maine, 181° radials; INT Kennebunk 181° and Brunswick, Maine, 211° radials; Brunswick." is substituted therefor.

In § 75.100 Jet Route No. 79 "to Kennedy, N.Y." is deleted and "Kennedy, N.Y.; INT Kennedy 080° and Nantucket, Mass., 255° radials; INT Nantucket 255° and Hyannis, Mass., 205° radials; Hyannis; INT Hyannis 003° and Bangor, Maine, 206° radials; Bangor." is substituted therefor.

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

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

Issued in Washington, D.C., on January 17, 1978.

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

[FR Doc. 78-2180 Filed 1-25-78; 8:45 am]

[1505-01]

[Airspace Docket no. 77-SO-35]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways and Jet Routes

Correction

In FR Doc. 77-33915 appearing on page 60123 in the issue of Friday, November 25, 1977, in the middle column, under the paragraph entitled, "Adoption of the Amendment", paragraphs 4 and 6 should read as follows:

4. In V-51 all before "Ormond Beach, Fla.;" is deleted and "From Biscayne Bay, Fla.; Miami, Fla.; INT Miami 337° and Pahokee, Fla., 174° radials; Pahokee, including an east alternate from Biscayne Bay, Ft. Lauderdale, Fla., INT Ft. Lauderdale 339° and Pahokee 124° radials, INT Pahokee 009° and Vero Beach, Fla., 193° radials, Vero Beach;" is substituted therefor.

6. In V-267 all before "INT Palm Beach" is deleted and "From Biscayne Bay, Fla., INT Biscayne Bay 340° and Pahokee, Fla., 150° radials; Pahokee; Orlando, Fla., including an east alternate from Biscayne Bay, INT Biscayne Bay 340° and Palm Beach, Fla., 201° radials; Palm Beach;" is substituted therefor.

[4910-13]

[Airspace Docket No. 78-SO-3]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes restricted area R-2903C, Putnam, Fla. This action restores airspace for public use on the basis that Jacksonville terminal radar approach control facility (TRACON) can provide adequate air traffic control service within this area.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 73 of the Federal Aviation regulations (14 CFR Part 73) is to revoke restricted area R-2903C, Putnam, Fla. The Navy has lost the land lease required for the utilization of R-2903C Putnam target area. R-2903C is of no value to the Navy without the use of underlying lands. Therefore, the Navy has agreed to the revocation of restricted area R-2903C and such action is taken herein.

DRAFTING INFORMATION

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

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation regulations (14 CFR Part 73) as republished (43 FR 674) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

In § 73.29, "R-2903C, Putnam, Fla.," is revoked.

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

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

Issued in Washington, D.C., on January 19, 1978.

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

[FR Doc. 78-2176 Filed 1-25-78; 8:45 am]

[4910-13]

[Docket No. 17555; Amdt. No. 1103]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at cer-

tain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occuring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

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

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

For Examination.—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase.—Individual SIAP copies may-be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription.—Copies of all SIAP's, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135. FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone-202-426-8277.

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

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

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

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

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

ADOPTION OF THE AMENDMENT

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

1. By amending § 97.23 VOR-VOR/DME SIAP's identified as follows:

* * * *effective March 23, 1978.*

Dothan, AL—Dothan, VOR Rwy 13, Amdt. 1
Dothan, AL—Dothan, VOR Rwy 18, Amdt. 1
Dothan, AL—Dothan, VOR-A, Amdt. 8
Wetumpka, AL—Wetumpka Municipal, VOR-A, Original
Olathe, KS—Johnson County Industrial, VOR-A, Original
Alpena, MI—Phelps-Collins, VOR Rwy 36 (TAC), Amdt. 9
Marlette, MI—Marlette, VOR/DME-A, Amdt. 1

* * * *effective March 9, 1978.*

Vernon, AL—Lamar County, VOR/DME-A, Amdt. 2
Miami, FL—Opa Locka, VOR Rwy 9L, Amdt. 12
Hopedale, MA—Hopedale-Draper, VOR-A, Amdt. 3
Manistee, MI—Manistee County-Blacker, VOR Rwy 9, Amdt. 4
Manistee, MI—Manistee County-Blacker, VOR Rwy 27, Amdt. 4
Plymouth, MI—Mettetal, VOR-A, Amdt. 3
Reed City, MI—Miller Field, VOR Rwy 17, Amdt. 4
Minneapolis, MN—Minneapolis-St. Paul Intl Wold-Chamberlain, RNAV Rwy 29R, Amdt. 3
St. Louis, MO—Spirit of St. Louis, VOR Rwy 7, Amdt. 1
Sidney, NE—Sidney Muni, VOR Rwy 12, Amdt. 3
Socorro, NM—Socorro Municipal, VOR/DME-A, Original
Alliance, OH—Miller, VOR-A, Amdt. 4
Fremont, OH—Progress Field, VOR Rwy 9, Amdt. 4
Meadville, PA—Port Meadville, VOR Rwy 7, Amdt. 3
San Juan, PR—Puerto Rico International, VOR Rwy 7 and 10, Amdt. 6
San Juan, PR—Puerto Rico International, VOR Rwy 25, Amdt. 15
North Kingstown, RI—Quonset State, VOR Rwy 34, Amdt. 1
Kenmore, WA—Kenmore Air Harbor Seaplane Base, VOR-A, Amdt. 1
Rock Springs, WY—Rock Springs-Sweetwater County, VOR/DME Rwy 7, Original

* * * *effective February 9, 1978.*

Youngstown, OH—Youngstown Municipal, VOR Rwy 18, Amdt. 13
Newport (Middletown), RI—Newport State, VOR/DME Rwy 16, Amdt. 1
Newport (Middletown), RI—Newport State, VOR Rwy 16, Amdt. 1
Pawtucket, RI—North Central State, VOR-A, Amdt. 2
Providence, RI—Theodore Francis Green State, VOR/DME Rwy 16, Amdt. 1
Providence, RI—Theodore Francis Green State, VOR/DME Rwy 23L, Amdt. 3
Providence, RI—Theodore Francis Green State, VOR Rwy 5L and 5R, Amdt. 9

* * * *effective January 26, 1978.*

Sault Ste. Marie, MI—Chippewa County International, VOR-A, Original

2. By amending § 97.25 SDF-LOC-LDA SIAP's identified as follows:

* * * *effective March 23, 1978.*

Dothan, AL—Dothan, LOC (BC) Rwy 13, Amdt. 2

* * * *effective March 9, 1978*

St. Paul, MN—St. Paul Downtown Holman Field, LOC Rwy 30, Amdt. 7

St. Louis, MO—Spirit of St. Louis, LOC BC Rwy 25, Amdt. 2
Binghamton, NY—Broome County, LOC Rwy 16, Amdt. 1
San Juan, PR—Puerto Rico International, LOC (BC) Rwy 25, Amdt. 6
Pierre, SD—Pierre Municipal, LOC BC Rwy 13, Amdt. 3

* * * *effective February 9, 1978.*

Youngstown, OH—Youngstown Municipal, LOC Rwy 14, Amdt. 1

* * * *effective January 26, 1978.*

Hoquiam, WA—Bowerman Field, LOC Rwy 24, Original

3. By amending § 97.27 NDB/ADF SIAP's identified as follows:

* * * *effective March 23, 1978.*

Independence, KS—Independence Muni, NDB Rwy 35, Amdt. 6
Alpena, MI—Phelps-Collins, NDB Rwy 36, Amdt. 2
Kaiser/Lake Ozark, MO—Lee C. Fine Memorial, NDB Rwy 21, Amdt. 2
Lebanon, MO—Floyd W. Jones Lebanon, NDB Rwy 36, Amdt. 2

* * * *effective March 9, 1978.*

Wilmington, DE—Greater Wilmington, NDB Rwy 1, Amdt. 12
Casey, IL—Casey Municipal, NDB Rwy 4, Amdt. 1
Freeport, IL—The Alvertus, NDB Rwy 24, Amdt. 6
Pittsfield, ME—Pittsfield Municipal, NDB Rwy 1, Amdt. 2
Worcester, MA—Worcester Municipal, NDB Rwy 11, Amdt. 9
Cadillac, MI—Wexford County, NDB Rwy 7, Amdt. 5
Grand Rapids, MI—Kent County, NDB Rwy 26L, Amdt. 11
St. Paul, MN—St. Paul Downtown Holman Field, NDB Rwy 30, Amdt. 2
St. Louis, MO—Spirit of St. Louis, NDB Rwy 7, Amdt. 4
Lexington, NE—Lexington Municipal, NDB Rwy 14, Amdt. 2
San Juan, PR—Puerto Rico International, NDB Rwy 7, Amdt. 4
San Juan, PR—Puerto Rico International, NDB Rwy 10, Amdt. 3
Hemingway, SC—Hemingway-Stuckey, NDB Rwy 11, Original
Morrisville, VT—Morrisville-Stowe State, NDB-A, Amdt. 3

* * * *effective February 9, 1978.*

Youngstown, OH—Youngstown Municipal, NDB Rwy 32, Amdt. 14
Providence, RI—Theodore Francis Green State, NDB Rwy 5R, Amdt. 10

* * * *effective January 26, 1978.*

Sault Ste Marie, MI—Chippewa County International, NDB Rwy 15, Original

4. By amending §97.29 ILS-MLS SIAP's identified as follows;

* * * *effective March 23, 1978.*

Dothan, AL—Dothan, ILS Rwy 31, Amdt. 3
Alpena, MI—Phelps-Collins, ILS Rwy 36, Amdt. 2

* * * *effective March 9, 1978.*

Wilmington, DE—Greater Wilmington, ILS Rwy 1, Amdt. 13
Worcester, MA—Worcester Municipal, ILS Rwy 11, Amdt. 9
Grand Rapids, MI—Kent County, ILS Rwy 26L, Amdt. 12
St. Paul, MN—St. Paul Downtown Holman Field, MLS Rwy 30 (Interim), Amdt. 3
St. Louis, MO—Spirit of St. Louis, ILS Rwy 7, Amdt. 4
San Juan, PR—Puerto Rico International, ILS Rwy 7, Amdt. 10
San Juan, PR—Puerto Rico International, ILS Rwy 10, Amdt. 2
Pierre, SD—Pierre Municipal, ILS Rwy 31, Amdt. 3

* * * *effective February 9, 1978.*

Youngstown, OH—Youngstown Municipal, ILS Rwy 32, Amdt. 19
Providence, RI—Theodore Francis Green State, ILS Rwy 5R, Amdt. 8
Providence, RI—Theodore Francis Green State, ILS-Rwy 23L, Original

* * * *effective January 26, 1978.*

Sault Ste. Marie, MI—Chippewa County International, ILS Rwy 15, Original

5. By amending § 97.31 RADAR SIAP's identified as follows:

* * * *effective March 9, 1978.*

Minneapolis, MN—Minneapolis-St. Paul Int'l/(Wold-Chamberlain), RADAR-1, Amdt. 27
Wilkes-Barre-Scranton, PA—Wilkes-Barre-Scranton, RADAR 1, Amdt. 8

* * * *effective February 9, 1978.*

Youngstown, OH—Youngstown Municipal, RADAR-1, Amdt. 5

6. By amending § 97.33 RNAV SIAP's identified as follows:

* * * *effective March 9, 1978.*

Albany, GA—Albany-Dougherty County, RNAV Rwy 34, Original
Celina, OH—Lakefield, RNAV Rwy 26, Original
San Juan, PR—Puerto Rico International, RNAV Rwy 10, Amdt. 5

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

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

Issued in Washington, D.C., on January 20, 1978.

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

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc. 78-2189 Filed 1-25-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-10098]

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

Delegation of Authority to Director of Division of Investment Management

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This rule amendment delegates authority to the Director of the Division of Investment Management to notify registered management investment companies that the Commission intends to disclose, in response to requests therefor under the Freedom of Information Act, certain information contained in Part II of their annual report form classified as nonpublic.

EFFECTIVE DATE: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard W. Grant, Esq., Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-0242.

SUPPLEMENTARY INFORMATION: Instruction F of the general instructions for completing Form N-1R (17 CFR 274.101) the annual report for registered management investment companies under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) states in part:

F. *Non-public classification of Part II of Report.* If the registrant desires to have Part II of this report, including the Part II EDP Attachment, classified by the Commission as a nonpublic filing, it shall bind Part II separately from Part I and shall sign Part II separately in the form prescribed therefor. Such nonpublic classification by the Commission shall not preclude the Commission, if it should deem public disclosure necessary or appropriate in the public interest or for the protection of investors, from making public all or any portion of the information contained in Part II * * *. To provide an affected registrant an opportunity to state to the Commission any objections it might have to the public disclosure of any information contained in Part II, unless such information is then a requirement of an existing rule or form requiring public disclosure or unless a proceeding has been commenced before the Commission or a court, the Commission shall notify such registrant in writing of its intention to make or require public disclosure thereof not less than five business days prior to the date of such public disclosure.

The Commission has received requests under the Freedom of Information Act (15 U.S.C. 552) for disclosure of the information in Part II of the re-

ports on Form N-1R of a number of investment companies and has issued notifications to such investment companies as called for by general instruction F above declaring an intention to disclose the information in Part II, except for Item 2.28 thereof.[1] The Commission believes that other similar requests may be filed in the future and that it is not necessary for the Commission to authorize the sending of notifications in each individual instance. Accordingly, the Commission believes it is appropriate to delegate authority to issue such notifications to the Director.

To accomplish this delegation of authority, the Commission hereby amends 17 CFR 200.30-5 by revising paragraph (a)(6) as follows:

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

* * * * *

(a) * * *

(6) (i) To authorize the issuance of orders granting confidential treatment pursuant to section 45(a) of the Act (15 U.S.C. 80a-44(a)) where applications for confidential treatment are made regarding matters of disclosure in registration statements filed pursuant to section 8 of the Act (15 U.S.C. 80a-8), or in reports filed pursuant to section 30 of the Act (15 U.S.C. 80a-29), but only when the Commission has previously by order granted confidential treatment to the same information.

(ii) To notify an investment company of an intention to make or require public disclosure of Part II of any annual report on Form N-1R filed by such investment company (except for responses required by Item 2.28 thereof) if the Commission has received a request for disclosure thereof pursuant to the Freedom of Information Act (5 U.S.C. 552).

((15 U.S.C. 80a-44); (15 U.S.C. 78d-1, 78d-2).)

* * * * *

The Commission finds that the foregoing action relates solely to agency management and personnel and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 552 et seq.) are unnecessary.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 19, 1978.

[FR Doc. 78-2256 Filed 1-25-78; 8:45 am]

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

SUBCHAPTER C—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. RM75-27; Order Nos. 561, 561-A]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

PART 104—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISION OF THE FEDERAL POWER ACT (CLASS C AND CLASS D)

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

SUBCHAPTER F—REGULATIONS UNDER THE NATURAL GAS ACT

PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISION OF THE NATURAL GAS ACT (CLASS A AND CLASS B)

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS C AND CLASS D)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Clarifying Order

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Clarifying Order Nos. 561 and 561-A.

SUMMARY: The Commission is clarifying only those parts of Order Nos. 561 and 561-A which require the relocation of the allowance for borrowed funds used during construction ("ABFUDC") from its prior location as a credit of the "other income" section of public utilities' income statement to a new location as a credit to the "interest charges" section of the income statement. Several parties to this proceeding petitioned for clarification of whether the Commission intended that the location as described previously would preclude petitioners and other utilities from including ABFUDC in determining earnings available for fixed charges and preferred stock dividend requirements for charter and indenture test purposes. The Commission held that Orders 561 and 561-A do not prevent a public utility from continuing to include ABFUDC in determining its earnings available for fixed charges and preferred stock dividend requirements for charter and indenture coverage test purposes.

EFFECTIVE DATE: January 20, 1978.

FOR FURTHER INFORMATION CONTACT:

L. H. Drennan, Jr., Chief Accountant, Office of Chief Accountant, 202-275-4031.

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

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

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

On September 19, 1977, Jersey Central Power and Light Co., Metropolitan Edison Co., New England Power Co., Pacific Power and Light Co. and Pennsylvania Electric Co. (collectively referred to as "petitioners") filed with the Commission[1] a petition for clarification of certain parts of Order Nos. 561[2] and 561-A.[3] The Petitioners state

[1] Rule 45a-1 under the Investment Company Act of 1940 (17 CFR 270.45a-1) provides that the information contained in Item 2.28 of Part II cannot be disclosed without a hearing first being held. That item requires registrants to "(s)et forth, in order of size, for the fiscal year, the 10 dealers, by name, who sold the largest dollar amount of shares of the registrant."

[1] The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the Federal Power Commission when used otherwise, the reference is to the Federal Energy Regulatory Commission.

[2] Order Adopting Amendment to Uniform System of Accounts for Public Utilities and Licensees and for Natural Gas Companies, Order No. 561, Docket No. RM75-27, issued February 2, 1977.

[3] Order Denying Applications for Rehearing and Clarifying Prior Order No. 561-A, Docket No. RM75-27, issued August 1, 1977.

that they seek clarification of only those parts of Order Nos. 561 and 561-A which require the relocation of the allowance for borrowed funds used during construction ("ABFUDC") from its prior location as a credit of the "other income" section of petitioners' income statements to a new location as a credit to the "interest charges" section of the income statement. Specifically, petitioners urge clarification of whether the Commission intended that the relocation of ABFUDC as described above would preclude petitioners and other utilities from including ABFUDC in determining earnings for fixed charges and preferred dividend requirements for charter and indenture test purposes.

In support of their position that ABFUDC is properly includable in earnings available for fixed charges for corporate charter coverage test purposes, petitioners put forth several arguments, the most important of which are:

(1) That ABFUDC, like AOFUDC (Allowance of Other Funds Used During Construction), is compensation earned during the construction period (in the form of additions of Construction Work in Progress) but is not realized in cash (by way of a return on and return of such capital) until after the completed plant is placed in service;

(2) That including ABFUDC in earnings for coverage and indenture test purposes is consistent with the basic objective of the ratemaking process (i.e., to match costs and revenues); and,

(3) That certain language[4] found in Order No. 561-A indicates that the Commission did not intend for ABFUDC to be precluded as a component in earnings available for fixed charges for corporate charter coverage test purposes.

The petitioners are correct in their belief that it was not the intent of the Commission in its Order No. 561 to prevent a public utility from continuing to include ABFUDC in determining its earnings available for fixed charges and preferred stock dividend requirements for charter and indenture coverage test purposes. The purpose of repositioning ABFUDC was, as stated in Order No. 561, "to better inform readers of financial statements of utilities as to the nature and level of the capitalized allowance for funds". In making this change it was not this Commission's intention to influence or interpret the rights of parties under existing indenture agreements and corporate charters.

The Commission finds: Good cause exists to grant the petition for clarification and for clarifying Order Nos. 561 and 561-A as hereinafter discussed.

The Commission orders: (A) The petition for clarification filed by Jersey Central Power Company, Metropolitan Edison Co., New England Power Co., Pacific Power & Light Co. and Pennsylvania Electric Co., is hereby granted and the Order Nos. 561 and 561-A issued February 2, 1977 and August 1, 1977, respectively, are clarified as set forth above.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-2238 Filed 1-25-78; 8:45 am]

[4] "Furthermore, the change in the location for the income statement for allowance for interest capitalized does not in itself change either the nature of the item of the degrees of protection afforded security holders by earnings of a utility", Order No. 561-A, *supra*, page six.

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

Fellowship and Scholarship Grants; Revision

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document revises the fellowship and scholarship programs in order to provide greater program flexibility. Specific details for individual programs will continue to be described by annual FHWA Notices.

EFFECTIVE DATE: January 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Roger L. Dean, University and Industry Programs Officer, National Highway Institute, 202-426-9143; or Roberta D. Gabel, Attorney, Office of Chief Counsel, 202-426-0790; Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: On October 6, 1976, regulations establishing policy and eligibility requirements and selection criteria for certain FHWA programs administered by the National Highway Institute were published at 41 FR 44034. These regulations provided for an annual FHWA Notice announcing the programs scheduled for each year. The revised regulations published herein continue to describe the eligibility requirements and selection process for these programs, but in order to establish maximum program flexibility, provide only criteria relative to all scholarship and fellowship programs. Specific guidance relative to individual programs will continue to be issued in the annual Notices.

This revision codifies the policies and procedures contained in the Federal-aid Highway Program Manual, Volume 3, Chapter 2, Section 1. Inasmuch as the matters affected relate to benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

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

Issued: January 12, 1978.

L. P. LAMM,
Executive Director.

In consideration of the foregoing, Subpart A of Part 260, Chapter I of Title 23 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Fellowship and Scholarship Grants

Sec.
260.101 Purpose.
260.103 Definitions.
260.105 Policy.
260.107 Eligibility.
260.109 Selection.
260.111 Responsibilities of Educational Institutions.
260.113 Responsibilities of Employing Agencies.
260.115 Equal Opportunity.
260.117 Application procedures.

AUTHORITY: 23 U.S.C. 307(a), 315, 321 and 403; and 49 CFR 1.48(b).

Subpart A—Fellowship and Scholarship Grants

§ 260.101 Purpose.

To establish policy for the Federal Highway Administration (FHWA) Fellowship and Scholarship Programs as administered by the National Highway Institute (NHI).

§ 260.103 Definitions.

As used in this regulation, the following definitions apply:

(a) *Candidate.* One who meets the eligibility criteria set forth in § 260.107, and who has completed and submitted the necessary forms and documents in order to be considered for selection for a fellowship or scholarship.

(b) *Direct Educational Expenses.* Those expenses directly related to at-

tending school including tuition, student fees, books, and expendable supplies but excluding travel expenses to and from the school.

(c) *Employing Agency.* The agency for which the candidate works. This may be either a State or local highway/transportation agency or the FHWA.

(d) *Fellowship.* The grant presented to the recipient's school and administered by the school to assist the candidate financially during the period of graduate study.

(e) *Living stipend.* The portion of the fellowship or scholarship grant remaining after the direct educational expenses have been deducted.

(f) *Local highway/transportation agency.* The agency or metropolitan planning organization with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the local level, usually the city or county level.

(g) *National Highway Institute (NHI).* The organization located within the FHWA responsible for the administration of the FHWA fellowship and scholarship grant programs.

(h) *Recipient.* The successful candidate receiving a fellowship or scholarship.

(i) *Scholarship.* The grant presented to the recipient's school and administered by the school to assist the candidate financially during the period of post-secondary study.

(j) *State highway/transportation agency.* The agency with the responsibility for initiating and carrying forward a highway program or public transportation program utilizing highways at the State level.

§ 260.105 Policy.

It is the policy of the FHWA to administer, through the NHI, fellowship and scholarship grant programs to assist State and local agencies and the FHWA in developing the expertise needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of government. These programs shall provide financial support for up to 12 months of full time or up to 24 months of part-time study in the field of highway transportation. The programs for each year shall be announced by FHWA notices.[1] These notices shall contain an application form and shall announce the number of grants to be awarded and their value.

§ 260.107 Eligibility.

(a) Prior recipients of FHWA scholarships or fellowships are eligible if they will have completed all specific work commitments before beginning study under the programs for which applications are made.

(b) Candidates for the fellowship program shall have earned bachelor's or comparable college-level degrees prior to beginning advanced studies under the program.

(c) Candidates shall submit evidence of acceptance, or probable acceptance, for study in programs that will enhance their contributions to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(d) Candidates shall agree to pursue certain minimum study loads as determined by the FHWA and designated in the FHWA notices announcing the programs each year.

(e) FHWA employees who receive awards will be required to execute continued service agreements, consistent with the Government Employees Training Act requirements, which obligate the employees to continue to work for the agency for three times the duration of the training received.

(f) Candidates who are students or employees of State or local highway/transportation agencies shall agree in writing to work on a full-time basis in public service with State or local highway/transportation agencies for a specified period of time after completing study under the program. The FHWA notices announcing the programs each year shall specify the time period of the work commitment.

(g) Candidates shall agree to respond to brief questionnaires designed to assist the NHI in program evaluation both during and following the study period.

(h) Recipients of awards for full-time study shall agree to limit their part-time employment as stipulated in the FHWA notice announcing the programs.

(i) Candidates shall not profit financially from FHWA grants. Where acceptance of the living stipend portion of the grant would result in a profit to the candidate, as determined by comparing the candidate's regular full-time salary with the candidate's part-time salary and employer salary support plus living stipend, the grant amount will be reduced accordingly. In cases where a candidate must relocate and maintain two households, exceptions to this condition will be considered.

(j) Candidates shall be citizens, or shall declare their intent to become citizens of the United States.

§ 260.109 Selection.

(a) Candidates shall be rated by a selection panel appointed by the Director of the NHI. Members of the panel shall represent the highway transportation interests of government, industry, and the academic community. The factors considered by the selection panel are weighed in accordance with specific program objectives.

(b) The major factors to be considered by the panel are:

(1) Candidate's potential to contribute to a public agency's highway transportation program,

(2) Relevance of a candidate's study program to the objectives of the fellowship or scholarship program,

(3) Relevant experience, and

(4) Academic and professional achievements.

(c) Using ratings given by the selection panel, the Director of the NHI shall select candidates for awards and designate alternates.

(d) The FHWA may designate in the FHWA notices announcing the programs the maximum number of awards that will be made to employees of any one agency.

§ 260.111 Responsibilities of educational institutions.

(a) The college or university chosen by the grant recipient shall enter into an appropriate agreement with the FHWA providing for the administration of the grant by the college or university.

(b) The college or university chosen by the recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following completion of each study period. These reports are oriented toward total program evaluation. To assure the recipient's rights to privacy, the FHWA will obtain appropriate advance concurrences from the recipient.

§ 260.113 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing a statement of endorsement and information concerning the relevancy of the candidate's study to agency requirements. The agency is encouraged to identify educational and training priorities and to provide backup to support its priority candidates for these programs.

(b) Employing agencies are encouraged to give favorable consideration to the requests of candidates for educational leave and salary support for the study period to facilitate the candidates' applications. Agency decisions involving salary support and educational leave that will affect the acceptance of awards by recipients should be made at the earliest possible date to provide adequate time for the FHWA to select alternates to replace candidates that decline their awards.

(c) Agencies are responsible for negotiations with their candidates concerning conditions of reinstatement

[1] The Federal Highway Administration notices are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

and the candidates' commitments to return to work.

(d) Employing agencies are encouraged to publicize the availability of these grants throughout the agencies, to implement procedures for internal evaluation of applications, and to forward the applications to the FHWA division office in their State.

(e) Employing agencies that choose to process their employees' applications are responsible for observing the cutoff date for the FHWA to receive applications. This date will be stipulated in the Notices announcing the program for each academic year.

§ 260.115 Equal opportunity.

(a) Consistent with the provisions of the Civil Rights Act of 1964 and Title VI, assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, religion, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) In accordance with executive Order 11141, no individual shall be denied benefits of this program because of age.

(c) Agencies should make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, religion, sex, national origin, age, or handicap.

§ 260.117 Application procedures.

(a) The FHWA notices announcing each year's programs and containing the application form may be obtained from FHWA regional and division offices, State highway agencies, metropolitan planning organizations, Governors' highway safety representatives, Urban Mass Transportation Administration regional directors, major transit authorities and from colleges and universities. Forms may also be obtained from the NHI, HHI-3, FHWA, Washington, D.C. 20590.

(b) In order to become a candidate, the applicant shall complete and forward the application form according to the instructions in the FHWA notice announcing the programs. The cutoff date for submitting the application stipulated in the notices should be observed.

[FR Doc. 78-2259 Filed 1-25-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS
[DOD Directive 3224.1]

PART 192—ENGINEERING FOR TRANSPORTABILITY

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Final rule.

SUMMARY: This rule revises and updates Department of Defense policy and responsibilities for assuring that items of materiel, equipment, and transportation systems are so designed, engineered, modified, and constructed that the required quantities can be efficiently moved by available means of transportation.

EFFECTIVE DATE: November 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Terry E. Harris, Containerization Systems Standardization Coordination Group, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), the Pentagon, Washington, D.C. 20301, telephone 202-697-0595.

SUPPLEMENTARY INFORMATION: In FR Doc. 68-11157 published in the FEDERAL REGISTER on September 14, 1968 (33 FR 13015), the Office of the Secretary of Defense published this rule to ensure uniform policies and procedures regarding transportability systems within the Department of Defense. This Part revises and elaborates certain aspects, that is design; impact of international standardization of intermodal containerization; shelters and special purpose vans.

Accordingly, Part 192 reads as follows:

Sec.
192.1 Reissuance and purpose.
192.2 Applicability.
192.3 Explanation of terms.
192.4 Policy
192.5 Responsibilities.

AUTHORITY: 5 U.S.C. 301.

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

JANUARY 23, 1978.

§ 192.1 Reissuance and purpose.

This Part reissues 32 CFR 192 to provide policy guidance and assign responsibilities for assuring that items of materiel, equipment and transportation systems are so designed, engineered, modified, and constructed that the required quantities can be efficiently moved by available means of transportation.

§ 192.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, and the Defense Logistics Agency (DLA) (hereafter referred to as "DOD Components"). The term "Military Services" as used herein refers to the Army, Navy, Air Force and the Marine Corps.

§ 192.3 Explanation of terms.

As used herein, the following definitions apply:

(a) *Engineering for Transportability* is the performance of those functions required in identifying and measuring the limiting criteria and characteristics of transportation systems; and the integration of these data into the design of materiel to utilize operational and planned transportation capability effectively. Limiting criteria and characteristics will include those created by standard unitizing method (pallets, containers). Transportability engineering criteria will thus consider modularity to improve cube utilization and dimensional standardization for military cargo as well as maximum dimensions and total weight.

(b) *Transportability* means the inherent capability of materiel to be moved by towing, by self-propulsion, or by carrier via railways, highways, waterways, pipelines, oceans and airways.

§ 192.4 Policy.

(a) Transportability shall be a major consideration in:

(1) Formulating the priority of characteristics to be considered in the design of any new or modified item of materiel, or adoption of a commerical nondevelopmental item.

(2) Modifying existing transportation systems, and

(3) Developing integrated logistics support for systems and equipment in accordance with DOD Directive 4100.35[1]

(b) When planning and designing new or modified materiel, transportability criteria for all possible modes of transportation to be employed shall be considered in order to assure that items are so designed and constructed that they can be efficiently moved by available means of transportation.

(c) Equipment to be developed or procured will be designed so that its outside dimensions and gross weight (axle loads for vehicles) will permit handling, movement, and transfer

[1] Filed as part of original. Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120 Attention: Code 301.

among the various transportation systems that are expected to be available during its operating life.

(d) Only in exceptional cases may equipment be designed which will require special or unique arrangement of schedules, right-of-ways, clearances, or other operating conditions. In addition, equipment may be designed to the capabilities of a specific mode of transportation only when it has been determined that more restrictive modes will not be used or that such design is necessary to meet required capabilities.

(e) During the design, development, or modification of equipment which is large, bulky, heavy, or sensitive to shock and vibration, full consideration will be given to transportation, handling, tiedown, and slinging points, to disassembly capability for transportation purposes, ease of onsite reassembly for use, and safety during transportation. Self-propulsion will also be considered in the design where applicable and necessary.

(f) Transportability design will specifically consider the impact of international standardization of intermodal containerization in standardizing and facilitating worldwide distribution.

(1) *Intermodal Containerization.* International container systems are designed to International Standards Organization (ISO) dimensional, strength and lift specifications as prescribed by DOD Instruction 4500.37.[1] Accordingly, cargo and equipment packaging considerations must take mode of transportation into account. Design considerations should include standardizing small containers, inserts or other unit loads, which are modular to the interior dimensions of the containers to optimize cube utilization.

(2) *Shelters and Special Purpose Vans.* Specific emphasis will be placed on the design or modification of shelters and special purpose vans to ensure that they conform to International Standards Organization (ISO) dimensional, and strength specifications as directed in DOD Instruction 4500.37,[1] as well as emphasis on the packaging and design/redesign of equipment for use within such shelters/special purpose vans.

§ 192.5 Responsibilities.

(a) The Secretaries of the Army, Navy, and Air Force shall designate, within existing manpower ceilings, an operating agency at an appropriate level within their respective Departments which will be responsible for:

(1) Issuing, under the sponsorship of the Secretary of the Army, Joint Army, Navy, Air Force and Marine Corps, regulations implementing this Part for uniform use by all DOD Components.

(2) Issuing, under the sponsorship of the appropriate Military Department (see DOD Directives 5160.2, 5160.10, and 5160.53),[1] joint transportability criteria covering (i) modes of transportation and terminals, and (ii) pertinent characteristics of transportation equipment.

(3) Ensuring that the transport- ability of new materiel is determined by analysis or testing during the Research, Development, Test and Evaluation (RDT&E) programs or prior to procurement for commercial nondevelopment materiel and documenting test results for transportability guidance.

(4) Issuing, under the sponsorship of the appropriate Military Department, joint transportability guidance for materiel for which each Military Department has prime responsibility.

(5) Ensuring that joint Military Service coordination is effected prior to modification of a transportation system which may affect the transportability requirements of another Military Service.

(b) The Secretary of the Navy shall be responsible for (1) coordinating DOD transportability interests in common-user ship construction and modification programs with appropriate Federal agencies, and (2) integrating the foreseen needs of the DOD Components into these programs.

(c) The Secretary of the Air Force shall be responsible for (1) coordinating DOD transportability interests in common-user aircraft construction and modification programs with appropriate Federal agencies, and (2) integrating the foreseen needs of the DOD Components into these programs.

(d) The Secretary of the Army shall be responsible for (1) coordinating DOD transportability interests in common-user land transportation programs with Federal and State agencies in the United States and with appropriate agencies overseas, and (2) integrating the foreseen needs of the DOD Components into these programs. (See 32 CFR 193 concerning coordination of highways for National Defense matters with Federal and State agencies.)

[FR Doc. 78-2269 Filed 1-25-78, 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-051]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Teche, La.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations for the S-96 highway drawbridge across Bayou Teche at St. Martinville and the S-350 highway drawbridge across Bayou Teche at Parks to require at least 24 hours notice at all times. These changes are being made because of infrequent requests for openings of the draws of these bridges. This amendment also places all of the drawbridges over Bayou Teche, where constant attendance of draw tenders is not required, in one section for clarity. The first paragraph lists the bridges requiring 24 hours' advance notice and the second paragraph lists those requiring 48 hours' advance notice. The regulations requiring 48 hours' notice are the same as existing regulations and apply to the following bridges: S-31 bridge at Ruth; S-31 bridge at Breaux Bridge and the Southern Pacific bridge at Breaux Bridge.

EFFECTIVE DATE: This amendment is effective on February 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On August 1, 1977, the Coast Guard published a proposed rule (42 FR 38919) concerning this amendment. The Commander (obr), Eighth Coast Guard District, also published these proposals as a Public Notice dated August 2, 1977. Interested persons were given until August 31, 1977 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF COMMENTS

One comment was received which requested that consideration be given to the fact that pleasure boats occasionally visit the state park above the bridges and enjoy the scenery along Bayou Teche. This was considered, however, the openings for these bridges were too infrequent to warrant other than the proposed change. The St. Martinville Bridge had five openings in 1975, 15 in 1976, and seven through July 1977. The Parks bridge had three in 1975, nine in 1976, and five through July 1977.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.540 [Amended]

1. In § 117.540(b)(2), by deleting "Bayou Teche, mile 75.2, S-96 highway drawbridge at St. Martinville." and "Bayou Teche, mile 82.0, S-305 highway drawbridge at Parks." from the listing.

2. By revising § 117.245(j)(10) and deleting § 117.245(j)(11) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(10) Bayou Teche, La.

(i) S-96 highway drawbridge, mile 75.2, at St. Martinville, and S-350 highway drawbridge, mile 82.0, at Parks. The draws shall open on signal if at least 24 hours notice is given.

(ii) S-31 highway drawbridge, mile 87.5, at Ruth, S-31 highway drawbridge, mile 90.5, at Breaux Bridge, and Southern Pacific Railroad drawbridge (removable span), mile 91.0, at Breaux Bridge. The draws shall open on signal if at least 48 hours notice is given.

(11) [Deleted.]

* * * * *

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

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

Dated: January 17, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-2277 Filed 1-25-78; 8:45 am]

[4910-14]

Title 46—Shipping

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-163]

PART 7—BOUNDARY LINES

General Rule

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard recently published boundary lines that are used to ascertain the applicability of certain statutes. This document establishes a general rule for determining the boundary line when it is not specifically listed. The general rule was inadvertently omitted from the previous document.

EFFECTIVE DATE: This amendment is effective on January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment consists of an interpretive rule, it is excepted from the rulemaking requirements in 5 U.S.C. 553, and may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal person involved in drafting this rule is: Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF REGULATIONS

When the Coast Guard published the boundary lines (42 FR 35793), a general rule for those areas without a boundary line was inadvertently not included. The general rule published in this document establishes a method of drawing a boundary line for those waters where there is no specific boundary line drawn. This method is the same method that was used prior to the publication of the boundary lines in July 1977. The general rule is clarified to indicate that the line may be drawn through more than one aid to navigation.

Accordingly Part 7 of Title 46 of the Code of Federal Regulations is amended by adding a new § 7.3 to read as follows:

§ 7.3 General rule for establishing boundary lines.

At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries for which specific lines are not described in this part, the waters inshore of a line approximately parallel with the general trend of the shore, drawn through the outermost buoy or buoys or other aid to navigation of any system of aids, are inland waters.

(Sec. 2, 28 Stat. 672, as amended (33 U.S.C. 151); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

Dated: January 17, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-2276 Filed 1-25-78; 8:45 am]

[6730-01]

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 39, Amdt. No. 1—Docket 77-22]

PART 507—ACTIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

Summary Reports

AGENCY: Federal Maritime Commission.

ACTION: Amendment to Final Rule.

SUMMARY: The Commission amends its regulations for summary reports of cargo carryings, to provide that the Equalization Fee imposed upon cargo transported by a favored carrier will be refunded if it is shown to the satisfaction of the Commission that the Government of Guatemala is waiving the imposition of the Decree 41-71 penalties on either all cargo carried by non-favored carriers or on the same class of cargo for which the refund is requested (commodity, container, etc.), carried by non-favored carriers.

EFFECTIVE DATE: January 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, room 1101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTAL INFORMATION: Subsequent to the publication of Part 507, but prior to the effective date of its implementation, the Government of Guatemala indicated that it may be willing to suspend the imposition of Decree 41-71 on selected classes of cargo pending repeal of that Decree on February 21, 1977. To the extent that any such waivers are granted, there is no need for the imposition of a countervailing or equalizing fee on such cargo, and the Commission has determined that § 507.4(d) of its regulations should be amended to permit refund of any such fee imposed on the same classes of cargo which are given waivers by the Government of Guatemala during the period in question.

The Commission finds that it would be contrary to the public interest to delay implementation of the foregoing amendment, since such delay would be detrimental to resolution of the conflict between the Government of the United States and the Government of Guatemala. Accordingly, this amendment will be effective on Jaunary 13, 1978.

Therefore, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. 876(1)(b)) and sections

21, 29, 32, and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 828, 831, and 841a), the Commission hereby amends 46 CFR 507.4(d) as follows:

§ 507.4 Summary reports of cargo carryings.

* * * * *

(d) If the reporting carrier wishes a refund of the Equalization Fee on any particular shipment, it must show, to the satisfaction of the Commission, that (1) the particular shipment is not receiving benefits under the Guatemalan industrial development laws of the Central American Agreement on Tax Incentives for Industrial Development, (2) the Government of Guatemala is waiving the imposition of Decree 41-71 penalties on all cargo carried by nonfavored carriers, or (3) the Government of Guatemala is waiving the imposition of Decree 41-71 penalties on the same class of cargo for which the refund is requested (commodity, container, etc.), carried by nonfavored carriers.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-2205 Filed 1-25-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-5]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Correction of Inadvertent Drafting Errors

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to correct inadvertent drafting errors in the rules regarding applications of telephone common carrier for construction and/or operation of CATV channel facilities, and the furnishing of these facilities for CATV service to the viewing public. These amendments clarify interpretive notes to §§ 63.54 and 64.601.

EFFECTIVE DATE: February 27, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Roger J. Hertz, Tariff Division, Common Carrier Bureau, 202-632-7164.

In the Matter of amendment of §§ 63.54 and 64.601 of the rules and regulations.

Adopted: January 11, 1978.

Released: January 23, 1978.

By the Commission.

1. The Commission has under consideration §§ 63.54 and 64.601 of our rules. Section 63.54 deals with applications of telephone common carriers for authority to construct and/or operate CATV facilities in their service areas, and § 64.601 concerns the furnishing of facilities by telephone common carriers for CATV service to the viewing public.[1] The purpose of the amendments we are adopting herein for these sections is to correct certain inadvertent drafting errors. Since our action herein merely clarifies interpretive notes to our rules, the prior notice provisions of 5 U.S.C. § 553 are inapplicable—See 5 U.S.C. § 553(b)(3)(A).

2. Note 2 of § 64.601 provides a definition of ownership for administrative purposes. However, it refers only to "paragraph (a) of this section." The language of Note 2 is patterned after similar language in Notes 4, 5, and 6 of § 73.35 of our rules concerning multiple ownership of broadcast stations. The language of these notes in effect when § 64.601 was adopted did not limit their applicability to any particular paragraph in § 73.35. Further, paragraph (c) of Note 2 to § 64.601 speaks in terms of "for purposes of this section" without any limitation to paragraph (a) of § 64.601. Finally, neither the Commission's report and order adopting the section, nor its order on reconsideration, provide any reason for not applying Note 2 to paragraph (b) of the section.[2] We believe it evident that it was the Commission's intention that Note 2 apply to paragraph (b), since its application to only paragraph (a) would leave paragraph (b) without any definition of stockholder control despite an obvious need for some kind of definition for purposes of administration. We will therefore amend it to reflect accordingly.

3. Additionally, Note 2 to § 63.54 of the rules, adopted in the same order adopting § 64.601, is made applicable to the "above paragraphs of this section." Section 63.54 contains only one paragraph. Therefore, we will amend Note 2 to state its applicability "to this section."

4. *Accordingly, It is ordered,* Effective February 27, 1978, That §§ 63.54 and 64.601 of the Commission's rules and regulations are amended as set forth below. Authority for these amendments is contained in Sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154 (i) and (j).

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

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

Parts 63 and 64 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 63.54, Note 2 is revised to read as follows:

§ 63.54 Applications of telephone common carrier for construction and/or operation of CATV channel facilities in their service areas.

* * * * *

Note 2: In applying the provisions of this section to the stockholders of a corporation which has more than 50 stockholders:

* * * * *

2. In § 64.601, Note 2, introductory paragraph, is revised to read as follows:

§ 64.601 Furnishing of facilities for CATV service to the viewing public.

* * * * *

(b) * * *

Note 2: In applying the provision of this section to the stockholders of a corporation which has more than 50 stockholders:

* * * * *

[FR Doc. 78-2183 Filed 1-25-78; 8:45 am]

[1505-01]

[Docket No. 20728; FCC77-857]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing Changes in Frequencies and Operating Procedures Relating to the Use of Radiotelephony in the Maritime Services, Adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974, in the Bands 1605-4000 kHz and, as are Applicable to Limited Coast and Ship Stations, 4 to 23 MHz, and Certain Consequential Changes

Correction

In FR Doc. 78-518 appearing at page 1623 in the issue for Wednesday, January 11, 1978, in § 83.351(a), in the table, the carrier frequency now read-

[1] See below for current text of §§ 63.54 and 64.601.

[2] See 21 FCC 2d 307, at 329, 22 FCC 2d 746, at 751.

ing "12432.2" (appearing in the second column of page 1624) should have read "12432.3".

[7035-1]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-100 (Sub-No. 2)]

REVISION OF PROCEDURES REQUIRING SERVICE OF APPLICATIONS ON STATE OFFICIALS

AGENCY: Interstate Commerce Commission.

ACTION: Final regulations.

SUMMARY: These rules eliminate the requirements for serving on State officials copies of applications for permanent motor carrier certificates and permits, applications to consolidate, merge, purchase, lease or control operating rights or properties of motor carriers, and applications for temporary authority to operate motor-carrier properties sought to be acquired under separately filed application under section 5 of the Interstate Commerce Act. They provide that simple FEDERAL REGISTER publication will serve as notice to State Public Utilities Commissions and that those States which need more detailed information in a given proceeding may obtain from the applicant, upon request, a copy of the application as filed with the Commission. This new procedure would expedite the application process (with attendant savings of expense), and also eliminate maintenance of needless records by State functionaries.

EFFECTIVE DATE: April 1, 1978

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Upon petition by the National Association of Regulatory Utilities Commissioners (NARUC) and pursuant to Recommendation No. 29 of the Commission's Staff Task Force report (issued July 6, 1977), this proceeding was instituted on September 28, 1977, by notice of proposed rulemaking published in the FEDERAL REGISTER on October 4, 1977 (42 FR 53982-84) to revise the procedures for serving copies of applications on State officials.

DISCUSSION AND CONCLUSIONS

Notice to the State is required in part by section 205(e) of the Interstate Commerce Act (49 U.S.C. 305(e)):

> In accordance with rules prescribed by the Commission, reasonable notice shall be afforded, in connection with any proceeding under this part, to interested parties and to the board of any State, or to the Governor if there be no board, in which the motor-carrier operations involved in the proceeding are or are proposed to be conducted * * *

Additionally, section 5(2)(b) of the Act (49 U.S.C. 5(2)(b)) with regard to various consolidations and mergers:

> * * * the Commission shall notify the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated * * * (and, in case carriers by motor vehicle are involved the persons specified in section 305(e)), and shall afford reasonable opportunity for interested parties to be heard.

The language of these provisions places with the Commission the discretion to determine what type of notice should be provided.

The Commission regulations have long provided that notice of applications will be published in the FEDERAL REGISTER and such publication is the only notice given to "interested parties". This procedure has been held to be sufficient to fulfill the requirements of the Act, *Buckner Trucking, Inc.* v *ICC*, 354 F. Supp. 1210, 1219 (S.D. Tex. 1973). Section 1508 of the Federal Register Act (44 U.S.C., ch. 15) also provides that FEDERAL REGISTER publication will be deemed notice to all "persons" residing in the States or the District of Columbia. Although State regulatory bodies are not included specifically within the purview of the Federal Register Act, notice which is deemed sufficient to parties which often have large pecuniary interests in these application proceedings, must also be deemed sufficient to the States which do not have comparable interest to protect. We generally agree with those parties which believe that adequate notice of the involved proceedings can be provided to the States through FEDERAL REGISTER publication alone.

Having determined that FEDERAL REGISTER publication is acceptable notice within the meaning of the Interstate Commerce Act, we must decide whether the States have any interest in these proceedings which requires greater protection than that afforded by such notice. The States' apparent lack of concern with this matter is demonstrated by their failure to participate. The bulk of the evidence we have of the States' opinions indicates that they have no substantial stake in maintenance of the existing rules or adoption of the proposed rules. Even those States which desired to continue to receive copies of the involved applications (Connecticut, for example) did not show any substantial or important use to which they are put.[3] On the other hand, the record indicates that many States have no desire to receive this material and either discard it immediately or must spend time and money to keep it on file. The record is replete with examples of the effort, time, and expense required of applicants in preparing copies of their applications. On balance, this cost to applicants has not been shown to be justified by concomitant benefits derived by the States from receipt of such material. However, we agree with the Public Utilities Commissioner of Oregon that some sort of mailed notice should be provided to the State of applicant's domicile or the State where its headquarters are located. This can be achieved with minimal cost and effort on the part of applicant by mailing to such State (1) for motor carrier operating rights, application a copy of the caption summary (49 CFR 1100.247(c)) which already is required to be submitted with such application, and (2) for finance applications, a copy of the FEDERAL REGISTER publication Notice [49 CFR 1100.240(b)]

Finally, if some States do have some substantial interest in obtaining copies of Commission applications which did not come to light here, such interest is protected adequately by the provision in the adopted rules for mailing by applicant of a copy of the application upon request by the States.[4]

CONCLUSION

We are convinced, on the basis of the comments received, that the revisions adopted in this proceeding will be of substantial benefit to applicants and State Public Utilities Commissions alike. Such rules are reasonable and necessary to effectuate the public interest and to promote effective administration of the Act.

Accordingly, 49 CFR 1130.1(b), 1134.1(b), 1134.6(b), and 1134.50(b) are amended to read as follows:

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1130—APPLICATIONS FOR MOTOR CARRIER CERTIFICATES AND PERMITS

§ 1130.1 Applications.

* * * * *

(b) *Filing and service.* The verified original of each application shall be filed with this Commission, one true copy with the Regional Operations Director of the Bureau of Operations located in the region where applicant is domiciled and one copy shall be deliv-

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[3] States like Florida which use the applications can continue to receive them upon request.

[4] With respect to this provision and to the mailing of notice to domiciliary States, we have given effect to the near unanimous opinion that first-class mail is adequate.

ered, upon written request, by first-class mail, to the Board, Commission, or official (or Governor if there is no Board, Commission, or official) having authority to regulate the business of transportation by motor vehicles, of each State in or through which applicant operates or proposes to operate. A caption summary of the application (as provided in § 1100.247(c) of this chapter) shall be delivered in the same manner to the appropriate Board or official of applicant's State of domicile.

PART 1134—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

§ 1134.1 Applications for authority to merge properties or franchises.

* * * * *

(b) The original of each application and five copies shall be filed with this Commission, one copy with each of the Regional Operations Directors of the Bureau of Operations in which the headquarters of the carriers are located and one copy shall be delivered, upon written request, by first-class mail, to the Board, Commission, or official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the carriers operate. A summary of the application (as provided in § 1100.240(b) of this chapter) shall be delivered in the same manner to the appropriate Board or official of the State in which the headquarters of the carriers are located.

§ 1134.6 Applications for approval of temporary operation.

* * * * *

(b) The original of each application and five copies shall be filed with this Commission, one copy with each of the Regional Operations Directors of the Bureau of Operations in which the headquarters of applicants are located, and one copy shall be delivered, upon written request, by first-class mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. A summary of the application (as provided in § 1100.240(b) of this chapter) shall be delivered in the same manner to the appropriate Board or official of the State in which the headquarters of applicants are located.

§ 1134.50 Application for authority to acquire control.

* * * * *

(b) The original of each application and five copies shall be filed with this Commission, one copy with each of the Regional Operations Directors of the Bureau of Operations in which the headquarters of carriers are located, and one copy shall be delivered, upon request, by first-class mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the carriers operate. A summary of the application (as provided in § 1100.240(b) of this chapter) shall be delivered in the same manner to the appropriate Board or official of the State in which the headquarters of the carriers are located.

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003 LIST OF FORMS

The application forms are modified as follows: The Certificate of Service, (found on page 5 of Form OP-OR-9, page 12 of Form OP-F-44, of Page 10 of Form Op-F-45 and page 3 of Form OP-F-46), is deleted to the extent it requires certification of delivery of a copy of such applications to appropriate State Boards. Instruction number 6 (found on page 13 of Form OP-F-44, page 11 of OP-F-45, and page 3 of OP-F-46) is modified by deleting from sentence 1 thereof the instructions following the words, "* * * the carriers involved in the application."

(49 U.S.C. 5, 304, 305; 5 U.S.C. 552, 553, 559.)

Dated: January 9, 1978.

By the Commission.

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

[FR Doc. 78-2212 Filed 1-25-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

PART 33—SPORT FISHING

Opening of Mingo National Wildlife Refuge, Missouri To Hunting and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

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

DATES: See below.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Clawson, Refuge Manager, Mingo National Wildlife Refuge, Route 1, Box V, Puxico, Mo. 63960, 314-222-3589.

SUPPLEMENTARY INFORMATION: Hunting is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to hunting. These areas comprising 6,500 acres are delineated on maps. Sport fishing is permitted on the Mingo National Wildlife Refuge, Missouri, only on the areas designated by signs as being open to fishing. These areas comprising 4,300 acres are delineated on maps. Maps for the above areas are available at the refuge headquarters and from the office of the Area Manager, United States Department of the Interior, Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116.

§ 32.22 Special Regulations; Upland Game; for individual wildlife refuges.

Squirrel hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. The open season for hunting squirrels on the refuge extends from opening date of Statewide season, August 1, 1978 through September 30, 1978.

2. Hunters must register when entering the refuge and record kill when leaving.

§ 32.32 Special Regulations; Big Game; for individual wildlife refuges.

Deer hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Hunting with bows and arrows only is permitted.

2. Hunters must register when entering and leaving the area.

3. Hunting from permanent tree stands (one that is connected to the tree by nails, screws, etc.) is prohibited.

§ 33.5 Special Regulations; Sport Fishing; for individual wildlife refuge areas.

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open Season: January 1, 1978 through March 14, 1978 in designated waters.

2. Open Season: March 15, 1978 through September 30, 1978 in all waters.

3. Open Season: October 1, 1978 through December 31, 1978 in designated waters.

4. Use of all motors is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting and fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Parts 32 and 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 18, 1978.

GERALD L. CLAWSON.
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

[FR Doc. 78-2229 Filed 1-25-78; 8:45 am]

[3510-22]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State, finds that Bermuda is in substantial conformance with U.S. regulations governing the taking of marine mammals (i.e., porpoise) incidental to commercial fishing operations. In finding that this nation is not fishing in a manner proscribed for persons subject to the jurisdiction of the United States, the Assistant Administrator for Fisheries exempts this nation from the importation prohibition provisions affecting yellowfin tuna and tuna products.

EFFECTIVE DATE: January 20, 1977.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: The NMFS published regulations in the FEDERAL REGISTER on December 23, 1977, 42 FR 64551-64560 governing the taking of marine mammals incidental to commercial fishing operations. (50 CFR 216.24.) These regulations include provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Importation of certain yellowfin tuna and tuna products from these countries is contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with § 216.24(e)(5).

Canada, Ecuador, Mexico, the Netherlands Antilles, Nicaragua and Panama previously supplied the NMFS with adequate information to indicate that their tuna purse seine operations in the ETP are in substantial conformance with U.S. regulations. Subsequently, the Assistant Administrator for Fisheries published in the FEDERAL REGISTER (42 FR 56617, October 21, 1977; 42 FR 64121, December 22, 1977; and 43 FR 1093, January 6, 1978) notice that yellowfin tuna and tuna products from those six nations are exempted from the importation prohibition provisions which would have affected them after December 31, 1977. Bermuda is hereby given a similar exemption.

This finding by the Assistant Administrator for Fisheries, made in accordance with § 216.24(e)(5)(i), exempts Bermuda from the import provisions concerning yellowfin tuna and tuna products listed in § 216.24(e)(2)(ii). However, the requirements listed in § 216.24(c)(4) will continue to apply. The Assistant Administrator considered all available information in making this finding. Information submitted by Bermuda is available to the public at the information contact address set out above, and is summarized in the following:

BERMUDA

(a) *Fleet.* Five Bermudian tuna purse seine vessels will operate in the ETP in 1978. Two of these vessels are small seiners not capable of intentionally setting on porpoise to catch tuna. Their annual tuna catch is largely comprised of skipjack tuna with yellowfin only represented incidentally. The three remaining vessels are capable of intentionally setting on porpoise and are equipped with porpoise release gear similar to that required on U.S. vessels.

The Bermudian operators are familar with and regularly follow the porpoise release procedures required for U.S. vessel operators. The Bermudian government will allow observers (Bermudian or international) aboard the vessels upon request.

(b) *Porpoise mortality.* The Bermudian government estimated the 1977 total porpoise mortality among their three purse seiners to be 200 animals. This estimate was based on vessel logbooks and interviews with skippers. The government stated that this mortality level indicated a kill rate similar to that observed in the U.S. fleet in 1977.

The government further stated that this mortality would undoubtedly not be exceeded in 1978. This statement is based on the fact that 1977 was a poor year for schoolfish and Bermudian vessels did not have to compete with U.S. seiners for tuna associated with porpoise in the first part of the year. These facts indicate that 1977 may represent an abnormally high year for porpoise mortality by Bermudian vessels.

(c) *Miscellaneous.* The Bermudian government has secured agreements from the vessel owners that more detailed porpoise mortality logbooks will be maintained in 1978 and that observers may be placed aboard the vessels as mentioned above.

This finding will be subject to an annual review. NMFS will require an update of the items listed in § 216.24(e)(5)(ii) to ensure that the conditions which supported the original finding continue to exist.

NMFS will continue monitoring the status of the international tuna purse seine fleet operating in the ETP. Changes to the list of nations affected by the importation prohibitions of yellowfin tuna and tuna products under § 216.24(e)(5) will be published in the FEDERAL REGISTER.

Dated: January 20, 1978.

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

[FR Doc. 78-2237 Filed 1-25-78; 8:45 am]

[3510-22]

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

PART 611—FOREIGN FISHING

Gear Conflict

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final amendment.

SUMMARY: This amendment to the foreign fishing regulations provides U.S. fishermen with an additional method for seeking redress when fixed gear has been damaged as a result of activities by foreign fishermen.

EFFECTIVE DATE: January 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard H. Schaefer, Chief, Fishery Management Operations Division, National Marine Fisheries

Service, Washington, D.C. 20235, telephone 202-634-7545.

SUPPLEMENTARY INFORMATION: On December 5, 1977, NOAA published an interim amendment to its regulations in order to provide a mechanism through compulsory arbitration by which U.S. fishermen can obtain fair and speedy reimbursement for documented gear losses caused by foreign fishing vessels operating inside the fishery conservation zone under permits issued by the United States. The amendment was effective immediately on an interim basis and comments were solicited prior to the publication of a final amendment.

On December 14, 1977, NOAA published a clarification of the interim final amendment but left the dates for implementation (December 9, 1977) and comment (December 29, 1977) set forth in the original publication the same. No comment which would require revision of the interim final amendment published on December 14, 1977, has been received. Accordingly, that amendment is adopted as a final amendment to the foreign fishing regulations.

Signed at Washington, D.C., this 19th day of January 1978.

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

Amend 50 CFR 611.11 by adding a new paragraph (d) as follows:

§ 611.11 Gear conflict.

* * * * *

(d) Claims concerning the loss of or damage to the fishing vessel, fishing gear or catch of a U.S. citizen which may have been caused by a foreign fishing vessel fishing pursuant to the Act may be resolved as follows:

(1) Claims involving loss or damage of property amounting to $25,000 or less must be submitted to binding arbitration whenever demanded by the U.S. claimant or the owner or operator of the foreign fishing vessel which may have caused the loss or damage. If arbitration is demanded, both the U.S. claimant and the owner or operator of the foreign vessel, or their agent, must appear at the arbitration proceedings and be bound by the decision of the arbitrator.

(2) Claims involving loss or damage of property amounting to over $25,000 must be submitted to binding arbitration whenever demanded by the U.S. claimant. If arbitration is demanded by the U.S. claimant, the owner or operator of the foreign vessel, or their agent, must appear at the arbitration proceedings and the parties will be bound by the decision of the arbitrator.

(3) A demand for abitration must be made in writing to the other party. Any arbitration proceeding under this paragraph shall be conducted according to the Commercial Arbitration rules of the American Arbitration Association, and shall be conducted in the United States. The list from which arbitrators are selected will, whenever possible, include individuals with knowledge in fishery matters or admiralty law.

[FRDoc.78-2265Filed1-25-78;8:45am]

proposed rules

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

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1071, 1073, 1097, 1102, 1104, 1106, 1108, 1120, 1126, 1132, 1138]

[Docket Nos. AO-231-A45, etc.]

MILK IN THE TEXAS AND CERTAIN OTHER MARKETING AREAS

Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Parts	Marketing area	Docket Nos.
1071	Neosho Valley	AO-227-A34
1073	Wichita, Kans.	AO-173-A35
1097	Memphis, Tenn.	AO-219-A34-RO1
1102	Fort Smith, Ark.	AO-237-A28-RO1
1104	Red River Valley.	AO-298-A28
1106	Oklahoma Metropolitan.	AO-210-A41
1108	Central Arkansas.	AO-243-A32-RO1
1120	Lubbock-Plainview, Tex.	AO-328-A21
1126	Texas	AO-231-A45
1132	Texas Panhandle.	AO-262-A30
1138	Rio Grande Valley.	AO-335-A26

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This notice extends the time for filing exceptions to the December 20, 1977, decision recommending a base-excess plan in 11 Southwest markets. Interested parties requested the additional time to complete their analysis of the decision.

DATE: Exceptions now are due on or before March 1, 1978.

ADDRESS: Exceptions (six copies) should be filed with the Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notices of Hearing: Issued February 11, 1977, published February 14, 1977 (42 FR 9674); issued March 3, 1977, published March 8, 1977 (42 FR 13024); and issued March 25, 1977, published March 31, 1977 (42 FR 17130).

Extension of time for filing briefs: Issued May 18, 1977, published May 23, 1977 (42 FR 26217).

Recommended Decision: Issued December 20, 1977, published December 29, 1977 (42 FR 65088).

Notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Texas and certain other marketing areas which was issued December 20, 1977 (42 FR 65088) is hereby extended to March 1, 1978.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 USC 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

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

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 78-2222 Filed 1-25-78; 8:45 am]

[3128-01]

FEDERAL ENERGY ADMINISTRATION[1]

[10 CFR Parts 205 and 303]

ADMINISTRATIVE PROCEDURES AND SANCTIONS

Appeal From Interpretations

NOTE: A partial version of this document originally appeared in the FEDERAL REGISTER of Thursday, January 19, 1978. The complete document is printed below.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Rulemaking; correction.

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.

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

ADDRESS: 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.

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 or 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

[1] 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.

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 Administrative (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 concerning 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 U.S.C. 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. 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 20, 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.

* * * * *

§ 205.82 [Amended]

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

4. Section 205.85 is amended by revising paragraph (a) and by adding a new paragraph (f) 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 information received or obtained during the proceeding.

* * * * *

(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.

5. Section 205.86 is revised to read as follows:

§ 205.86 Appeal.

There is no administrative appeal of an interpretation.

§§ 205.100 and 205.101 [Amended]

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

§ 205.102 [Amended]

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

§ 205.103 [Amended]

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

§ 205.105 [Amended]

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

§ 205.107 [Amended]

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

§§ 205.130, 205.132, and 205.134 [Amended]

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

§ 205.135 [Amended]

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

13. 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.

14. 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 rquest 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]

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

16. Section 303.95 is amended by revising paragraph (a) and by adding a new paragraph (f) 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.

* * * * *

(f) (1) Any person aggrieved by an interpretation issued by the General Counsel or his delegate or by a Regional Counsel may submit a peition 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.

17. Section 303.96 is revised to read as follows:

§ 303.96 Appeal.

There is no administrative appeal of an interpretation.

§§ 303.100 and 303.101 [Amended]

18. The words "or interpretation" and references to Subpart G, are deleted wherever they appear in §§ 303.100 and 303.101.

§§ 303.102 [Amended]

19. In § 303.102(a) the words "or an Appeal of Interpretation (ESECA)'" are deleted.

§ 303.103 [Amended]

20. In § 303.103 the words "or interpretation" are deleted.

§ 303.106 [Amended]

21. The words "or interpretation" are deleted wherever they appear in § 303.106.

§ 303.108 [Amended]

22. In § 303.108(a) the words "or interpretation" are deleted.

23. The heading for Subpart K of Part 303 is amended to read as follows:

Subpart K—Modification or Rescission of Orders Other Than Prohibition Orders or Construction Orders

§§ 303.140 and 303.143 [Amended]

24. In §§ 303.140(a), and 303.140(b), and 303.143(c)(2) the words "or an interpretation" are deleted.

§ 303.144 [Amended]

25. In § 303.144(a) the words "or interpretation" are deleted.

§ 303.145 [Amended]

26. In § 303.145(b)(1) the words "or an interpretation" are deleted.

§ 303.145 [Amended]

27. The words "or interpretation" are deleted wherever they appear in § 303.145(b)(2)(iii).

28. In § 303.145(c) the words "or interpretation" are deleted.

[FR Doc. 78-2235 Filed 1-23-78; 2:37 pm]

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR CONSUMER APPLIANCES

Extension of Written Comment Period

AGENCY: Department of Energy.

ACTION: Notice of extension of written comment period.

SUMMARY: The Department of Energy (DOE) gives notice of an extension of the period for submitting written comments pertaining to the proposed test procedures for furnaces; the proposed test procedures for vented home heating equipment (not including furnaces) and the proposed test procedures for unvented home heating equipment. Appliance test procedures are one element of the appliance energy efficiency program required by the Energy Policy and Conservation Act.

DATE: Comments by February 15, 1978.

ADDRESS: Comments to Room 3317, Department of Energy, Box NX, Box OQ or Box MJ, respectively, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith (Office of Consumer Products), Room 307, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-4635.

Laurence J. Hyman (Office of the General Counsel), Room 7146, Federal Building, 12th and Pennsyvlania Avenue NW., Washington, D.C. 20461, 202-566-9750.

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163) requires that test procedures be prescribed for each of thirteen enumerated consumer products, including furnaces, and home heating equipment (not including furnaces). (Vented and unvented home heating equipment are the two classes which comprise the type home heating equipment not including furnaces.) Test procedures for furnaces were proposed by notice issued July 28, 1977 (42 FR 40826, August 11, 1977). Test procedures for vented home heating equipment (not including furnaces) were proposed by notice issued August 22, 1977 (42 FR 43930, August 31, 1977), and for unvented home heating equipment by notice issued May 4, 1977 (42 FR 23860, May 11, 1977). The FEDERAL REGISTER notice for each product provided for the submission of written and oral comments. The time for written comment for each of the proposed test procedures has expired and a public hearing on each has been held.

At the public hearing on the proposed test procedures for furnaces on October 4, 1977, a number of issues were raised regarding the success with which the proposed procedures would measure energy consumption and the degree of burden the proposed test procedures would place upon the industry. Due to the complex technical nature of the proposal, however, the respondents testified they had been unable to conduct sufficient testing under the proposed procedures to formulate possible alternative test methods. The respondents urged that DOE allow time for tests to be run on a variety of furnace configurations.

The National Bureau of Standards and DOE consider it likely that useful information will result from an appropriate extension of the comment period for furnaces. Because the test methods and calculations proposed for vented home heating equipment (not including furnaces) and unvented home heating equipment are similar to those employed in the proposed furnace procedures, DOE believes that further time for comments on these proposals should be allowed to insure they, too, will provide accurate measures of energy consumption. DOE has, therefore, extended the written comment period for the proposed test procedures for furnaces, unvented home heating equipment, and vented home heating equipment (not including furnaces) until February 15, 1978. Comments should be submitted to the addresses specified in the FEDERAL REGISTER notice proposing the test procedure for the particular appliance.

Issued in Washington, D.C., January 20, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-2236 Filed 1-25-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Parts 2, 3, 4]

PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Trade Commission is proposing to revise its adjudicative and miscellaneous rules to provide procedures whereby a person may request protection for information in the custody of the Commission believed by the person to be a trade secret or otherwise confidential commercial or financial information, and to correlate such protection with the requirements of the Freedom of Information Act.

DATES: Written comments must be received on or before March 27, 1978.

ADDRESSES: Comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C., 20580. Comments will be entered on the public records of the Commission and will be available for public inspection in room 130 at the above address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Commission proposes to establish a new § 4.10a, which would describe the procedures for requesting confidential treatment for information submitted to the Commission, except for information submitted for purposes of an adjudicative proceeding. The section would require a specific prima facie justification for such requests by reference to the criteria of exemption 4 of the Freedom of Information Act. It would delegate to Directors and Deputy Directors of the Commission's

Bureaus the authority to grant confidential treatment, but only after the documents in question had been submitted to the Commission. See *FTC* v. *Texaco*, 555 F.2d 862 (D.C. Cir. 1977), cert. denied, 431 U.S. 974, *FCC* v. *Schreiber*, 381 U.S. 279 (1965). New § 4.10b would specify the effects of a grant of confidential treatment, namely notice of FOIA requests and appeals for the protected information, initial denial of such requests unless the grant is waived, the opportunity to supplement one's justifiction at the time of an FOIA appeal, and ten days' notice of any decision to release protected information with the exception of disclosure to consultants and, in some circumstances, disclosure upon the request of a Congressional Committee or Subcoimmittee or a Federal agency where the Committee or Subcommittee or the agency requests that no notice be given. The Commission specifically invites comments on the question of whether such a policy of not providing notice in the above case is required and if not, whether it appropriately reconciles the constitutional and statutory prerogative of the Congress with the due process rights of persons, and is otherwise advisable.

These rules also delegate to the Bureau Directors and Deputy Directors the authority to grant confidential treatment for material submitted in connection with a compliance report. The Commission wishes to receive comment on whether this change is appropriate or whether, because of the fact that compliance reports are generally made public except for material for which confidentiality has been granted, the power to grant such treatment should remain with the Commission itself.

Under this proposal, it should be noted, all documents in the custody of the Commission determined to be confidential—whether by grant of confidential treatment, protective order, or order for in camera treatment—would be afforded like treatment in the event of an FOIA request or appeal. All such agency records are equally subject to the authority of the Commission to disclose documents, in accordance with applicable law and § 4.11.

A new § 3.32 would be added to incorporate in the rules of practice the authority of Administrative Law judges to grant protective orders in adjudications. The standard for issuing such orders would be the same as for granting confidential treatment. The effect of such orders would be limited to the provision of 4.10b, which applies equally to documents under protective order, in camera order, or grant of confidential treatment. An ALJ could then no longer order documents in the custody of the Commission removed from its custody without the express authority of the Commission. Nor could such order prevent any Commission employee from having access to the documents, subject to the usual restrictions on dissemination of the information outside the Commission. This change would not affect the power of an ALJ to order restrictions on documents that never come into the custody of the Commission, such as ordering that complaint counsel can view documents only on respondents' premises with limited copying rights. Nor would this change preclude arrangements whereby it is agreed that documents will be submitted to a third party who will then aggregate them for Commission use. Similar conforming changes have been made in rule 3.45 dealing with in camera orders. The Administrative Law Judges would also retain the power to control the course of the hearings, and the conduct of the parties (Commission rule 3.42(c), 16 CFR § 3.42(c)).

These proposed rules would not apply to special grants of confidentiality by the Commission, such as the Commission's Confidentiality Rules and Procedures for Line of Business Reports. Nor would they apply to statutory restrictions on disclosure such as those provided in the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

In consideration of the foregoing, the Commission proposes to amend its rules of practice as follows:

PART 2—NONADJUDICATIVE PROCEDURES

1. By amending § 2.33 to read as follows:

§ 2.33 Compliance procedure.

The Commission may in its discretion require that a proposed agreement containing an order to cease and desist be accompanied by an initial report signed by the respondent setting forth in precise detail the manner in which the respondent will comply with the order when and if entered. Such report will not become part of the public record unless and until the accompanying agreement and order are accepted by the Commission. At the time any such report is submitted a respondent may request confidential treatment for any portion thereof in accordance with § 4.10a of this chapter.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

2. By adding § 3.32 to read as follows:

§ 3.32 Protective orders.

The Administrative Law Judge may, upon motion or *sua sponte*, order restrictions on access to documents in the custody of the Commission submitted in the course of the proceeding, whether voluntarily or under compulsory process, when necessary to the fair and orderly conduct of the proceeding. The effect of such an order shall be as prescribed in § 4.10b. Such an order shall issue only on a *prima facie* showing that information contained in the documents is a trade secret or otherwise confidential commercial or financial information within the meaning of 5 U.S.C. § 552(b)(4). Documents as to which such an order is made shall be nonpublic records of the Commission, and such records shall not be removed from the custody of the Commission without its express authorization. Access thereto shall be had only in accordance with the terms of the order, subject, however, to the provisions of § 4.11 of this chapter.

3. By amending § 3.45 to read as follows:

§ 3.45 In camera orders.

(a) *In camera treatment of evidence and testimony.*—The Administrative Law Judge may, upon motion or *sua sponte*, order documents, other physical evidence, or oral testimony offered in evidence (including an offer of proof), whether admitted or rejected, to be placed *in camera*, but only upon a showing that clearly defined, serious injury would result from public disclosure thereof. The order shall include a description of the evidence or testimony, and a statement of the reasons for granting *in camera* treatment. Each such order shall expire at the end of the three-year period commencing with its issuance unless the Administrative Law Judge shall specify therein a lesser period or unless renewed by the Commission upon request. Any party desiring, for the preparation and presentation of the case, or otherwise, to disclose *in camera* evidence or testimony to experts, consultants, prospective witnesses, or witnesses, shall make application to the Administrative Law Judge, at the time the order is sought or thereafter, setting forth the justification therefor. The Administrative Law Judge may grant such application for good cause found, in which event he shall enter an appropriate order protecting the rights of the affected parties and preventing unnecessary disclosure of information. *In camera* evidence and the transcripts of testimony subject to an *in camera* order shall be segregated from the public record and filed in a sealed envelope or container, bearing the title and docket number of the proceeding, and the notation "*In Camera* Record under § 3.45."

(b) *Disclosure of in camera information.*—Documents and testimony made subject to *in camera* orders shall not be made a part of the public record, and only respondents, their counsel, authorized Commission personnel, and court personnel concerned with judici-

al review shall have access thereto, except that upon receipt by the Commission of a request for disclosure under the provisions of § 4.11 of this chapter, the effect of the order shall be as prescribed in § 4.10b. The right of the Administrative Law Judge, the Commission, and reviewing courts to disclose *in camera* data to the extent necessary for the proper disposition of the proceeding is specifically reserved.

(c) *Reference to in camera information.*—In the submittal of proposed findings, briefs, or other papers, and during oral argument, counsel for all parties shall not disclose the specific details of *in camera* evidence or testimony. This shall not preclude references in such proposed findings, briefs, or other papers to such evidence or testimony including generalized statements based on their contents. To the extent that counsel consider it necessary to include specific information contained in *in camera* material in their presentations, such information shall be incorporated in separate proposed findings, briefs, or other papers marked *"In Camera Information,"* which shall be placed *in camera* and become a part of the *in camera* record.

(d) Nothing contained herein or in this chapter shall be deemed to preclude the Administrative Law Judge from approving, where appropriate, arrangements in connection with discovery by which a party or its counsel is afforded access to records without obtaining custody thereof, or is afforded some form of use of the information therein, through intermediary analysis by a neutral person, without direct access thereto.

4. By amending § 3.61(f) to read as follows:

§ 3.61 Reports of Compliance.

* * * * *

(f) All applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials, will be placed on the public record as soon after they are received as circumstances permit, except for information for which confidential treatment has been requested in accordance with § 4.10a of this chapter. Within thirty (30) days after such requests and materials are placed on the public record, any person may file formal written objections or comments with the Secretary of the Commission. Such objections or comments shall be placed on the public record except for information for which confidential treatment has been requested in accordance with § 4.10a of this chapter. Additionally, any communications, written or oral, concerning such proposed transactions, received by any individual member of the Commission or by any employee involved in the decisional process, from any person not involved in that process, will be placed on the public record immediately after their receipt. In the case of an oral communication, the member or employee shall immediately furnish the Commission with a memorandum setting forth the full contents of such communication and the circumstances thereof, and such memorandum will immediately be placed on the public record. All response to applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with a statement of supporting reasons, will be published when made.

PART 4—MISCELLANEOUS RULES

5. By amending rule 4.9(b) (12) and (13) to read as follows:

§ 4.9 Public records.

* * * * *

(b) * * *

(12) Reports of compliance and supplemental materials in connection therewith filed pursuant to the rules in this chapter or to a provision in an order of the Commission, and reports of compliance filed pursuant to assurances of voluntary compliance which are accepted under § 2.21 of this chapter (excluding matters disposed of under § 1.34 of this chapter), except as provided in §§ 2.33 and 4.9(b)(13), shall be available at the principal offices of the Commission for inspection and copying by the public when received, except for information for which confidential treatment has been requested in accordance with § 4.10a of this chapter.

(13) Reports of compliance and supplemental materials filed in connection with Commission orders requiring divestitures or establishment of business enterprises or facilities, save those otherwise specifically dealt with in §§ 3.61(f) and 4.9(b)(11), are confidential until the last divestiture or establishment of a business enterprise or facility, as required by a particular order, has been finally approved by the Commission. At the time each such report is submitted, the filing party may request continuing confidentiality in whole or in part in accordance with § 4.10a of this chapter.

6. By amending § 4.10 to read as follows:

§ 4.10 Nonpublic records.

(a) Except as provided in paragraph (b) of this section, the following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. § 552; however, records exempt from disclosure by the provisions of this section may be made available to a requester for inspection and copying upon request for records under the procedures set forth in § 4.11, or by the Commission on its own motion subject to the provisions of § 4.10b.

7. By adding § 4.10a to read as follows:

§ 4.10a Requests for confidential treatment of trade secrets and commercial or financial information.

(a) *Scope.*—Any person requested or required to submit any information believed by the person to be a trade secret, or otherwise confidential commercial or financial information, may request confidential treatment for such information in accordance with this section, except that requests for confidential treatment of information submitted for purposes of an adjudicative proeeding shall be made in accordance with § 3.32 or § 3.45, as applicable.

(b) *Form of request.*—A request for confidential treatment shall be addressed to the employee to whom the information is submitted. The envelope shall be marked "Confidentiality Request." The request shall be preceded or accompanied by the documents for which confientidality is requested. The request shall specify:

(1) The documents or portions thereof that are alleged to merit confidential treatment, including whether any information constitutes a trade secret within the meaning of Section 6(f) of the Federal Trade Commission Act.

(2) The extent to which deletion of specific identifying information prior to public disclosure would protect the person's asserted interests;

(3) The period of time for which confidential treatment is requested;

(4) The extent to which the information is customarily disclosed to others, and the measures taken by the person to prevent unauthorized disclosure;

(5) The manner in which and the degree to which competitive or other harm would result from public disclosure of the specified information.

(c) *Grant of request.*—The Directors and Deputy Directors of the Bureaus of Competition, Consumer Protection, and Economics, pursuant to delegation of authority by the Commission, without power of redelegation, may grant confidential treatment upon a *prima facie* showing that the information is a trade secret or otherwise confidential commercial or financial information within the meaning of those terms in 5 U.S.C. § 552(b)(4), for a period not to exceed 3 years from the date on which the request is granted. The Bureau Director or Deputy Director may grant an additional term of not more than 3 years upon a request made at least 60 days but not more than 120 days prior to the expiration of the original term and providing spe-

cific justification for continued confidential treatment. In the event a request for access to records, which are the subject of a confidentiality request, is received before the Bureau Director or Deputy Director has acted under this section, the person submitting the information shall be promptly notified of the receipt of the request, except as to requests of which § 4.10b hereof provides that no notice shall be given.

8. By adding § 4.10b to read as follows:

§ 4.10b Effects of grant of confidentiality, protective order, or order for in camera treatment.

(a) The effects of a grant of confidential treatment pursuant to § 4.10a, or of a grant of confidential treatment for information submitted for purposes of a compliance report, or of a protective order or order for *in camera* treatment, are as follows:

(1) The Office of the Secretary shall expeditiously notify the person to whom the grant was made of any initial request, pursuant to § 4.11(a)(1) of this chapter, for records containing the information. The Office of the General Counsel or the appropriate liaison officer under § 4.11(b)(2) shall provide such notice for requests pursuant to § 4.11(b) of this chapter, except as otherwise provided in subsection 6(ii) hereof.

(2) The Office of the Secretary shall ascertain whether the person continues to assert the confidentiality of such records.

(3) The Office of the Secretary, during the effective term of a grant of confidential treatment or of a protective or *in camera* order, shall deny initial Freedom of Information Act requests for access to records within the scope of the grant or order pursuant to 5 U.S.C. § 552(b)(4) unless the confidentiality of such material is waived by the person to whom it has been granted.

(4) The Office of the General Counsel or the appropriate liaison officer under § 4.11(b)(2) shall expeditiously notify the person to whom the grant or order was given of any appeal, pursuant to § 4.11(a)(2) or request pursuant to § 4.11(b) of this chapter, for release of such records, except as otherwise provided in subsection 6(ii) hereof.

(5) The General Counsel, the Commission, or the appropriate liaison officer under § 4.11(b)(2) shall take into account, in reaching a determination of such an appeal pursuant to § 4.11(a)(2)(iii) of this chapter, or a request pursuant to § 4.11(b), all facts bearing on the issue of the exempt status of the requested records, including any submission by the person received by the Commission within seven (7) working days of notification of the appeal.

(6) If the General Counsel or the Commission or the appropriate liaison officer under § 4.11(b)(2) determines to disclose records or information covered by a grant of confidential treatment, protective order, or order for *in camera* treatment, ten (10) days' notice prior to release thereof shall be provided to the person who supplied the records or information; *Provided* that:

(i) As to release in response to an official request from a committee or subcommittee of Congress, or to a court in response to compulsory process or court order, ten days' notice shall be given where possible, and otherwise such notice shall be given as is reasonable under the circumstances. In the event of such release, the congressional committee or subcommittee or the court shall be advised that the person who submitted the records or information considers such records or information to be confidential.

(ii) As to release in response to an official request of a committee or subcommittee of Congress or of a federal agency which includes a request that no notice of either the request or the release be provided, such notice shall not be provided, unless, with respect to requests from another federal agency, the Commission in its discretion so orders.

(b) The protection afforded by this section shall not extend to information which:

(1) Was in the public domain at the time confidential treatment, protective order or *in camera* treatment was granted;

(2) Enters the public domain thereafter from a source other than the Commission or its employees;

(3) Was in the Commission's unrestricted possession prior to disclosure to the Commission by the person;

(4) Is supplied to the Commission without restriction on its use by a third party lawfully in possession thereof.

(c) This section shall not apply to grants of confidentiality made by the Commission under its Line of Business, Corporate Patterns Report, and Quarterly Financial Report programs, which shall be effective according to their terms.

(d) Disclosure of records or information to a consultant retained by the Commission shall not constitute disclosure thereof within the meaning of this section and § 4.11, *provided*, however, that such disclosure shall be made only to a consultant who has agreed not to disclose such records or information to others, except as authorized by the Commission.

(5 U.S.C. 522 and 551(2); 15 U.S.C. 46(g).)

By direction of the Commission dated January 12, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-2184 Filed 1-25-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release Nos. 33-5900; 34-14395; IC-10099; File No. S7-729]

GOING PRIVATE TRANSACTIONS BY PUBLIC COMPANIES OR THEIR AFFILIATES

Proposed Rule and Schedule; Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of public comment period for proposed rule and schedule.

SUMMARY: The Commission extends the public comment period with respect to a proposed rule and schedule relating to going private transactions by public companies or their affiliates until February 28, 1978.

DATE: Comments must be received on or before February 28, 1978.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-729. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

John Huber, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1750.

SUPPLEMENTARY INFORMATION: In Release Nos. 33-5894, 34-14185 and IC-1 0015 (November 23, 1977) (42 FR 60090), the Commission published for comment proposed Rule 13e-3 and proposed Schedule 13E-3 relating to going private transactions by public companies or their affiliates. If adopted, these proposals would provide definitions, specific disclosure and dissemination requirements, substantive regulatory protections and particular antifraud provisions with respect to going private transactions. The Commission stated that the public comment period would expire on January 31, 1978.

It has come to the Commission's attention that certain interested members of the public may require more time to complete their consideration of the proposals in order to respond to the Commission's solicitation of comments. The Commission has determined that it is appropriate in the

public interest to allow additional time for the consideration of these proposals. Accordingly, the Commission hereby extends the period for public comment of proposed Rule 13e-3 and Schedule 13E-3 from January 31, 1978 to February 28, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 20, 1978.

[FR Doc. 78-2257 Filed 1-25-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3840]

CITY OF FARIBAULT, RICE COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Faribault, Rice County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Faribault, Minn. Send comments to: Mr. Eugene Wieneke, City Administrator, City of Faribault, City Hall, 208 First Avenue, Faribault, Minn. 55021.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Faribault, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rate for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Straight River	14th St	969
	Division St	980
	Chicago, Rock Island & Pacific RR.	982
Crockers Creek	7th St NW	975
	Division St	985
	Jenson Dr	997

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1757 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3841]

CITY OF MOUND, HENNEPIN COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Mound, Hennepin County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 5341 Maywood Road, Mound, Minn. Send comments to: Mayor Tim La Vaasen, City Hall, 5341 Maywood Road, Mound, Minn. 55364.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Mound, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka	Shoreline	931
Dutch Lake	do	940
Langdon Lake	do	935

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1758 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3842]

CITY OF ORONO, HENNEPIN COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Orono, Hennepin County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Orono, Minn. Send comments to: Mayor Brad Van Nest, P.O. Box 66, Crystal Bay, Minn. 55323.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Orono, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed tributary to Stubbs Bay, Lake Minnetonka.	Tonka Ave	936
	Crestview Ave	940
	Leaf St. crossing... at approximately 2,300 ft above the mouth.	959
	Watertown Rd	970
Pond E	Shoreline	964
Pond F	do	961
Pond B	do	931
Pond A	do	931
Pond C	do	931
Pond D	do	931
Pond G	do	936
Pond H	Casco Point Rd., approximately 500 ft southwest along the road from its intersection with Frederick St.	935
Carman Bay, Lake Minnetonka.	Shoreline	931
West Arm, Lake Minnetonka.	Fagerness Point Rd., approximately 550 ft southwesterly along the road from its intersection with Concordia St.	931
North Arm, Lake Minnetonka.	Shoreline	931
Crystal Bay, Lake Minnetonka.	do	931

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1759 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3843]

CITY OF ROSEAU, ROSEAU COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Roseau, Roseau County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Roseau, Minn. Send comments to: Mayor N. L. Erikson, City Hall, Box 307, 100 Second Avenue, Roseau, Minn. 56751.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Roseau, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title

XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roseau River	3d St	1,049
	Center St	1,049
	Corporate limit (southernmost crossing).	1,051

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1760 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3844]

CITY OF WATERTOWN, CARVER COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Watertown, Carver County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Watertown, Minn. Send comments to: Mayor Dorsey Koziel, City Hall, P.O. Box 606, Watertown, Minn. 55388.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Watertown, Minn, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Crow River.	County State Aid Highway 10 Bridge.	937
	Chicago & Northwestern RR.	939
Mapes Creek	Carver County Rd., No. 10 Bridge.	935
	Pedestrian bridge.	935

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1761 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3847]

CITY OF BUCKNER, JACKSON COUNTY, MO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Buckner, Jackson County, Mo.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Buckner, Mo. Send comments to: Mayor Richard Brown, P.O. Box 187, Buckner, Mo. 64016.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Buckner, Jackson County, Mo., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fire Prairie Creek.	Eastern corporate limits.	725
	Approximately 140 ft upstream of Buckner-Tarsney Rd.	730

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1765 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3848]

CITY OF MOSBY, CLAY COUNTY, MO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Mosby, Clay County, Mo.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Main Street, Mosby, Mo. Send comments to: Mayor Neil McCrary, P.O. Box 53, Mosby, Mo. 64073.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Mosby, Mo., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fishing River	Main St	765
	Rock Island RR	767
	U.S. Route 69	770

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1766 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3849]

VILLAGE OF PRATHERSVILLE, CLAY COUNTY, MO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Prathersville, Clay County, Mo.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Prathersville Volunteer Fire Department,

Prathersville, Mo. Send comments to: Ms. Gloria Allen, Councilwoman, Prathersville Village Council, P.O. Box 355, Missouri City, Mo. 64072.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Prathersville, Mo., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fishing River	State Highway 10	755
Williams Creek	County road (upstream side).	757
	County road (downstream side).	756
	Rock Island RR	757

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1767 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3850]

VILLAGE OF CEDAR CREEK, CASS COUNTY, NEBR.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Cedar Creek, Cass County, Nebr.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, Cedar Creek, Nebr. Send comments to: Mr. Bob Fuxa, Chairman of the Village Board, village of Cedar Creek, Cedar Creek, Nebr. 68016.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Cedar Creek, Nebr., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Creek	Burlington Northern RR.	1,012
Tributary to Turkey Creek.	do	1,012
	B St	1,019
	Main St	1,022
Turkey Creek	Burlington Northern RR.	1,010
	County road	1,020
Platte River	Corporate limits (downstream).	1,006
	Corporate limits (upstream).	1,014

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1768 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3851]

CITY OF WOOD RIVER, HALL COUNTY, NEBR.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Wood River, Hall County, Nebr.

These base (100-year) flood elevations are the basis for the flood plain management measures that the com-

munity is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, 906 Main Street, Wood River, Nebr. 68883. Send comments to: The Honorable Donald Graper, mayor, city of Wood River, P.O. Box 253, Wood River, Nebr. 68883.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Wood River, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wood River	At the Town Road 36 Bridge.	1,959
	At the State Highway 11 Bridge.	1,967
	At the District 83 Road Bridge.	1,969
	1.5 mi upstream from the District 83 Road Bridge.	1,972

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1769 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3852]

TOWN OF LITCHFIELD, HILLSBOROUGH COUNTY, N.H.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Litchfield, Hillsborough County, N.H.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Litchfield, N.H. Send comments to: Chairman John T. A. Mango, Route 3A, Litchfield, RFD 3, Manchester, N.H. 03103.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Litchfield, Hillsborough County, N.H., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River	Corporate limits (1.46 miles south of confluence of Chase Brook).	115
	Confluence of Chase Brook.	116
	Confluence of Colby Brook.	122
Nesenkeag Brook	Approximately 100 ft upstream of State Route 3A.	130
	Western corporate limits.	173
Chase Brook	Approximately 100 ft upstream of State Route 3A.	136
	Approximately 100 ft downstream of North-South Rd.	168
Tributary B	Just upstream of Cranberry Lane.	171
	Just upstream of Page Rd.	176

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

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1770 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3853]

TOWN OF PERINTON, MONROE COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Perinton, Monroe County, New York.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Perinton Town Hall, Building Inspector's Department, 31 South Main Street, Fairport, N.Y.

Send comments to: Supervisor Lake B. Edwards, Perinton Town Hall, 31 South Main Street, Fairport, N.Y. 14450.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Perinton, Monroe County, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Irondequoit Creek	Just downstream of Pittsford Palmyra Rd. (N.Y. 31).	393
	Just downstream of Fairport Rd. (N.Y. 31F).	381
	Just upstream of Linden Ave.	361
Thomas Creek	Just upstream of Turk Hill Rd.	462
	Approximately 100 ft. downstream of O'Conner Rd.	424
	Just upstream of Baird Rd.	402

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR DOC. 78-1771 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3854]

TOWN OF WAPPINGER, DUTCHESS COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Wappinger, Dutchess County, N.Y.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Wappinger Town Hall, Mill Street, Wappingers Falls, N.Y. Send comments to: Mr. Lou Diehl, supervisor of the town of Wappinger, Mill Street, Wappingers Falls, N.Y. 12590.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Wappinger, Dutchess County, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (1-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	Corporate limits (downstream).	8
	Confluence of branch 1A Hudson River.	8
	Confluence of Wappinger Creek.	8
Branch 1A—Hudson River.	Confluence with the Hudson River.	8
	ConRail bridge	12
	Chelsea River Rd.	12
	Dam (200 ft upstream from Chelsea River Rd.).	15
	Easter Rd	45
	Chelsea Rd	46
Wappinger Creek	Confluence with Hudson River.	8
	ConRail Bridge	8
	New Hamburg Rd	10
	Confluence of Branch 1—Wappinger Creek.	11
	Town of Wappinger—village of Wappinger Falls corporate boundary (downstream).	12
	Town of Wappinger—village of Wappinger Falls corporate boundary (upstream).	99
	U.S. 9	99
	Little Falls Dam	108
	Confluence of Branch 2—Wappinger Creek.	112
	Jackson Rd	115
	Corporate limits (upstream).	126
Branch 1—Wappinger Creek.	Confluence with Wappinger Creek.	11
	Creek Rd	11
	Footbridge (1,860 ft upstream from Wappinger Creek).	66
	Driveway (280 ft downstream from Route 9D).	121
	Dam (125 ft downstream from Route 9D).	124
	Route 9D	126
	Footbridge (1,200 ft downstream from Route 9).	140
	Old State Rd	147
	Old Route 9	148
	U.S. Route 9	150
Branch 2—Wappinger Creek.	Confluence with Wappinger Creek.	112
	Route 110	112
	Route 104	114
	Footbridge (275 ft upstream from Route 104).	130
	Driveway (at upstream end of Greens Pond).	136
	Widmer Rd	153
	Confluence of Branch 2A—Wappinger Creek.	160
	Driveway (600 ft downstream from Myers Corner Rd.).	175
	Myers Corner Rd.	181
	Dam (30 ft upstream from Myers Corner Rd.).	184
	Dam (150 ft upstream from Myers Corner Rd.).	184
	Kent Rd	220
	Footbridge (150 ft upstream of Kent Rd.).	224
	Dam (downstream end of Lake Oniad).	225
Branch 2A—Wappinger Creek.	Confluence with Branch 2—Wappinger Creek.	160
	Private bridge	162
	Footbridge (200 ft downstream from high school access road).	165
	Footbridge (500 ft downstream from high school access road).	167
	Access road to high school.	171
	Myers corner Rd.	181
Branch 2B—Wappinger Creek.	Dam (75 ft upstream of Branch 2 Wappinger Creek).	131
	Footbridge (1,200 ft downstream from Route 94).	138
	Route 94	145
	Driveway (900 ft upstream from Route 94).	170
	Dam (1,050 ft upstream from Route 94).	177
	Footbridge (1,500 ft downstream of Route 376).	180
	Route 376	184
Sprout Creek	Corporate limits (downstream).	227
	Route 82 (Wappinger Rd.).	229
	Route 28	237
	Brown Rd	244
	Montfort Rd	257
	Route 376	266
	ConRail Bridge	267
	Robinson Lane	278
	Confluence with Jackson Creek.	287
	Dam (1,500 ft downstream from corporate limits).	289
	Private bridge	289
	Corporate limits (upstream).	290

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1772 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3855]

CITY OF REIDSVILLE, ROCKINGHAM COUNTY, N.C.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Reidsville, Rockingham County, N.C..

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

DATES: The period for comment will be ninety (90) days following the suceond publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Reidsville, N.C. Send comments to: Mr. Robert Cox, city manager, City of Reidsville, P.O. Box 509, Reidsville, N.C. 27320.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Adminstrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Reidsville, N.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)),

42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Troublesome Creek.	South Scales St.[1]..	724
	South Park Dr.[1]....	735
	Richardson Dr.[1]....	742
Tributary "A" to Little Troublesome Creek.	Turner Rd.[1].....	744
	East Richardson Dr.[1].	753
Tributary "B" to Little Troublesome Creek.	Jaycees Park Rd.[1]	726
	Cypress Dr.[1].....	734
Tributary "C" to Little Troublesome Creek.	Coach Rd.....	746
	Morgan St.[1].....	752
	Courtland Ave.[1]....	754
North Fork of Jones Creek.	U.S. Route 29 bypass[2].	665
Tributary to North Fork of Jones Creek.	At the confluence with North Fork of Jones Creek.	673
Wolf Island Creek.	North Carolina Route 14.	634
	Wentworth Rd.[1]...	668
Tributary "A" to Wolf Island Creek.	Wentworth Rd.[1]...	666
	U.S. Route 29 alternate.	692

[1]Upstream side.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1773 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3856]

CITY OF BURLINGTON, WARD COUNTY, N. DAK.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Burlington, Ward County, N. Dak.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Auditor's Office, Burlington, N. Dak. Send comments to: Mayor Jack Bender, P.O. Box 159, Burlington, N. Dak. 58722.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Burlington, N. Dak., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Souris River.....	County road (downstream side).	1,574
	County road (upstream side).	1,575
Des Lacs River.....	Along bank near end of Davis St.	1,578

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1774 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3857]

CITY OF LOVELAND, CLERMONT COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Loveland, Clermont County, Ohio.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at 120 West Loveland Ave., Loveland, Ohio 45140. Send comments to: Hon. Viola Phillips, Mayor of Loveland, 120 West Loveland Ave., Loveland, Ohio 45140.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Loveland, Clermont County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Miami River	Chessie System Bridge.	587
	Loveland Road Bridge.	588
	Upstream corporate limit.	590
O'Bannon Creek ...	ConRail RR Bridge.	588
	Second Street Bridge.	588
	Upstream corporate limit.	590

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1775 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3858]

CITY OF WESTERVILLE, FRANKLIN COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Westerville, Franklin County, Ohio.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Westerville, Ohio. Send comments to: Mr. Maynard Dils, City Manager, city of Westerville, City Hall, 21 South State Street, Westerville, Ohio 43081.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Westerville, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Alum Creek	Park Rd	804
	Schrock Road Bridge.	797
	Interstate 270	793

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1776 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3859]

TOWNSHIP OF HARMONY, BEAVER COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the township of Harmony, Beaver County, Pa.

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

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Harmony Municipal Building, Woodland Road, Ambridge, Pa. 15003. Send comments to: Mr. Edward F. Drake, President of the Board of Commissioners of Harmony, Woodland Road, Ambridge, Pa. 15003.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the township of Harmony, Beaver County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limits.	709
	Downstream corporate limits.	708
Big Sewickley Creek.	Upstream corporate limits.	726
	Downstream corporate limits.	711
Legionville Run	Legionville Rd	745
	Duss Ave	740
	State Route 65	708
	Confluence with Ohio River.	708

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1777 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3860]

Proposed Flood Elevation Determinations

TOWN OF SIMPSONVILLE, GREENVILLE COUNTY, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Simpsonville, Greenville County, S.C.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Simpsonville, S.C.

Send comments to: Mayor Ralph Hendricks, P.O. Box 668, Simpsonville, S.C. 29681.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Simpsonville, Greenville County, S.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek	Approximately 300 ft upstream of Alder Dr.	747
	Just upstream of Capewood Rd.	764
Rock Creek Tributary.	Approximately 160 ft downstream of U.S. Highway 276.	774
Horsepen Creek	Just upstream of Jonesville Rd.	781
	Just upstream of Forrest Park Dr.	802
Horsepen Creek Tributary.	Approximately 140 ft downstream of Stokes Rd.	820
Big Durbin Creek	Just upstream of Hillpine Dr.	795
Big Durbin Creek Tributary No. 1.	Powderhorn Rd (extended).	800

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1778 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3861]

CITY OF SPRINGVILLE, UTAH COUNTY, UTAH

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Springville, Utah County, Utah.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Springville, Utah. Send comments to: Mr. Don Ormsby, City Planner, city of Springville, City Hall, Springville, Utah 84663.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Springville, Utah, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hobble Creek	900 South	4,650

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1779 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3862]

TOWN OF BROOKFIELD, ORANGE COUNTY, VT.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Brookfield, Orange County, Vt.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at office of the Town Clerk, Brookfield, Vt. Send comments to: Thomas E. Lyons, Chairman of the Board of Selectmen, or Planning Commission Chairman, Helen Wakefield, Brookfield, Vt. 05036.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Brookfield, Orange County, Vt., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Second Branch White River.	Just downstream of town highway 32.	683
	Just downstream of town highway 33.	693
	Approximately 150 ft downstream of town highway 15.	722
Sunset Brook	Just upstream of Brookfield State highway.	1,253

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sunset Lake	Just upstream of dam.	1,279
Ayer's Brook	South corporate limits.	754
	Confluence of No Name Brook.	800
No Name Brook	Just upstream of Route 12.	814
	Just upstream of State Aid Highway 4.	1,010
Open Meadow Brook.	Just downstream of town highway 19.	1,023
Second Branch White River Bypass.	Approximately 1,300 ft upstream of the corporate limits along Route 14.	673

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1780 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3863]

VILLAGE OF LUDLOW, WINDSOR COUNTY, VT.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Ludlow, Windsor County, Vt.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Depot Street, Ludlow, Vt. Send comments to: Mr. Dean Brown, Manager, village of Ludlow, Town Office, drawer B, Ludlow, Vt. 05149.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Ludlow, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	At village of Ludlow eastern corporate limits.	976
	100 ft downstream of Mill St.	987
	100 ft upstream of Mill St.	989
	100 ft upstream of Route 103 (Main St.).	997
	100 ft upstream of Depot St.	1,001
	At village of Ludlow northern corporate limits.	1,009

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1781 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3864]

TOWN OF LUDLOW, WINDSOR COUNTY, VT.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Ludlow, Windsor County, Vt.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Depot Street, Ludlow, Vt. Send comments to: Mr. Dean Brown, manager, town of Ludlow, Town Office, Drawer B, Ludlow, Vt. 05149.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Ludlow, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing building and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	Eastern corporate limits.	954
	300 ft. downstream of East Hill Rd.	956
	300 ft upstream of East Hill Rd.	961
	100 ft downstream of Pleasant St.	972
	100 ft upstream of Pleasant St.	975
	At village of Ludlow, eastern corporate limits.	976
	At village of Ludlow, northern corporate limits.	1,009
	100 ft upstream of Fox Run Rd.	1,015
	At confluence with Branch Brook.	1,015
	2,200 ft downstream of Lake Pauline Rd.	1,021
	100 ft downstream of Lake Pauline Rd.	1,040
	100 ft upstream of Lake Pauline Rd.	1,046
	100 ft downstream of Lake Rescue Dam.	1,048
	Lake Rescue	1,050
Branch Brook	At the confluence with Black River.	1,015
	50 ft upstream of Route 100.	1,031
	100 ft downstream of private road, 1,090 ft upstream of Route 100.	1,039
	100 ft upstream of private road, 1,090 ft upstream of Route 100.	1,047
	50 ft downstream of Rod and Gun Club Rd.	1,095
	50 ft upstream of Rod and Gun Club Road.	1,103

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1782 Filed 1-25-78; 8:45 a.m.]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3865]

INDEPENDENT CITY OF LYNCHBURG, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the independent city of Lynchburg, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Lynchburg City Hall, Lynchburg, Va. Send comments to: Hon. Joseph Freeman, mayor of Lynchburg, Department of Political Science, Lynchburg College, Lynchburg, Va. 24501.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the independent city of Lynchburg, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream corporate limits.	508
	Norfolk & Western RR.	522
	U.S. Route 29	526
	Norfolk & Western RR.	527
	U.S. Route 29 (alternate).	528
	Lynchburg Dam	532
	Southern RR	536
	Reusens Dam (downstream).	542
	Reusens Dam (upstream).	567
	Upstream corporate limits.	567
Blackwater Creek.	Old Forest Rd.	610
	250 ft downstream Lakeside Dr.	615
	Lakeside Dr.	642
	Westchester Dr. (extended).	642
	Fercliff Dr. (extended).	644
	Fleetwood Dr. (extended).	647
	Burton Creek Pl. (extended).	656
	Chickasaw Rd. (extended).	657
	Confluence with Burton Creek and Tomahawk Creek.	660
Burton Creek	Confluence with Blackwater Creek.	660

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Confluence with Dreaming Creek.	670
	2,000 ft upstream confluence with Dreaming Creek.	681
	3,000 ft upstream confluence with Dreaming Creek.	690
	Farm Rd. (downstream).	704
	Norfolk & Western RR.	712
	Virginia Route 126 (Fort Ave.).	720
	U.S. Highway 460 (downtown).	722
	U.S. Highway 460 (upstream).	739
	Virginia Route 766 (downstream).	740
	Virginia Route 766 (upstream).	748
Dreaming Creek	Confluence with Burton Creek.	670
	Virginia Route 126 (downstream).	685
	Virginia Route 126 (upstream).	690
	Virginia Route 291 (downstream).	691
	Virginia Route 291 (upstream).	701
	Norfolk & Western RR. (downstream).	719
	Norfolk & Western RR. (upstream).	726
	2,000 ft downstream U.S. Route 460.	738
	U.S. Route 460 (downstream).	754
	U.S. Route 460 (upstream).	763
	Virginia Route 1413 (Windsor Hill Dr.) (downstream).	778
	Virginia Route 1413 (Windsor Hill Dr.) (upstream).	783
	Virginia Route 1447 (Buckingham Rd.) (downstream).	786
	Virginia Route 1447 (Buckingham Rd.) (upstream).	802
	Virginia Route 739 (downstream).	826
	Virginia Route 739 (upstream).	832
Rock Castle Creek.	Confluence with Burton Creek.	722
	2,000 ft upstream confluence with Burton Creek.	731
	W.B.L. U.S. Highway 460 (downstream).	744
	W.B.L. U.S. Highway 460 (upstream).	749
	E.B.L. U.S. Highway 460.	750
	U.S. Highway 29 (bypass) (upstream).	757
	U.S. Highway 29 (bypass).	758
	Virginia Route 368 (downstream).	768
	Virginia Route 368 (upstream).	782
	Virginia Route 1411 (upstream).	785
	Virginia Route 766.	806
Tomahawk Creek	Confluence with Blackwater Creek.	660
	Virginia Route 674 (downstream).	682
	Virginia Route 674 (upstream).	684
	Virginia Route 291 (downstream).	685
	Virginia Route 291 (upstream).	692
	Virginia Route 126 (upstream).	702
	Norfolk & Western RR. (downstream).	722
	Norfolk & Western RR. (upstream).	728
	Robin Drive (upstream).	736
	Corporate limits	776
Ivy Creek	Evergreen Rd. (upstream).	627
	Dandridge Dr. extended.	638
	Virginia Route 620 (downstream).	647
	Virginia Route 620 (upstream).	650
	Corporate limits	674
Cheese Creek	Confluence with Ivy Creek.	638
	Private Dr. (upstream).	660
	7,400 ft upstream from confluence.	680
	9,000 ft upstream from confluence.	692
	10,000 ft upstream from confluence.	718
	11,000 ft upstream from confluence.	734
	13,000 ft upstream from confluence.	760
	18,000 ft upstream from confluence.	791
	Virginia Route 644.	827
Judith Creek	Chesapeake & Ohio RR.	568
	5,000 ft upstream from mouth.	597
	8,000 ft upstream from mouth.	622
	Trents Ferry Rd.	638
	16,000 ft upstream from mouth.	661
	Corporate limits	685 290

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1783 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3866]

MONTGOMERY COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Montgomery County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Montgomery County Administrator's Office, 4 South Franklin Street, Christianburg, Va. Send comments to: Mr. Allan Williams, County Administrator of Montgomery County, P.O. Box 806, Christianburg, Va. 24073.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Montgomery County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Devel-

opment Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River	County boundary.	1,178
North Fork, Roanoke River.	Confluence with South Fork, Roanoke River.	1,197
	Confluence of Bradshaw Creek.	1,238
	Virginia Route 637 (upstream).	1,333
	Virginia Route 603 (upstream).	1,452
	Virginia Route 712.	1,468
	Confluence of Indian Run.	1,510
	Virginia Route 747 (upstream).	1,667
	County boundary.	1,790
Bradshaw Creek	Norfolk & Western Ry. (upstream).	1,246
	County boundary.	1,381
Indian Run	Virginia Route 785 (upstream).	1,537
South Fork, Roanoke River.	U.S. Highway 11 and 460 (N.B.L.).	1,213
	Virginia Route 636 (upstream).	1,279
	U.S. Highway 11 and 460 (N.B.L.) (upstream).	1,317
	Confluence with Spring Branch.	1,327
	Virginia Route 637 (upstream).	1,379
	Confluence with Elliott Creek.	1,401
	Confluence of Bottom and Goose Creeks.	1,528
Spring Creek	Virginia Route 609.	1,323
	Virginia Route 637(upstream).	1,413
	Virginia Route 753.	1,476
Elliott Creek	Virginia Route 639 (upstream).	1,425
	Virginia Route 722.	1,465
Bottom Creek	Virginia Route 637.	1,536
Goose Creek	Virginia Route 637.	1,532
	Floyd County line	1,554
New River	County boundary.	1,666
	Confluence of Stroubles Creek.	1,714
	Confluence of Plum Creek.	1,738
	Confluence with Little River.	1,758
Toms Creek	Confluence with New River.	1,702
	Virginia Route 652 (upstream).	1,707
	Virginia Route 725 (upstream).	1,793
	Virginia Route 684 (upstream).	1,855
	Virginia Route 654 (upstream).	1,869
Stroubles Creek	Norfolk and Western Ry.	1,714
	Confluence of Slate Branch.	1,798
	Virginia Route 659 (upstream).	1,822
	Virginia Route 657 (upstream).	1,982
	Corporate limits	1,984
Slate Branch	Virginia Route 659 (upstream).	1,816
	Virginia Route 643 (upstream).	1,977
Plum Creek	Virginia Route 600 (upstream).	1,816
	Virginia Route 738 (upstream).	1,830
Little River	Virginia Route 605.	1,758
	Radford Hydroelectric Dam (upstream).	1,766
	Virginia Route 613 (upstream).	1,818
	Virginia Route 693 (upstream).	1,832
	Virginia Route 613 (upstream).	1,846
	Virginia Route 787 (upstream).	1,911
	Old State Route 695.	2,015
	Virginia Route 8 (upstream).	2,076
	County boundary.	2,094
Craig Creek	County boundary.	1,620
	Virginia Route 621.	1,821
	Virginia Route 621 (upstream).	1,883

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1784 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3867]

TOWN OF OCCOQUAN, PRINCE WILLIAM COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Occoquan, Prince William County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Occoquan Town Hall, 400 Mill St. Occoquan, Va. Sent comments to: Hon. Charles Pugh, mayor of Occoquan, 303 Union St. Occoquan, Va. 22125.

FOR FUTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Occoquan, Prince William County, Va. in accordance with section 110 of the Flood Disaster Protections Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood pain management measures required by section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood

plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Occoquan River.....	Downstream corporate limits.	11
	Upstream corporate limits.	12

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1785 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3868]

PRINCE EDWARD COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Prince Edward County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Prince Edward County Courthouse, 124 North Main, Farmville, Va. Send comments to: Mr. William K. Manion, County Administrator, Prince Edward County P.O. Box 382, Farmville, Va. 23901.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Prince Edward County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Appomattox River	Farmville corporate limits.	314
	Cumberland County.	333
	U.S. 15.....	339

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1786 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3869]

TOWN OF STUART, PATRICK COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Stuart, Patrick County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Stuart Town Office, Blue Ridge Street, Stuart, Va. Send comments to: Hon. J. Clayton Boaz, mayor of Stuart, P.O. Box 422, Stuart, Va. 24171.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Stuart, Patrick County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program reg-

ulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Mayo River	Campbell Branch confluence.	1,180
	J. P. Stevens Plant entrance.	1,189
	Virginia Route 8...	1,195
	Upstream corporate limits.	1,196
North Fork.....	Virginia Route 681.	1,225
	Upstream corporate limits.	1,246

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1787 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3870]

WYTHE COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Wythe County, Va.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Wythe County Courthouse, 275 South Fourth Street, Wytheville, Va. 24382. Send comments to: Mr. Billy R. Branson, County Administrator, Wythe County, 275 South Fourth Street, Wytheville, Va. 24382.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Wythe County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the mimimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaverdam Creek..	Confluence with Miller Creek.	2,017
	Norfolk and Western RR.	2,018
	Upstream limit of detailed study.	2,028
Cripple Creek (at Cripple Creek).	State Route 619 ...	2,174
	State Route 602 ...	2,180
	3,775 ft upstream of State Route 619.	2,185
Cripple Creek (at Speedwell).	32,000 ft upstream of State Route 619.	2,277
	Confluence of Dry Run.	2,287
	Upstream of Route 21.	2,292
	36,675 ft upstream of State Route 619.	2,293
Dry Run.....	Confluence with Cripple Creek.	2,287
	Upstream of State Route 619.	2,302
	Upstream of U.S. Route 21.	2,316
	3,170 ft upsteam of confluence with Cripple Creek.	2,320
Francis Mill Creek	State Route 779 ...	2,183
	Upstream of State Route 602.	2,209
	4,700 ft upstream of confluence with Cripple Creek.	2,240
	7,110 ft upstream of confluence with Cripple Creek.	2,275
Ivanhoe Creek.....	Confluence with New River.	1,969
	State Route 639 ...	1,973
	Upstream of State Route 94.	1,977
	Upstream of State Route 742 at 3,130 ft above confluence with New River.	1,991
	Upstream of State Route 742 at 4,280 ft above confluence with New River.	2,001
	Upstream of State Route 732.	2,011
McGavock Run.....	Confluence with Reed Creek.	2,018
	Downstream of Norfolk & Western RR.	2,019
	Upstream of Norfolk & Western RR.	2,023
	Downstream of State Route 1010.	2,025
	Upstream of State Route 1010.	2,027
	Downstream of State Route 610.	2,048
	Upstream of State Route 610.	2,051
	Road 716.....	2,065
Miller Creek.....	Confluence with Reed Creek.	2,017
	3,100 ft upstream of confluence with Reed Creek.	2,017
	4,500 ft upstream of confluence with Reed Creek.	2,024
New River (at Fosters Falls).	41,500 ft upstream of county corporate limits.	1,912

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	46,300 ft upstream of county corporate limits.	1,927
New River (at I-77).	U.S. Route 52.....	1,938
	57,300 ft upstream of county corporate limits.	1,943
New River (at Austinville).	63,900 ft above county corporate limits.	1,949
	Upstream of State Routes 639 and 69.	1,956
	74,100 ft above county corporate limits.	1,958
New River (at Ivanhoe).	88,000 ft above county corporate limits.	1,969
	92,200 ft above county corporate limits.	1,973
Reed Creek (at Max Meadows).	Confluence with Miller Creek.	2,017
	Upstream of State Rd. 121.	2,018
Reed Creek (at Wytheville).	U.S. Routes 11 and 52.	2,044
	Upstream of State Route 687.	2,050
	State Route 649 ...	2,066
	State Route 640 ...	2,075
	Upstream of Diversion Dam.	2,079
	Upstream of U.S. Route 21.	2,089

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

Issued: November 29,1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1788 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3871]

CITY OF WESTPORT, GRAYS HARBOR COUNTY, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Westport, Grays Harbor County, Wash.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, Westport, Wash. Send comments to: Mayor Bill Wade, P.O. Box 505, Westport, Wash. 98595.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Westport, Grays harbor County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean.....	Intersection of Newell Ave. and Surf St.	20
	Harbor St. at Westhaven State Park entrance.	20
	Intersection of Coast St. and Second Ave.	19
	Intersection of First St. and Patterson St.	19
Grays Harbor	Intersection of Tacoma Ave. and Fourth St.	13
	East end of Park Ave.	13
Tidal Slough, backwater from Pacific Ocean.	Intersection of Montesano St. and Sprague Ave.	11
	Intersection of Ocean Ave. and Broadway St.	11
	Approximately 400 ft east of the intersection of highway 105 and Newell Ave.	11

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1789 Filed 1-25-78; 8:45 am]

[4210-01]

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3845]

YELLOW MEDICINE COUNTY, MINN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Yellow Medicine County, Minn.

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

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Yellow Medicine County Courthouse, Granite Falls, Minn. Send comments to: Mr. Luverne Grinager, Chairman, Yellow Medicine County Board of Commissioners, Yellow Medicine County Courthouse, 415 9th Avenue, Granite Falls, Minn. 56241.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Yellow Medicine County, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River....	County and State Aid Highway 21.	878
	County and State Aid Highway 7.	925
	U.S. Highway 212.	927
	U.S. Highway 212 and 59.	930
Minnesota River overflows through Granite Falls.	County and State Aid Highway 67.	895
	U.S. Highway 212.	912
	11th Ave	914
	Township Rd. 101 (downstream side).	919
Canby Creek	Township Rd. 1	1,136
	County and State Aid Highway 4.	1,142
	Township Rd. 6	1,146
	County and State Aid Highway 33.	1,151
	Township Rd. 11 ..	1,160
	U.S. Highway 75...	1,170
	County and State Aid Highway 3.	1,188
	Township Rd. 56 ..	1,201
Lazarus Creek.....	County and State Aid Highway 33.	1,154
	Township Rd. 11 ..	1,168
	County and State Aid Highway 13.	1,184
	Township Rd. 154	1,208
	County Rd. E2.....	1,235
	Chicago, Northwestern RR. (downstream side).	1,257

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1762 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3527]

CITY OF OXFORD, LAFAYETTE COUNTY, MISS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 55716 of the FEDERAL REGISTER of October 18, 1977.

EFFECTIVE DATE: October 18, 1977.

FOR FURTHER INFORMATION CONTACT:

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

The following corrections are made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Burney Branch.....	Hospital entrance Rd. (upstream side).	353
	Jackson Ave	419
	Park Rd. (upstream side).	448
Bailey Branch.....	Lamar Blvd. exit ..	376
East Goose Valley Creek. -	State Highway 6 (upstream side).	362
Davidson Creek tributary 2.	Stone Rd. (upstream side).	397
	Washington Ave. (downstream side).	403

The street and parkway lot location at East Goose Valley Creek Tributary at elevation 378 should be deleted.

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1763 Filed 1-25-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3846]

CITY OF RIDGELAND, MADISON COUNTY, MISS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Ridgeland, Madison County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Ridgeland, Miss. Send comments to:

Mayor C. F. McCormack, P.O. Box 217, Ridgeland, Miss. 39157.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Ridgeland, Miss., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a). These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Purple Creek	County Line Rd.	309
	U.S. Highway 51	323
	Illinois Central Gulf RR.	324
Tributary to Purple Creek.	Ridgewood Rd	318
	U.S. Highway 51	326
	Illinois Central Gulf RR.	329
	Holmes St	330
	Grave St	334
Tributary 3 to Purple Creek.	South Wheatley St.	321
Tributary 4 to Purple Creek.	Wolcott Circle (west crossing).	323
	Wolcott Circle (east crossing).	324
	South Wheatley St.	335
Tributary 5 to Purple Creek.	Lakeland Dr	324
	Ford Ave	336
School Creek	Pear Orchard Rd.	327
	Unnamed road	328
	School St	343
Brashcar Creek	Ridgeland Ave	322

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

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-1764 Filed 1-25-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-212]

ANCHORAGE GROUNDS, DELAWARE BAY AND RIVER

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to enlarge Anchorage A (tanker lightering) off the entrance of the Mispillion River in Delaware Bay, southwest of the Brandywine Channel. The enlargement is needed to accommodate the increase in the size and number of vessels using the achorage.

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

ADDRESS: Comments should be submitted to and will be available for examination at the Office of Commander, Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include the writer's name and address, identify the notice (CGD 77-212) and the specific section to which the comment applies, and give the reason for the comments. All comments received before the expiration date of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Mr. D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATION

Anchorage A (tanker lightering) off the entrance to Mispillion River in the Delaware Bay, also known as Big Stone Anchorage, provides anchorage space for deep draft tank vessels to anchor and lighter their cargo before proceeding up the Delaware River.

During 1976, approximately 500 large vessels used this anchorage, for an average of two to three days at a time. The large number of vessels, combined with the barges they use for lightering, have created over-crowded conditions in this anchorage.

Enlarging the anchorage would enhance the safety of barge movements in the anchorage by increasing the maneuvering space between the vessels.

In consideration of the foregoing, it is proposed to amend § 110.157(a)(1) of Title 33 of the Code of Federal Regulations to read as follows:

§ 110.157 Delaware Bay and River.

(a) *The anchorage grounds.*—(1) *Anchorage A (tanker lightering) off the entrance to Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at latitude 38°53'57" N., longitude 75°08'00" W.; thence northwesterly to latitude 39°01'22" N., longitude 75°13'25" W.; thence southwesterly to latitude 39°00'49" N., longitude 75°14'57" W.; thence southeasterly to latitude 38°53'22" N., longitude 75°09'26" W.; thence northeasterly to the point of beginning. This anchorage is for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo before proceeding up the Delaware River. Supervision over the anchoring of vessels and over cargo transfer operations in Anchorage A is exercised by the Captain of the Port Philadelphia. The regulations in paragraphs (b)(1) and (b)(2) of this section do not apply to this anchorage.

* * * * *

(Sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), 80 Stat. 940 (49 U.S.C. 1655(g)(1)); 49 CFR 1.46(c)(1).)

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

Dated: January 19, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-2275 Filed 1-25-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[CC Docket No. 78-10; FCC 78-4]

REQUIREMENTS FOR POSTING OF CERTAIN TARIFFS

Proposed Modification

AGENCY: Federal Communications Commission.

ACTION: Proposed notice and comment rulemaking.

SUMMARY: The Commission proposes to amend 47 CFR 61.72 to delete the requirement that common carriers subject to its jurisdiction post their tariffs at toll centers. In a Petition for rule making filed on April 13, 1976, the American Telephone and Telegraph Company stated that very few people went to toll centers to ask about tariffs, that the space currently devoted to tariff postings is needed for other purposes and that security considerations militate against public access to toll centers. This rule making is being instituted to determine whether it would be in the public interest to delete the requirement of posting tariffs in toll centers.

DATES: Comments must be received on or before March 27, 1978 and Reply Comments must be received on or before April 26, 1978.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kent Nakamura, Common Carrier Bureau, 202-632-5550.

Adopted: January 11, 1978.

Released January 23, 1978.

In the matter of Amendment of § 61.72 of the Commission's rules to modify the requirements for the posting of certain tariffs. CC Docket No. 78.10, RM-2688.

By the Commission:

1. Notice is hereby given of proposed rulemaking in the above entitled matter.

2. Section 61.72 of the Commission's rules and regulations[1] now requires the posting of tariffs by common carriers subject to the Commission's jurisdiction. The rule basically requires the posting of such tariffs at the carrier's main office in every community served. Alternatively, the rule states that the tariffs may be posted in the main office of the filing carrier in every city with a population of 100,000 or more and in the state capital. If the filing carrier does not operate in a city with a population of 100,000 or more, then the tariffs must be posted and kept open for public inspection in the largest city in the state in which the filing carrier does operate and in the state capital.

3. If a carrier elects to use this alternative method, section 61.72 also requires the carrier to state that the schedule for interstate and foreign message telephone toll rates in use at each toll center is available for public inspection during regular business hours at the toll center. The carrier also is required to state, in connection with every notice in each toll center, the exact location in the toll center where the tariffs can be found.

4. In a Petition for Rulemaking (RM-2688) filed by the American Telephone and Telegraph Co. (A.T. & T.) on April 13, 1976, it requested that section 61.72 of the rules be amended to delete the requirement that tariffs be posted and made available to the public at the toll centers. A.T. & T., which uses the alternative method of posting tariffs described above, states that virtually no requests are received to examine tariffs at toll centers.[2] A.T. & T. further states that the space devoted to posting of tariff schedules is needed for equipment and that security considerations militate against public access to the toll centers.

5. Public notice of A.T. & T.'s Petition for rulemaking was given by the Commission pursuant to § 1.403 of the Commission's Rules in Report No. 981 of the Commission, dated may 14, 1976. On June 14, 1976, GTE Service Corp. filed comments in support of A.T. & T.'s proposal.

6. Inasmuch as schedules for foreign and interstate message toll telephone rates are available in many other locations that are more accessible to the public than are toll centers, it might be, based on A.T. & T.'s statements, that the deletion of the toll center posting requirement would not inconvenience the public. It is also possible that the telephone companies may be able to operate more efficiently by eliminating what may be unnecessary requirements; this may prove to be in the public interest by reducing the operational costs of the carriers.

7. Accordingly, we are instituting this rulemaking to determine whether deletion of the requirement that tariffs be posted in toll centers would be in the public interest. We are particularly interested in knowing how often members of the public go to toll centers to inquire about charges or regulations for foreign and interstate service. It is also proposed to amend § 61.72 to make it clear that the tariff material to be posted includes proposed revisions as well as effective tariff material. Further, the language of § 61.72 has been changed to make the rule more comprehensible.

8. Authority for the proposed rule making instituted here is contained in sections 4(i) and 203(a) of the Communications Act of 1934, as amended.[3]

9. Interested persons may file comments on the proposed rule and issues discussed herein on or before march 27, 1978, and reply comments on or before April 26, 1978. In reaching its decision on this matter, the Commission may take into account any other relevant information before it in addition to the comments invited by the notice.

10. All comments, replies, pleadings, briefs and other documents shall be furnished to the Commission in accordance with § 1.419 of the Commission's rules.

11. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

APPENDIX

In Part 61 of Chapter I of Title 47 of the Code of Federal Regulations, § 61.72 is proposed to be revised to read as follows:

§ 61.72 Posting.

Filing carriers are required to post a schedule of charges and regulations to be available for public inspection during regular business hours. This tariff material shall cover all effective and proposed rates and regulations pertaining to the services offered to and from the community or communities served and shall be the same as that on file with the Commission. This posting requirement may be satisfied by either of the following methods:

(a) *First method.* The tariff material shall be posted in every community within the United States in which the filing carrier has an office open to the public (the main office in the case of a filing carrier with more than one office in a single community).

(b) *Second method.* The tariff material to be posted shall include charges and regulations applicable to or from every point in each state in which the carrier operates as follows:

(1) In the main office of the filing carrier open to the public in every city in that state with a population of 100,000 or more (or in the largest com-

[1] 47 CFR 61.72.

[2] A.T.& T. Petition for Rulemaking at pp.2-3.

[3] 47 U.S.C. 154(i), 203(a).

munity served if none has a population of 100,000); and

(2) In the main office of the carrier in the state capital.

If a carrier chooses this second method, a notice must be posted in each and every business office of the carrier open to the public in that state indicating the street address of the nearest location in which a tariff posting can be found.

[FR Doc. 78-2181 Filed 1-25-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-19; RM-2953]

TELEVISION BROADCAST STATION IN SAVANNAH, GA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Action taken herein proposes the assignment of a fourth commercial television channel to Savannah, Ga. Petitioner, WALH, Inc., states the proposed assignment would provide for a station which could render a first independent (non-network) television programming service to Savannah.

DATES: Comments must be received on or before March 14, 1978, reply comments on or before April 3, 1978.

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Adopted: January 13, 1978.

Released: January 23, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations, (Savannah, Ga.), BC Docket No. 78-19; RM-2953.

By the Chief, Broadcast Bureau:

1. The Commission has before it for consideration a petition for rule making[1] filed by WALH, Inc. ("petitioner"), seeking amendment of Section 73.606(b) of the Commission's Rules. It proposes that UHF television Channel 28 be assigned to Savannah, Ga., for commercial use. Channel 28 may be assigned to Savannah, Ga., in compliance with the minimum distance separation requirements and other technical criteria. Supplemental comments were filed by petitioner. No other responses to the petition have been received.

2. Savannah (pop. 118,349), in Chatham County (pop. 187,816),[2] is located in eastern Georgia where the Savannah River, the boundary between Georgie and South Carolina, flows into the Atlantic Ocean. Savannah has three commercial TV stations (WSAV-TV, Channel 3; WTOC-TV, Channel 11; and WJCL, Channel 22). It also has assigned to it Channel *9, which is used by Station WVAN-TV, an educational station. Thus, all of the channels assigned to Savannah are occupied by operating stations.

3. Petitioner states that Savannah has experienced strong economic growth since 1970. We are told that the most important factor in the Savannah area's economy is the city's port which is among the largest on the eastern coast of the United States. It notes that a second factor is manufacturing, which includes paper products, chemicals, truck trailers, roofing products, etc. Petitioner has submitted statistics collected by the Savannah area Chamber of Commerce indicating that the volume of trade at the port has increased substantially in recent years and that port facilities are presently being expanded. It adds that in the first quarter of 1977, Chatham County, in which Savannah is located, showed the largest increase in retail sales (13.8%) among all metropolitan counties in the State of Georgia. Petitioner contends that its study of the area, its economy, and the television viewing patterns in the market indicate that an independent television station could become a viable economic entity within a short time after commencement of operation. It states that the proposed station would provide the Savannah area with its first such independent television program service in competition with the programming now provided by the three network affiliated stations in the market.

4. In view of the foregoing, and the fact that the proposed assignment could provide the Savannah area with a first non-network commercial television service, the Commission finds that it would serve the public interest to seek comments in rulemaking.

5. Therefore, notice is hereby given that the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with respect to Savannah, Ga., as follows:

City and Channel No.	
Savannah, Ga.;	Present: 3, *9-, 11, 22; Proposed: 3, *9-, 11, 22, 28-.

[1] Public notice of the petition was given on September 13, 1977, Report No. 1074.

[2] Population figures were taken from the 1970 U.S. Census.

6. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

7. Interested parties may file comments on or before March 14, 1978, and reply comments on or before April 3, 1978.

For the Federal Communications Commission.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, section 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Commission's Rules and Regulations, an original

and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-2262 Filed 1-25-78; 8:45 am]

[6712-01]

[47 CFR Part 76]

[Docket No. 21472]

"SATURATED" CABLE TELEVISION SYSTEMS

Order Extending Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: in response to requests by the Community Antenna Television Association and Viacom International, and for good cause shown, a one month extension of time is granted to submit comments in repsonse to the notice of proposed rulemaking in Docket 21472. This proceeding is concerned with problems associated with cable television systems that are required to carry more broadcast signals than they have capacity to carry.

DATES: Comments must now be received on or before February 23, 1978, and reply comments on or before March 27, 1978.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION:

Contact James Hudgens, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION: Adopted: January 18, 1978.

Released: January 20, 1978.

In the matter of amendment of Part 76 of the Commission's rules and regulations (§§ 76.59-76.63) with respect to "saturated" cable television systems, Docket No. 21472.[1]

1. Separate requests for a 30-day extension of time for submitting comments in the above entitled matter have been submitted by the Community Antenna Television Association (CATA) and Viacom International, Inc. (Viacom).

2. In support of its request, CATA explains that many of the independent cable operators which it represents are experiencing difficulty in accumulating the information which they wish to submit in this proceeding. Moreover, CATA continues, the Association recently has experienced both personnel and office changes and will be unable to meet the filing deadline of January 23, 1978. Such an extension, CATA urges, will allow the Association time to gather the needed data "to give the Commission a better perspective on the true ramifications of the problems encountered by the so-called 'saturated' systems."

3. Viacom, in support of its request, states that it owns many systems in the states of California and New York which are directly affected by the "saturated" problem and that it has commenced certain studies, many of them economic in nature, to submit to the Commission in this proceeding and needs the additional time to complete these studies.

4. In view of these considerations, good cause has been shown for granting the requested extension.

Accordingly, *it is ordered*, That the dates for filing comments and replies in Docket 21472 are extended to February 23 and March 27, 1978, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to the authority delegated by § 0.288 of the Commission's rules.

For the Federal Communications Commission.

JAMES R. HOBSON,
Chief, Cable Television Bureau.

[FR Doc. 78-2260 Filed 1-25-78; 8:45 am]

[1] See 42 FR 60180.

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173, 179]

[Docket No. HM-125; Notice No. 75-4]

PROHIBITION OF NEW CONSTRUCTION OF SPECIFICATION DOT-112A AND 114A UNINSULATED PRESSURE TANK CAR TANKS

Withdrawl of Notice

AGENCY: Materials Transportation Bureau (the Bureau), DOT.

ACTION: Withdrawal of Notice No. 75-4.

SUMMARY: Notice 75-4 in Docket No. HM-125, published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17853), which proposed amendments to §§ 173.314 and 179.101 of the Hazardous Materials Regulations to prohibit new construction of DOT specification 112A and 114A uninsulated tank car tanks for use in the transportation of hazardous materials, is being withdrawn as no longer necessary in light of amendments published by the Bureau on September 15, 1977 under Docket HM-144 (42 FR 46306).

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, Washington, D.C. 202-426-2748.

SUPPLEMENTARY INFORMATION: Notice 75-4 in Docket HM-125 was published by the Hazardous Materials Regulations Board and developed in response to several rail accidents involving DOT specification 112A and 114A tank car tanks, which had resulted in loss of life and substantial property damage. However, subsequent to issuance of Notice 75-4, the Bureau proposed more extensive amendments concerning modification of construction standards and criteria for the use of such tank car tanks (Docket HM-144; Notice 76-12; 41 FR 52324).

Notice 76-12 was the basis for the amendments published by the Bureau on September 15, 1977. These amendments addressed the concerns expressed in Notice 75-4 by requiring for all 112A and 114A tank car tanks: (1) bottom and top shelf couplers; (2) headshields or protective headjackets on those tank car tanks used to transport anhydrous ammonia and flammable gases; and (3) thermal protection on those tank car tanks used to transport flammable gases. In light of this action, the preamble to the final rule stated:

> As was indicated in the notice, with the promulgation of standards and specifications upgrading existing specification 112 and 114 so as to improve design and construction, the Bureau will withdraw Notice 75-4, under Docket HM-125.

Accordingly, the Bureau hereby withdraws Notice 75-4 under Docket No. 125.

(49 U.S.C. 1804; 49 CFR 1.53(e))

Issued in Washington, D.C. on January 18, 1978.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc. 78-1998 Filed 1-25-78; 8:45 am]

[4910-22]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-75-3; Notice 78-1]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Proposed Fire Resistance Test for Nonmetallic Fuel Tanks; Withdrawal of Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws a proposed fire resistance test for nonmetallic fuel tanks on vehicles en-

gaged in interstate or foreign commerce. It has been determined that the proposed test does not assure a level of safety equivalent to that provided by present requirements.

FOR FURTHER INFORMATION CONTACT:

Donnell W. Morrison, Chief, Vehicle Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, 202-426-1700; Mrs. Kathleen S. Markman, Office of the Chief Counsel, 202-426-0790, 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: On November 30, 1976, a notice of proposed rulemaking (NPRM) was published (41 FR 52500) proposing a new fire resistance test for nonmetallic fuel tanks as an alternative to the safety venting system test presently contained in the Federal Motor Carrier Safety Regulations (FMCSR). The NPRM was issued in response to a petition from Barry Plastic Industries, Inc., and the original closing date for comments was February 1, 1977. In response to several requests, a Notice published on March 24, 1977 (42 FR 15935) extended the comment closing date until May 1, 1977.

All comments and data received relative to this docket are available for public inspection in Room 3402 of the Department of Transportation Headquarters Building, located at 400 Seventh Street, SW., Washington, D.C.

A total of 16 organizations commented on the NPRM. Several companies made more than one submission. Two of the commenters supported the new test essentially as proposed—Barry Plastic Industries, Inc., (BPI), and Ford Motor Company.

BPI indicated it had conducted a number of fire and drop tests on its prototype plastic fuel tanks developed for heavy duty commercial vehicles but data from these tests were not submitted. Personnel of the Federal Highway Administration (FHWA) did observe a drop test demonstration of an empty tank at Fargo, North Dakota, on April 23, 1977.

BPI submitted technical data concerning the raw material (high density, cross-linked polyethylene (HDPE)) from which the fuel tanks are made. The data was from Phillips Petroleum Co. (Phillips), the HDPE supporter.

The data from Phillips on HDPE is oriented toward the use of this material for relatively small capacity fuel tanks for applications such as lawn mowers and marine outboard motors. The data does not deal adequately with the issue of fire resistance for fuel tanks with a capacity of 25 gallons or more, and on a commercial motor vehicle. The HDPE data also raise questions concerning its suitability for large fuel tank applications in the following areas: age hardening, stress cracking, permeability, reduced strength at high temperatures, elongation, swell, and interaction with fuel. By contrast, the corresponding properties of the metals (i.e., steel and aluminum) used to make fuel tanks are well established and no detailed specification of these properties is necessary.

BPI cites the three principal advantages of nonmetallic fuel tanks (i.e., lighweight, low cost, and design shape flexibility) and urges that the proposed test "be viewed in the larger context of its application to the national and international urgent need for all concepts of potential fuel conservation. * * *"

Six other commenters supported the concept of allowing use of nonmetallic fuel tanks on commercial motor vehicles, but felt that modification should be made to the proposed test. Four of the commenters indicated the need for including requirements to ensure against degradation of nonmetallic fuel tanks due to weathering and aging (i.e., age hardening, permeability, and stress corrosion or cracking). Only one company, BASF Aktiengesellschaft of Germany, provided an example of what form such requirements might take by enclosing a copy of Regulation 34 from the Agreement concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts promulgated under the auspices of the United Nations for the regulation of international commerce.

Regulation No. 34 applies only to passenger cars, and contains detailed test requirements for plastic fuel tanks in Annex 5. The tests specified in Annex 5 include the following: impact resistance, mechanical strength, fuel permeability, resistance to fuel, resistance to fire, and resistance to high temperatures.

Regulation No. 34 goes well beyond the scope of the NPRM toward assuring a high level of continued safety for nonmetallic fuel tanks in automotive service. However, it is our considered opinion that even Regulation 34 does not go far enough in the area of fire resistance to assure a level of safety equivalent to that not afforded by commercial vehicle fuel tanks which meet the present requirements contained in § 393.67(d) of the FMCSR (49 CFR 393.67(d)).

The capacities of passenger car fuel tanks average 20 gallons or less, and seldom exceed 30 gallons. Heavy duty commercial motor vehicles, on the other hand, are typically equipped with fuel tanks having a combined capacity of 100 gallons, and frequently can carry as much as 300 gallons. In view of the wide disparity between the fuel capacities of passengar cars and commercial motor vehicles, the imposing of stringent safety requirements on the latter with respect to the primary fuel hazard, fire, is considered amply jusified.

The National Transportation Safety Board and the American Trucking Associations, Inc., expressed serious reservations about finalizing the proposed rule. Both stated that thorough analysis and testing should be conducted before proceeding with any final rulemaking action.

The final six comments, consisting of five metal fuel tank manufacturers and the International Brotherhood of Teamsters, were opposed to the proposed rule.

One of the metal tank manufacturers, Michigan Fleet Equipment of Grand Rapids, Michigan, sponsored a series of test comparing the safety performance of 50-gallon nonmetallic fuel tanks with that of similar metallic fuel tanks in a variety of circumstances. The test were conducted on April 14 and 15, 1977, and personnel from FHWA were invited and attended.

Some of the tests were conducted using Michigan Fleet's own facilities, and the remainder were conducted by the Industrial Testing Laboratory (ITL) of Grand Rapids, Mich., an independent testing firm. As indicated at the beginning of this Notice, the details of these tests, including movies and slides, are available for public inspection in the Bureau of Motor Carrier Safety Docket Room.

The most convincing phase of the testing was a series conducted by ITL on April 14, 1977. Four 50-gallon tanks were tested, one made of steel, one of aluminum, and two of polyethylene.

One of the polyethylene tanks was manufactured by the petitioner, BPI. It was noted by the FHWA personnel who witnessed the fire tests that the manufacturer's label on this tank bore the phrase "Meets all FHWA requirements."

The four tests were conducted in an identical fashion. The tank being tested was supported in an upright position by a steel cradle. The cradle in turn was placed in a fire pan which measured 3 feet by 5½ feet. The pan was filled partially with water, then 10 gallons of diesel fuel were added—enough to support a fire for 6 to 7 minutes, and typical of the amount of fuel present in an accident involving a passenger car fuel tank rupture. At the start of each test, the bottom of the tank was 10 inches above the fuel level in the fire pan, typical of a saddle tank's position relative to the roadway on a truck tractor. All tanks were filled to ¾ capacity with diesel fuel.

The results of each test are summarized in the order conducted: 1. *Steel tank.*—Manufactured by Snyder Tank

Corp. About 1 minute after the fire was ignited, the spring-loaded vent in the fill cap was opened, causing a blow torch effect. After about 7 minutes, the fire in the pan burned out, leaving only a small flame at the vent opening. This flame would probably have burned for some time, but was easily extinguished after a total elapsed time of about 10 minutes.

After the test, the tank was intact. No liquid contents had been released, and the only opening was above the liquid level in the fill cap.

2. *Aluminum tank.* Manufactured by Snyder Tank Corp. As in case of the steel tank, the spring-loaded vent in the fill cap opened after about 1 minute. After about 3 minutes, an opening in the tank was observed above the liquid level. As the fire continued, this opening enlarged, but only above the liquid level in the tank.

At the end of about 7 minutes, the fire in the pan burned out leaving a moderate, but contained fire burning through the opening in the tank. This fire was allowed to burn until it was obvious it had reached a steady state.

At the end of the test, an opening of about 2 square feet existed above the liquid level in the tank. The fire burning through this opening could be easily extinguished, and a total of no more than 1 or 2 gallons of the tank's contents had been consumed.

3. *Plastic tank.* Manufactured by Barry Plastic Industries, Inc. Less than 2 minutes after the fire was ignited, the tank began to sag noticeably on the cradle, and drops of molten plastic were running off the tank into the fire pan. The molten plastic added to the intensity of the fire. Total release of tank contents into the fire pan occurred at less than 2½ minutes resulting in a very intense fire which burned for 20 to 30 minutes. It would not have been feasible to control the fire with an extinguisher once release of the contents had occurred.

After the fire, several pieces of plastic remained in the water at the bottom of the fire pan.

4. *Plastic tank.* Manufactured by Muncie. The results of this test were very similar to those of test No. 3 above, with the possible exception that sagging, dripping, and release occurred slightly earlier with this tank.

The principal hazard with a metallic fuel tank has long been recognized as high pressure buildup when exposed to fire with a possible resultant violent explosion. The safety venting system test specified in 49 CFR 393.67(d) was developed to preclude the possibility of pressure buildup—even in the worst case of an inverted tank. The tests performed by ITL demonstrated convincingly that the potential danger of explosion with fuel tanks meeting the present requirements is minimized. Further, the tests showed that steel and aluminum tanks are capable of withstanding exposure to a severe fire, one which could easily occur in an accident situation, without release of contents.

In the case of a nonmetallic fuel tank, the principal hazard is that, when exposed to fire, the tank will melt or burn resulting in a total release of contents. The petitioner contends that this "nonviolent release of contents" is actually a safety mechanism in that the tank does not explode. The FHWA disagrees that adding a large quantity of fuel to a fire could be considered as a "nonviolent release." Also, as stated above, we believe the likelihood of metallic tanks exploding is minimized by the present venting requirements. None of the comments submitted to the docket identified safety advantages of nonmetallic over metallic fuel tanks which counteract the inherent inability of the former to withstand exposure to fire for more than a few minutes.

The fire tests conducted by ITL were more severe with respect to temperature than the test proposed by the petitioner. In a subsequent temperature gradient test, ITL determined that a temperature of 1000° F. at the tank surface could be maintained only if the fuel tanks were suspended 100 inches above the fire pan. The ITL method of locating the tank 10 inches above the fire, while being more severe, is more representative of a realistic accident situation.

The inability of the petitioner's fuel tank to withstand the fire exposure for even 2½ minutes does not, in FHWA's opinion, afford occupants of the vehicle, who may be temporarily stunned or trapped after a collision, adequate time for escape. Further, if the accident involves other vehicles or occurs in a populated area, the ultimate release of contents could easily transform a relatively minor accident into a major catastrophe.

In view of the foregoing, the November 30, 1976 NPRM is withdrawn and the petition from Barry Plastic Industries, Inc. is hereby denied.

AUTHORITY: 49 U.S.C. 304, 322; 18 U.S.C. 831-35; Pub. L. 93-633, 88 Stat. 8156 (49 U.S.C. 1801, et. seq.); 49 CFR 1.48, 301.60.

Issued on January 5, 1978.

H. L. ANDERSON,
Associate Administrator for Safety.

[FR Doc. 78-2233 Filed 1-25-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Parts 523 and 533]

[Docket No. FE77-05; Notice 3]

NONPASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Limited Extension of Deadline for Public Comments

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Limited extension of deadline for submission of public comments.

SUMMARY: On Thursday, December 15, 1977, a notice of proposed rulemaking and public hearing was published (42 FR 61834) by this agency, proposing the establishment of fuel economy standards for pickup trucks, vans, and other "nonpassenger automobiles" manufactured in model years 1980-81. That notice specified a deadline of January 30, 1978, for the submission of written comments on the proposal. Subsequently, several participants in this proceeding requested that this deadline be extended by 10 to 45 days. Due to statutory constraints regarding the time for issuance of these standards, it was necessary to deny those requests except in one limited respect. The agency will consider data or other additional material which is supplemental to submissions made by January 30, if that supplemental material is received by February 9, 1978.

DATE: The deadline for submission of written comments on this rulemaking is January 30, 1978. Material supplementing submissions made by January 30 must be received by February 9, 1978. Material submitted after that date will be considered to the extent possible.

ADDRESSES: Comments must be submitted (preferably in ten copies) in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW. Washington, D.C. 20590. Submissions containing information for which confidential treatment is requested should be submitted (preferably in three copies) to: Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, D.C. 20590, and seven additional copies from which the purportedly confidential information has been deleted should be sent to the Docket Section.

FOR FURTHER INFORMATION CONTACT:

Mr. George L. Parker, Office of Automotive Fuel Economy, room 4102, National Highway Traffic

Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-472-6902.

(Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 502, Pub. L. 94-163, 89 Stat. 902 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.)

Issued on January 19, 1978.

JOAN CLAYBROOK,
Administrator, National Highway Traffic Safety Administration.

[FR Doc. 78-2135 Filed 1-20-78; 4:00 pm]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL AND MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Amendment to Public Hearing on Proposed Regulation of Cod, Haddock and Yellowtail Flounder

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public hearing announcement.

SUMMARY: This notice announces public hearings of the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council to receive comments on the proposed regulation of Cod, Haddock and Yellowtail Flounder.

DATES: The hearings will be held on January 26, January 27, and January 30, 1978. See Supplementary Information below.

ADDRESSES: The hearings will be held at Atlantic City, N.J., Chincoteague, Va., and Centereach, N.Y. See Supplementary Information below.

FOR FURTHER INFORMATION CONTACT:

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

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Del. 19901, 302-674-2331.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the announcement pertaining to the New England Fishery Management Council's meetings published in the FEDERAL REGISTER, Vol. 43, No. 784, Wednesday, January 4, 1978, is amended to reflect additional public hearings to be held by the Mid-Atlantic Fishery Management Council on the 1978 Groundfish (cod, haddock, yellowtail flounder) management plan. The hearings will be held to receive public comment on the proposed regulation of the fisheries of cod, haddock, and yellowtail flounder in the Fishery Conservation Zone established under the Fishery Conservation Management Act of 1976.

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

The hearings will be held from 7 p.m. to 10 p.m. at the following locations and dates: January 26, 1978, Holiday Inn, on the Boardwalk at Missouri Avenue, Atlantic City, N.J. 08404; January 27, 1978, Flag Ship Restaurant, Maddox Boulevard, Chincoteague, Va. 23336; January 30, 1978, Holiday Inn, 4089 Nesconset Highway, Centereach, N.Y. 11720.

For further information, contact Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 01960, 617-535-5450, or Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Del. 19901, 302-674-2331.

Dated: January 23, 1978.

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

[FR Doc. 78-2307 Filed 1-25-78; 9:31 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.

[4110-12]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that the first 1978 meeting of the National Advisory Committee on an Accessible Environment will be held on February 12 and 13, 1978, at 9 a.m. to 5:30 p.m. The February 12 meeting, from 9 a.m. to 11:30 a.m., will be held at the Century Center Hotel, 2000 Century Boulevard NE., Atlanta, Ga. The afternoon meeting, from 1 p.m. to 5:30 p.m., will be held at the Atlanta Veterans Administration Hospital, 1670 Clairmont Road, Decatur, Ga. The February 13 meeting will be held at the Century Center Hotel from 9 a.m. to 5 p.m.

The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792, et seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the Committee shall be open to the public. On the first morning, the Committee will discuss the status of activities since the previous meeting and orient themselves for the afternoon Public Awareness Session. During the afternoon of the first day, the National Advisory Committee will host a Public Awareness Session concerning the activities and enabling legislation of the Architectural and Transportation Barriers Compliance Board and its Advisory Committee. The specific subject areas of the Public Awareness Session concern communications barriers and transportation accessibility. On the second day, the National Advisory Committee will discuss the status of previous recommendations to the Architectural and Transportation Barriers Compliance Board, and establish its objectives for the 1978 year.

Persons interested in attending the meeting should contact Ms. Laurinda Steele, Coordinator, Architectural and Transportation Barriers Compliance Board, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, Telephone 202-245-1801.

ROBERT JOHNSON,
Executive Director, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 78-2343 Filed 1-25-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 30254]

THE FLYING TIGER LINE, INC., ET AL.

Notice of Hearing

Wayne M. Hoffman, individually, Robert W. Prescott, individually, Joseph J. Healy, individually, Charles I. Hopkins, individually, Rudolph J. Valenta, individually, Anna C. Chennault, individually, respondents, enforcement proceeding.

Notice is hereby given that a hearing in the above-entitled matter shall take place on February 28, 1978, at 9:30 a.m., in Hearing room 1003 C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C., before the undersigned.

Dated at Washington, D.C., January 19, 1978.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc. 78-2263 Filed 1-25-78; 8:45 am]

[1505-01]

[Docket 30777, Agreement CAB 27063, R-1 through R-12; Order 78-1-6]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order

Correction

In FR Doc. 78-875 appearing at page 1973 in the issue for Friday, January 13, 1978, the Order No. was omitted from the bracketed material in the heading and should be inserted as set forth above.

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, February 15, 1978, at 1 p.m., in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review the reports prepared on the two critical technologies selected as being of high importance to the Department of Defense and which are applicable to the Computer Systems Technical Advisory Committee's scope of interest.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4) the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

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

The complete notice of determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: January 23, 1978.

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

[FR Doc. 78-2286 Filed 1-25-78; 8:45 am]

[3510-17]

Office of the Secretary

[Dept. Organization Order 10-8, Amdt. 2]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Statement of Organization, Functions, and Delegation of Authority

This order effective December 21, 1977 further amends the material appearing at 38 FR 19707 of July 23, 1973, 41 FR 41128 of September 21, 1976, and 41 FR 43753 of October 4, 1976.

Department Organization Order 10-8, dated July 5, 1973, is hereby further amended as shown below. The purpose of this amendment is to authorize the General Counsel and his Deputy to act, in lieu of the Secretary, to waive or modify procedural requirements in cases involving appeals to the Secretary from Maritime Subsidy Board actions (paragraph 7.06).

In Section 7. "Review and finality of actions by Maritime Subsidy Board," paragraph .06 is revised to read as follows:

".06 The General Counsel or Deputy General Counsel of the Department by written order may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify the procedural provisions of this section regarding filing dates and numbers of copies."

Effective date: December 21, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-2280 Filed 1-25-78; 8:45 am]

[2510-17]

[Dept. Organization Order 10-9]

CHIEF ECONOMIST OF THE DEPARTMENT

Statement of Organization, Functions, and Delegation of Authority

This order effective December 29, 1977 supersedes the material appearing at 41 FR 8520 of February 27, 1976.

SECTION 1.—*Purpose.* .01 This order prescribes the scope of authority and the functions of the Chief Economist of the Department of Commerce (the "Chief Economist").

.02 This revision reflects the establishment of the Office of Economic Affairs (paragraph 5.b.), the establishment of offices resulting from the transfer of the statistical policy function from OMB (paragraph 5.c.), and industrial economic analysis functions from ITA (paragraph 5.d.).

SEC. 2.—*Administrative designation.* The position of Chief Economist is hereby continued, as designated by the Secretary of Commerce on February 2, 1976. The Chief Economist shall report and be responsible to the Secretary.

SEC. 3.—*Delegation of authority.* Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Chief Economist:

a. Is delegated the authorities of the Secretary contained in Executive Order 12013 of October 7, 1977, which provides for the performance of certain functions related to statistical policy and standards. The authorities previously delegated by the Secretary under Executive Orders 10033, dated February 8, 1949, and 11961, dated January 19, 1977, to the Bureau of Economic Analysis and the ITA shall remain in effect.

b. Is authorized to exercise the functions contained in 15 U.S.C. 1516 which relate to satistical information.

c. Is authorized to exercise the functions contained in 15 U.S.C. 171 et seq. relating to the collection and dissemination of satistical information.

d. May exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

e. May redelegate authority and prescribe conditions on its exercise.

SEC. 4.—*Functions.* .01 The Chief Economist shall advise the Secretary on economic and statistical affairs; shall serve as adviser to other Commerce officials with respect to economic and statistical matters; and shall serve as the Department's liaison with the Council of Economic Advisers, the Council on Wage and Price Stability and other government agencies concerned with economic and statistical affairs.

.02 The Chief Economist shall exercise policy direction and general supervision over the Bureau of the Census and the Bureau of Economic Anaylsis.

SEC. 5.—*Office of the Chief Economist.* The Chief Economist shall be assisted by the following officials who shall have responsibilites described in this section.

a. The "Deputy Chief Economist" shall be the principal assistant to the Chief Economist and shall assume full responsibility for carrying out the

functions and duties of the Chief Economist during the latter's absence.

b. The "Director of the Office of Economic Affairs" shall be responsible for the following functions:

1. Monitor and interpret current economic developments, prepare projections of the economic outlook, and draft speeches, articles and reports on economic issues.

2. Review and evaluate the economic impact of proposed legislation and assist the Office of the General Counsel in preparing Departmental positions on such legislation.

3. Review and evaluate analyses by agencies within and outside of Commerce on the economic impact of government regulations and legislation pursuant to Executive Orders 11821 and 11949 and Department Administrative Order 218-6.

4. Represent the Chief Economist in interagency working groups involved in the preparation of economic forecasts and similar material.

5. Assist the Chief Economist in advising the Secretary, the Council of Economic Advisers, the Council on Wage and Price Stability and related agencies on economic policy matters.

6. In conjunction with the Office of Communications, coordinate contacts with the communications media concerning press releases, public statements and news conferences by the Chief Economist.

7. Review material prepared for use by other Departmental officials to assure that the information contained therein regarding the current economic situation is accurate and timely.

c. The "Director of the Office of Federal Statistical Policy and Standards" shall be responsible for the following functions:

1. Plan and promote the development of an improved organizational structure for the performance of statistical services by the Federal Government;

2. Foster the development of coordinated programs so that information collected and analyzed by Federal agencies meets the needs of policymakers in operational and research programs;

3. Reduce burdens imposed on respondents to statistical surveys by eliminating duplication in existing statistical programs and research services and by promoting joint agency programs to plan, conduct, and use statistical and research methods and materials;

4. Initiate actions, when appropriate, to designate single collecting agencies to serve the needs of all agencies in a particular field and assure the availability and interchange of statistical and analytical information among Federal agencies;

5. Investigate and determine whether proposals to collect information for statistical purposes meet the needs of Federal agencies and the public;

6. Coordinate the activities of Federal agencies in the development of Federal, State, and local cooperative programs in statistics, with particular emphasis on those areas where Federal and State programs overlap;

7. Identify and resolve common Federal statistical problems and policies through the establishment of, and reliance on, interagency advisory committees;

8. Act as liaison in the coordination of statistical reporting between the Federal Government and representatives of business and industry as appropriate;

9. Serve as lead agency for the U.S. Government in its relationship and activities with international statistical organizations;

10. Development and promulgate Government-wide standards with respect to classification systems, statistical procedures, and data dissemination;

11. In conjunction with the Office of the General Counsel, provide advice to the Office of Management and Budget with respect to proposed legislation on statistical matters; the review and preparation of that portion of the annual Budget of the U.S. Government dealing with gathering, interpreting, and disseminating statistics and statistical information; and on clearance of proposed statistical reports; and

12. Provide assistance to the Cabinet-level Statistical Policy Coordination Committee in its efforts to improve Federal statistical services.

d. The "Director of the Office of Industrial Economics" shall be responsible for the following functions:

1. Coordinate the development and maintenance of a data system to aid in the analysis of issues relating to specific industries or sectors of the economy;

2. Perform research and analysis on industrial and sectoral problems, including matters such as long-run growth and stabilization, cost-price relationships, short-run forecasts of industrial activity on a detailed basis and the impact of economic conditions on businesses of varying sizes;

3. Evaluate the impact of proposed government rules, regulations and legislation on specific industries or sectors;

4. Assess the outlook for capacity utilization, by industry, and the prospects of supply and material shortages;

5. Determine the impact on specific industries of major developments and events, such as natural disasters, strikes or major price increases;

6. Review and comment on industrial analysis studies performed by other Commerce units; and

7. Assist the Chief Economist in advising the Secretary, the Council of Economic Advisers, the Council on Wage and Price Stability and other economic policy agencies on matters affecting specific industries and sectors.

Effective date: December 29, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-2281 Filed 1-25-78; 8:45 am]

[3510-17]

[Dept. Organization Order 45-1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Statement of Organization, Functions, and Delegation of Authority

This order effective October 1, 1977, supersedes the materials appearing at 40 FR 5549 of February 6, 1975, 40 FR 7111 of February 19, 1975, 41 FR 5858 of February 10, 1976, 42 FR 35672 of July 11, 1977, and 42 FR 37433 of July 21, 1977.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Economic Development Administration (EDA). Department Organization Order 10-4, "Assistant Secretary for Economic Development," prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of EDA.

.02 This revision changes the title of the Deputy Assistant Secretary for Economic Development Planning to the Deputy Assistant Secretary for Economic Development Policy and Planning (section 4.); transfers responsibility for the formulation, development, and definition of policy issues from the Deputy Assistant Secretary (section 3.) to the Deputy Assistant Secretary for Economic Development Policy and Planning; and establishes the Office of Policy Development and Coordination (subparagraph 4.01d.) to execute these responsibilities. In addition, this revision incorporates all outstanding amendments.

SEC. 2. *Organization structure.* The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart (exhibit 1). A copy of the organization chart is on file with the original of this document with the Office of the FEDERAL REGISTER.

SEC. 3. *Office of the Assistant Secretary for Economic Development.* .01 *The Assistant Secretary directs the* programs and is responsible for the conduct of all activities, including overall direction and coordination of the regional offices, of EDA subject to the policies and directives prescribed by the Secretary of Commerce.

.02 The Office of Special Projects shall serve as a principal staff office of the Assistant Secretary. The Office shall provide advice, direction, and coordination for the development and implementation of selected innovative economic development programs and projects to assist selected urban areas, special areas such as the Mexican-American border and Puerto Rico, and special groups identified by the Assistant Secretary. In accomplishing these functions the Office shall develop necessary implementation plans, strategies, and procedures and coordinate, as appropriate, with other Federal, State, and local organizations. The Office shall be headed by a director who shall report and be responsible to the Assistant Secretary.

.03 The Deputy Assistant Secretary shall serve as Executive Secretary and provide or arrange for staff support, as required, for the National Public Advisory Committee on Regional Economic Development; represent the Administration on international organizations when so designated; establish uniform overview standards and procedures to be followed by the regional offices' environmental specialists in their review of projects under sections 101 and 201 of the Public Works and Economic Development Act of 1965, as amended (the "Act"); supervise the activities of the investigations and inspections staff and the Indian program staff; assist the Assistant Secretary in all matters affecting EDA; and perform the duties of the Assistant Secretary during the latter's absence.

.04 The Investigations and Inspections Staff shall investigate alleged violations of law or other impropriety on the part of applicants or recipients; conduct inspections relating to the conduct and performance of field personnel and review the suitability of applicants for financial assistance. The staff shall also conduct special investigations requested by the Assistant Secretary, as well as inspections to assure the physical security of all EDA offices.

.05 The Indian Program Staff shall administer the Indian economic development program and advise the Deputy Assistant Secretary concerning its general effectiveness. It shall recommend approval or denial of projects proposed for Indian areas except all projects under sections 101 and 201 of the Act which do not require special action; and negotiate and monitor interagency agreements relating to Indian economic development. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

SEC. 4. *Deputy Assistant Secretary for Economic Development Policy and Planning.* .01 The Deputy Assistant Secretary for Economic Development Policy and Planning is the principal adviser to the Assistant Secretary on matters of overall EDA policy and development planning; including the development, recommendation, and formulation of EDA policy strategy and initiatives, and policies for improving Federal, State, and local government economic programming. Through the offices reporting to him, the Deputy Assistant Secretary shall:

a. Coordinate and direct EDA economic development planning activities relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial needs;

b. Formulate and recommend to the Assistant Secretary standards and criteria for administration of economic development planning by regional offices;

c. Exercise responsibility for EDA's interagency and intergovernmental relations and its relations with those quasi-public and private agencies interested in economic development for districts and areas;

d. Recommend designation of economic development districts, economic development centers, redevelopment areas, and Title I areas which fulfill the statutory criteria;

e. Conduct an annual review of the areas and districts designated for assistance under the Act, and recommend such modifications or terminations of eligibility as may be appropriate;

f. Provide economic data, analyses, and studies, and planning grants to development districts and areas; and

g. Recommend technical assistance proposals for areas and districts.

.02 The Deputy Assistant Secretary for Economic Development Policy and Planning shall direct and supervise the following organization elements:

a. The Office of Planning and Program Support which shall:

1. Have prime responsibility for coordinating the preparation, review, and approval of EDA-developed planning documents;

2. Develop anaylses and recommended strategies of economic development, including a system of priorities of EDA's financial assistance, for areas and districts;

3. Develop economic development planning systems that reflect EDA objectives and respond to local and regional problems and potentials;

4. Develop the methods and techniques needed to evaluate established planning systems including the ability of local representatives to understand and utilize the planning system as well as the compatibility of locally developed plans with annual agency objectives;

5. Participate in the development of budgetary requirements and coordinate with the Office of Administration and Program Analysis in the allocation of resources among regional offices as well as among EDA programs;

6. Provide information and special services on domestic and international regional development planning;

7. Provide guidance to regional offices on the application of economic development planning techniques and systems to the specific problems of the regions;

8. Advise and assist regional offices in implementing economic planning activities after the formal designation of economic development districts and areas;

9. Guide regional offices in assisting development organizations to prepare overall economic development programs (OEDPs);

10. In coordination with regional offices, provide guidance to economic development district and area organizations on the techniques and methods of economic analysis;

11. Formulate planning and development policies and procedures for guiding the preparation and submission of district and area OEDPs, including the establishment of policies and standards for their review by regional offices;

12. Initiate suspension of the receipt and processing of all applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports;

13. Evaluate services, efficient existing capacity, and competitive producers for use in making determinations on excess capacity, pursuant to section 702 of the Act;

14. Identify industries which have demonstrated growth trends for the purpose of relating those industries to agency plans; and

15. Certify and decertify firms and communities as eligible to apply for adjustment assistance under the Trade Act of 1974 and perform those functions of the Secretary in section 264 of the Trade Act except subsection (b) which is reserved to the Secretary.

b. The Office of Economic Research which shall:

1. Direct and conduct a program of internal and external economic research designed to meet both planning and operating needs and concerned with economic development problems and opportunities for geographical subdivisions (e.g., regions, development districts, redevelopment areas, etc.);

2. Arrange for and monitor EDA-sponsored research conducted by other elements of the Department, other Government agencies, or private organizations;

3. Encourage and stimulate research and data collection on economic devel-

opment, both in and out of Government;

4. Review, evaluate, integrate, and disseminate: (a) The results of research sponsored by EDA, and (b) current methodological and other research findings wherever generated that are relevant to EDA's objectives and programs;

5. Maintain a central reference collection of economic development materials; and

6. Study and evaluate the effects of Government policies on subnational economic development.

c. The Office of Development Organizations which shall:

1. Design and direct a program to establish multi-county development districts in consultation with and with the assistance and cooperation of EDA regional offices, and with the concurrence of the States affected;

2. Initiate policy guidelines and criteria concerning the development district and area organizations for use by other elements of EDA, and by appropriate State and local agencies;

3. Evaluate and approve proposed area and district economic development organizations;

4. Assist regional office efforts to organize economic development districts, including the recruitment of staff;

5. Develop and recommend model administrative budgets, reporting procedures, and job specifications for use by area and district economic development organizations;

6. Establish policies and standards for the review of progress reports by regional offices in cooperation with the Office of Planning and Program Support;

7. Design a system of records to indicate progress as compared to planned objectives on all grants made under section 301(b) of the Act and assist regional offices in implementing the system;

8. Provide guidelines to regional offices in order to administer planning grants made under the Act to State, district, and area agencies;

9. Evaluate and recommend candidates for appointments to professional staff positions in economic development districts in cooperation with the regional offices;

10. Review regional office recommendations for the designation and/or termination of economic development districts and economic development centers;

11. Promptly advise interested Federal, State, and local agencies of all changes affecting the eligibility status of existing or proposed economic development districts;

12. Prepare and distribute maps and related materials showing organizational and designation status of economic development districts;

13. Determine whether an area meets the statistical criteria to qulaify as a redevelopment area or a Title I area;

14. Recommend changes in the qualification status of redevelopment areas and Title I areas;

15. Recommend designation or change in the designation status of redevelopment or Title I areas;

16. Conduct an annual review of area eligibility and recommend termination of areas no longer eligible for designation; and

17. Recommend minor adjustments to boundaries of redevelopment areas.

d. The Office of Policy Development and Coordination which shall:

1. Serve as the principal advisor to the Deputy Assistant Secretary/Planning on all policy matters affecting the mission, objectives, and goals of EDA;

2. Develop, recommend, and coordinate the formulation of overall EDA policy strategy;

3. Exercise responsibility for EDA's interagency and intergovernmental relations and its relations with those quasi-public and private agencies interested in economic development;

4. Develop policies for improving Federal, State, and local government economic development programming;

5. Provide staff assistance in defining policy issues, coordinate the development and formulation of policy for consideration by the Assistant Secretary; and exercise principal staff responsibility for policy review and evaluation;

6. Coordinate and manage EDA's representation on interagency committees;

7. Review and evaluate legislative and administrative proposals related to economic development and intergovernmental relations for substantive policy implications;

8. Maintain liaison and interagency coordination, on policy matters, with the Office of Management and Budget; and

9. Coordinate and assist in the formulation of policy development efforts undertaken by the various program units of EDA.

SEC. 5. *Deputy Assistant Secretary for Economic Development Operations.* .01 The Deputy Assistant Secretary for Economic Development Operations, through the offices reporting to him, shall:

a. Provide coordinated direction of all EDA activities related to financial assistance for or to physical projects which will improve local economies and supervise the execution of this aspect of EDA's program;

b. Recommend standards, policies, and criteria for the technical evaluation and processing of project applications for financial assistance, including public works grants and loans, business loans, and technical assistance;

c. Direct, conduct, coordinate, monitor and, where appropriate, originate technical assistance projects (including management assistance and feasibility studies) subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district or center planning;

d. Review and recommend approval or dinial of project applications except all projects under sections 101 and 201 of the Act, which do not require special action. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

e. Evaluate activities of the regional offices in applying policies, standards, and procedures for processing project applications to assure efficient, effective, and economical accomplishment of approved projects;

f. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance; and

g. Study and evaluate the manpower development and training needs of redevelopment areas and of economic development districts, and recommend appropriate joint action with the Departments of Labor and Health, Education and Welfare.

.02 The Deputy Assistant Secretary for Economic Development Operations shall direct and supervise the following organization elements:

a. The Office of Public Works which shall:

1. Direct and oversee all phases of the public work program;

2. Recommend policies, standards and procedures for accepting, processing, reviewing, and approving requests for public works grants and loans, consistent with the procedures contained in the Act;

3. Maintain surveillance, evaluate progress, and submit reports on the application by regional offices of standards, policies, and procedures to assure efficient, effective, and economical accomplishment of the approved projects;

4. Arrange for services from other Federal agencies for the administration of approved public works grants and loans;

5. Maintain operating liaison with Federal agencies having grant-in-aid programs which may supplement EDA programs, and with those Federal agencies delegated responsibility for administering or servicing EDA projects;

6. Make program and policy reviews and initiate action for the reservation of funds for all public works grants and loans, overruns, amendments, and revisions, and concur in all major

amendments and major revisions to approved projects which require no additional funding; and

7. For projects which require special action at the Washington level, review the project file and recommend approval or disapproval to the Assistant Secretary.

b. The Office of Business Development which shall:

1. Recommend policies, standards, and procedures for processing and approving applications for financial assistance for industrial or commercial usage, consistent with the criteria contained in the Act;

2. Review applications for commercial or industrial loans and working capital guarantees, and recommend approval or denial;

3. Maintain surveillance over the implementation by regional offices and policies, standards, and procedures related to the processing of loan applications for business development to assure efficient, effective, and economical accomplishment of the business development programs;

4. Develop and implement EDA approved agreements with the Small Business Administration and other Federal agencies to secure support of the business development programs;

5. Monitor operations of industrial and commercial projects approved by EDA, including outstanding loans for projects approved under provisions of the Area Redevelopment Act, and prepare reports of accomplishments;

6. Arrange for or provide needed specialized assistance to recipients of EDA industrial and commercial loans and guarantees and Area Redevelopment Act loans;

7. Develop policies, plans, and procedures to improve or terminate projects in default of loan conditions;

8. Provide assistance in the liquidation of the affairs and functions conducted under the Area Redevelopment Act;

9. Establish contact and promote large scale involvement of the private sector in EDA's economic development activities; and

10. Maintain operating liaison with other agencies concerned with the activities of this Office.

c. The Office of Technical Assistance which shall:

1. Propose policies, standards, and procedures pertaining to the acceptance, review, and approval of requests for technical assistance, consistent with the criteria of the Act;

2. Plan and develop technical assistance projects in cooperation with other offices, where appropriate;

3. Direct or monitor the performance and implementation of approved technical assistance projects;

4. Recommend policies, standards, and procedures for evaluating and utilizing the results of technical assistance projects;

5. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance;

6. Recommend policies and practices to facilitate effective relationships with other Government agencies which have complementary programs for technical assistance;

7. Maintain surveillance over the application of policies, standards, and procedures by the regional offices in processing project applications;

8. Review and recommend project applications for approval or denial; and

9. Coordinate the efforts of EDA in the manpower training program.

SEC. 6. *Office of Administration and Program Analysis.* The Office of Administration and Program Analysis shall be responsible for providing the full range of administration management services and for program analysis and evaluation functions with respect to EDA's substantive programs. These functions shall be carried out through the principal organizational elements of the Office, as prescribed below, except that personnel management services, accounting for administrative funds, and inhouse equal opportunity staff services shall be obtained from the appropriate departmental offices.

.01 The Program Analysis Division shall develop and implement measures of resource utilization for programming and budgeting purposes; develop and conduct a systematic program evaluation effort for EDA; prepare the annual Program Memorandum and analytical studies required by the Office of Management and Budget; and develop cost benefits studies to aid the Assistant Secretary in making choices and decisions between alternative programs for economic development projects, activities, and programs in achieving the objectives of the Act and EDA.

.02 The Management Analysis Division shall conduct organization and management studies and surveys; plan and conduct a program for achieving maximum economy, effectiveness, and efficiency, and for obtaining optimum personnel utilization; develop and conduct a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develop and administer a report control system for all administrative and operational reports.

.03 The Budget Division shall develop and manage an integrated financial management and budgeting system for EDA. It shall develop and prepare the annual budget for EDA; be responsible for the total financial program of EDA, and for the fiscal aspects of EDA programs entrusted to other Federal agencies; and operate a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include but not be restricted to, allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

.04 The Accounting Division shall develop and maintain accounting systems and prepare financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies, analyze financial and operating data to assure that financial and management policies are being followed; and serve as the liaison with the Office of the Secretary and other Federal agencies in all accounting matters.

.05 The Information Systems and Services Division shall plan, develop, acquire, and coordinate the use of automatic data processing systems and equipment for EDA; provide data processing services, including the conduct of feasibility studies and the development of systems and programs for the applications of automatic data processing techniques; develop and maintain a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provide periodic and special summary reports on current optional trends and performance comparisons to planned goals.

.06 The Office Services Division shall provide or arrange for office services for EDA's headquarters and, as required, for the regional offices, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluate, report on, and make recommendations on the utilization of space, supplies, equipment, communications, and related services within EDA; and serve as liaison with the Office of the Secretary on office services matters.

.07 The Executive Secretariat shall receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and noncontrolled correspondence, maintain prompt followup of replies to insure that deadlines are met; and provide a selective reference service to files as requested by EDA officials.

SEC. 7. *Office of the Chief Counsel.* The Office of the Chief Counsel shall:

a. Render all necessary legal services, subject to the provisions of Department Organization Order 10-6;

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department orders; and

c. Establish uniform overview standards and procedures to be followed by the regional offices' legal staffs in their review of projects under sections 101 and 201 of the Act.

SEC. 8. *Office of Public Affairs.* The Office of Public Affairs shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary; and

c. Provide assistance in the editing, printing, or reproduction, and distribution of technical materials and publications.

SEC. 9. *Office of Congressional Relations.* The Office of Congressional Relations shall:

a. Advise on all congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the counsellor to the Secretary for Congressional Affairs.

SEC. 10. *Office of Civil Rights.* The Office of Civil Rights shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State, and local governmental organizations and with nongovernmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services, and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficiaries of economic development program activities;

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialists, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout EDA to obtain and monitor reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality of opportunity by participants in economic development programs, conduct onsite inspections, and receive, investigate, and adjust complaints;

g. Receive, investigate, review, adjust complaints, and evaluate EDA experience relating to the equal employment opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within EDA; and

h. Establish uniform overview standards and procedures to be followed by the regional offices' civil rights staffs in their reviews of projects under sections 101 and 201 of the Act.

SEC. 11. *Economic Development Regional Offices.* .01 The Economic Development regional offices, headed by regional directors, are as follows:

Name	Located at	Serves
Atlantic	Philadelphia, Pa	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.
Southeastern	Atlanta, Ga	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwestern	Chicago, Ill	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Rocky Mountain	Denver, Colo	Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
Southwestern	Austin, Tex	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Western	Seattle, Wash	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

.02 Each Regional Director, for the EDA programs in his region, shall:

a. Assist designated areas and districts in organizing, staffing, and funding for economic planning through the development of OEDPs;

b. Assist local communities in the development of applications for financial assistance to meet the needs of areas and districts serviced by the Regional Office;

c. Process applications for economic development assistance, monitor and service approved projects, including appropriate public works construction projects and, when appropriate, liquidate projects.

d. Forward appropriate processed public works projects documents to EDA headquarters with recommendations to the Assistant Secretary for approval or denial. On projects which require special action, Washington, staff offices will review the project file and recommend approval or disapproval to the Assistant Secretary.

.03 The geographic areas of the EDA Regional Offices are depicted in Exhibit 2. A copy of the geographic area map is on file with the original of this document with the Office of the Federal Register.

Effective date: October 1, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-2283 Filed 1-25-78; 8:45 am]

[3510-17]

[Dept. Organization Order 20-10]

OFFICE OF CIVIL RIGHTS

Statement of Organization, Functions, and Delegation of Authority

This order effective December 28, 1977 supersedes the material appearing at 37 FR 6416 of March 29, 1972.

SECTION 1.—*Purpose.* .01 This order prescribes the functions and organization of the Office of Civil Rights.

.02 The Office of Civil Rights is hereby established as a Departmental Office under the Assistant Secretary for Administration. The functions and responsibilities of the Special Assistant for Civil Rights, and certain functions and responsibilities of the Office of Personnel as specified below, are transferred to the Office of Civil Rights.

SEC. 2.—*Status and line of authority.* .01 The Office of Civil Rights shall be headed by a Director, who shall report and be responsible to the Assistant Secretary for Administration. The Director shall be the Assistant Secretary's principal assistant with respect to that official's responsibilities for fulfilling the objectives of, and effecting compliance throughout the Department with, the requirements of Title VI of the Civil Rights Act of 1964, the Age discrimination in Em-

ployment Act of 1967, the Equal Employment Opportunity Act of 1972, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, Executive Orders 11246, 11247, 11478, 11764, 11758, 11914, and all other statutes, Executive Orders, and regulatory provisions relating to equal opportunity, non-discrimination and civil rights.

.02 The Office of Civil Rights will work in close cooperation with the Office of Personnel with respect to Equal Employment Opportunity (EEO) and affirmative action within the Department. The Office of Civil Rights will provide policy direction and guidance to the Office of Personnel in EEO and affirmative action matters, so that personnel operations will fully reflect the policy of the Department and the Executive Branch. In addition, since EEO policy and personnel management policy are often interrelated, the two Offices will jointly develop policy recommendations in such areas.

.03 The Office of Civil Rights will maintain liaison with the Office of the General Counsel on all civil rights and EEO matters for which the Assistant Secretary and the General Counsel have mutual or overlapping responsibility.

SEC. 3.—*Functions.* .01 The functions of the Office of civil Rights relate generally to two major areas of responsibility. These are:

a. Insuring equal employment opportunity, including affirmative action, for employees and job applicants within the Department of Commerce.

b. Insuring nondiscrimination in activities and projects supported by Department of commerce programs, including Title VI, nondiscrimination for the handicapped, equal employment opportunity by Federal contractors and contractors involved in Federally assisted construction contracts, and other civil rights mandates.

.02 In carrying out these responsibilities the Director and the Office of Civil Rights shall:

a. Develop, direct, and coordinate throughout the Department programs, policies and activities to insure the effective fulfillment by the Department and all its elements of its responsibilities in these areas.

b. Develop program policy recommendations for the Assistant Secretary. Monitor and evaluate the implementation of approved recommendations.

c. Advise and assist the operating units in the performance of their EEO and civil rights responsibilities.

d. Develop and administer evaluation programs to determine the effectiveness of all Department operating units in the area of EEO and civil rights. Report the results of such evaluations to the Assistant Secretary and the head of the operating unit, and make recommendations for improvement including recommendations for corrective action by the Assistant Secretary as necessary.

e. Work closely with the Office of personnel, including, as necessary, establishing coordinating procedures and policy development, to insure unified implementation of Federal and Department requirements and programs.

f. Recommend to the Assistant Secretary final decisions on EEO complaints within the Department.

g. Advise the Assistant Secretary of any violations of civil rights or EEO Statutes, Executive Orders, or regulations over which the Department has jurisdiction and for which legally sufficient corrective action has not been initiated, and recommend such corrective action by the Assistant Secretary. The Director shall consult with the Office of General Counsel prior to such advice and recommendation.

h. Represent the Department and the Assistant Secretary with other Federal agencies, including the Civil Service Commission, Department of Justice, Department of Health, Education and Welfare, and Department of Labor, and with States, municipalities, labor unions, and other public and private groups on matters concerning equal employment opportunity, nondiscrimination, and civil rights.

i. Maintain liaison with, and solicit the views of, minority group and women's organizations within and outside of the Department on matters relating to civil rights and equal opportunity.

j. Develop for the Assistant Secretary statements of goals, and periodic reports of achievement against the goals, for the responsibilities of the Office of Civil Rights.

SEC. 4.—*Organization.* Under the supervision and direction of the Director, the functions of the Office will be organized and carried out as follows:

.01 *Equal Employment Opportunity (EEO) Division.* The EEO Division is responsible for developing, directing, coordinating and evaluating the EEO programs and activities of the Department except for the processing of complaints. The Division's area of responsibility includes, among other things, Affirmative Action Plans, the special emphasis programs for women, Spanish-speaking, the handicapped, and policy direction and monitoring of the Upward Mobility program. The Division shall:

a. Provide policy direction, advice, and guidance to the Office of Personnel and the operating units in establishing and maintaining effective affirmative action employment programs.

b. Review and assess policies and practices throughout the Department relating to affirmative action and equal employment opportunity and, on the basis of such study, develop and recommend the adoption of new or revised programs and policies to insure that the Department's activities in this area are consistent with the spirit and requirements of law, Executive Orders, and Federal regulations.

c. Develop policy and provide technical assistance in the Special Emphasis programs such as the Federal Women's Program, Spanish-speaking Program, and Program for the Handicapped.

d. Develop orders, policy statements, regulations and other directives relating to affirmative action and monitor the effectiveness of their implementation.

e. Develop and operate a program to evaluate the EEO programs and activities of the operating units. Provide the results of evaluation to the Assistant Secretary and the head of the operating unit concerned, and recommend measures for improvement, including recommendations for corrective action by the Assistant Secretary, as necessary.

f. Provide leadership and guidance to operating units in the development of Affirmative Action Plans; take appropriate measures to assure their adequacy; and arrange for the submission of plans requiring Civil Service Commission approval.

g. Gather and synthesize materials for reports, review proposed and existing legislation and make recommendations for implementation, and undertake similar assignments, in the area of EEO. Data in this area will normally be developed by the Office of Personnel, in line with requirements specified by the Office of Civil Rights.

h. Work closely with the Office of Personnel to insure effective and coordinated implementation of EEO programs, requirements, and regulations.

i. As designated, represent the Department and the Assistant Secretary in meetings and conferences with other government agencies and private groups with respect to EEO and affirmative action policies and programs of the Department.

j. Provide staff assistance to the Department EEO Committee (see Section 5.).

k. Perform such other functions as the Director may assign.

l. The EEO Division shall include Program Coordinators assigned responsibility for the following programs:

Federal Women's Program, Spanish-speaking Program, Program for the Handicapped, and Upward Mobility Program.

The Coordinators shall have primary responsibility for the effective development and coordination of their programs within the Office of Civil Rights and by the operating units. As

part of their responsibilities the Coordinators shall:

1. Determine program emphasis areas and plan activities in support of those areas.

2. Provide staff assistance to operating units and their special program coordinators.

3. Analyze statistical data relating to the special emphasis programs.

4. Publicize the programs within the Department, and assure that supervisors and employees are informed and educated on the goals and objectives of the program.

.02 *Compliance Division.* The Compliance Division is responsible for: Nondiscrimination in Federal programs administered by the Department; equal employment opportunity by Federal contractors and contractors involved in Federally assisted construction contracts; and the Department's internal discrimination complaint program.

The Division shall: a. Provide policy direction, advice and assistance to the operating units with respect to their implementation of external civil rights and equal opportunity programs, including Title VI, Title IX, handicapped, and contract compliance.

b. Maintain technical review of, and provide guidance to, the operating units in the implementation of the Department's external civil rights responsibilities, policies and regulations with respect to the conduct of compliance reviews, complaint investigations, and other matters related to negotiation, conciliation, and enforcement. Develop recommendations to improve the processing, investigation, and adjudication of such complaints.

c. Assist operating units in establishing a uniform internal EEO complaint processing system, including arranging for the training of EEO Officers and counselors.

d. Review and assess policies and practices throughout the Department related to internal EEO complaints, and evaluate their effectiveness. Develop and recommend new or revised policies and programs, including recommendations to the Assistant Secretary for corrective action, as necessary.

e. Provide staff assistance to the Director and the Assistant Secretary with respect to the investigation, adjustment, and adjudication of EEO complaints, and the preparation of reports on the status of complaints. Develop recommended final determinations on EEO complaints within the Department.

f. Advise the Director of any apparent violations of civil rights or EEO statutes, Executive Orders, or regulations over which the Department has jurisdiction. As directed, prepare recommendations for corrective action of such violations. The Office of General Counsel shall be consulted in the development of the recommendations.

g. Work closely with the Office of Investigations and Security in matters relating to that Office's responsibility for investigating internal EEO complaints. Provide training and information to the EEO investigators in the area of EEO policy, procedures and requirements.

h. Respond to requests for data and information, gather and synthesize materials for reports, review proposed and existing legislation and make recommendations concerning implementation, in its area of responsibility.

i. As designated, represent the Department and the Assistant Secretary in meetings and conferences involving its area of responsibility.

j. Perform such other functions as the Director may assign.

SEC. 5.—*Department EEO Committee.* .01 The Assistant Secretary, with the advice of the Director, Office of Civil Rights, will establish a Department EEO Committee. The purpose of the Committee is to provide advice to the Assistant Secretary and, as appropriate, other top officials of the Department, the Director of the Office of Civil Rights, and the Director of Personnel; to keep those officials informed on EEO and civil rights developments and problems in the Department; to constitute an informal channel of information from the operating units to the Departmental level; and to recommend changes in policies and practices to improve the effectiveness of the EEO and civil rights program in the Department.

.02 Committee members will be selected in a manner to be prescribed by the Assistant Secretary, which will provide for a representative cross-section of Department organizations, minority groups, and others concerned with civil rights and EEO. The Committee will elect its own Chairperson.

.03 The establishment of this Committee does not affect in any way the EEO Committees established within the various operating units.

SEC. 6.—*Implementation.* The Assistant Secretary for Administration shall determine the schedule and quantity for the transfer of funds, positions, and employees, as required by this order.

ELSA A. PORTER,
Assistant Secretary for Administration.

[FR Doc. 78-2282 Filed 1-25-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows: Wednesday, 22 February 1978, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on the functional use of phased array radars.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JANUARY 23, 1978.

[FR Doc. 78-2268 Filed 1-25-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

AMOCO OIL CO.

Request for Interpretation

Notice is hereby given that, pursuant to 10 CFR Part 205, Subpart F, the Office of General Counsel of the Department of Energy (DOE) is considering a request for Interpretation submitted by the Amoco Oil Co. (Amoco). The request for Interpretation concerns the computation of depreciation cost increases in the context of the refiner price rule, 10 CFR 212.83. Because the treatment of depreciation costs for refiners using the refinery fuel conservation incentive (as described below) may have a substantial impact on nonproduct cost increases computed under the refiner price rule, the DOE wishes to solicit comments from any party who believes it may be affected by a DOE decision in this request for Interpretation.

Under the present provisions of 10 CFR 212.83(c)(2)(iii)(E), which set forth the formulae for computing increased nonproduct costs which are attributable to specific covered products, a refiner may elect to compute its depreciation cost increase in one of two ways. The method which the refiner may use, however, depends upon the manner in which the refiner calculates its refinery fuel cost increase.

If the refiner chooses to calculate its refinery fuel cost increase under the general formula for "E_n^t," then it may include in its E_n^t calculation for depreciation cost increase all depreciation costs associated with capital investments, including those which effect fuel conservation. See 10 CFR 212.83(c)(2)(iii)(E)(I)(aa) and (IX)(aa). However, if the refiner elects to calculate its refinery fuel cost increase using the refinery fuel conservation incentive, it then uses a formula based upon the "base refinery fuel usage" per barrel of refinery throughput in May 1973. This method permits the refiner to retain any savings it has realized, through fuel conservation efforts since May 1973, in the amount of refinery fuel used per barrel of throughput. In order to use the refinery fuel conservation incentive, however, the refiner must exclude from its E_n^t calculation of depreciation cost increase "the depreciation costs associated with capital investments which effect fuel conservation." See 10 CFR 212.83(c)(2)(iii)(E)(I)(bb) and (IX)(bb).

In its request for Interpretation, Amoco notes that it is a refiner using the refinery fuel conservation incentive. Amoco recognizes that where it makes a capital investment for the purpose of conserving refinery fuel, it is clear that it may not include the depreciation cost associated with that investment in its E_n^t calculation of depreciation cost increase. However, Amoco also points out that most capital investments in refinery machinery or equipment will have some effect on fuel conservation. Thus, even where new machinery or equipment is not primarily intended to conserve fuel, the mere fact that it is new may mean that it is more fuel-efficient and, therefore, conserves some fuel. Amoco argues that in this instance the refiner price rule was not intended to require that it omit all depreciation costs associated with that capital investment from its E_n^t calculation of depreciation cost increase.

Amoco, therefore, seeks an interpretation of the phrase "capital investments which effect fuel conservation." Amoco requests the DOE Office of General Counsel to define the manner in which depreciation costs may be computed by a refiner that uses the refinery fuel conservation incentive formula, and that invests in machinery or equipment which, although not primarily intended to conserve refinery fuel, results in some fuel savings.

The interpretation which Amoco has suggested to the DOE Office of General Counsel would permit the firm to include a portion of the depreciation cost associated with such a capital investment in its E_n^t calculation of depreciation cost increase. That portion would be determined by separating out the amount of the capital investment which results in refinery fuel conservation. Amoco contends that analysis of either investment records or the fuel conservation benefits actually obtained from an investment project will, in most cases, yield sufficient information to permit it to identify the portion of the capital investment which is related to fuel conservation. Amoco would then exclude that portion of the depreciation cost associated with the investment from its E_n^t calculation, but would include the remainder.

In its argument in support of this proposed interpretation, Amoco states that the Mandatory Petroleum Price Regulations should provide refiners with incentives to invest in refinery improvements. Thus, if a refiner uses the refinery fuel conservation incentive formula, Amoco contends that the exclusion from the depreciation cost increase E_n^t calculation of all depreciation costs associated with an investment that has an incidental or minimal effect on fuel conservation will deprive the refiner of nonproduct cost increases to which it is entitled. These increases, in Amoco's view, provide an incentive to invest in refinery improvements.

Copies of the documents submitted by Amoco in this matter are available for public review in the DOE Freedom of Information Reading Room, Room 2107, 12th & Pennsylvania Avenue NW., Washington, D.C.

Interested parties are invited to submit their views and comments on this matter. In the case of refiners employing the refinery fuel conservation incentive, it would be helpful if the comments include a description of the method by which the refiner is presently computing depreciation costs on capital improvements which have an incidental effect on fuel conservation. Comments should be directed to:

Office of Regulations Management, Box RJ, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

All submissions should be made in five copies, and should be received no later than February 17, 1978. Comments should be identified both on the outside envelope and on the material submitted with the designation "Comments on Amoco Request for Interpretation."

Any information or data considered by the party furnishing it to be confidential must be so identified, and submitted in writing in accordance with the procedures set forth in 10 CFR 205.9(f). The DOE Office of General Counsel reserves the right to determine the confidential status of the information or data, and to treat such information according to its determination, subject to the procedures set forth in § 205.9(f)(2).

Any person desiring additional information may contact Ted P. Gerarden, Interpretations Division, Office of General Counsel, Room 1119, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461, telephone 202-566-9070.

Issued in Washington, D.C. January 20, 1978.

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

[FR Doc. 78-2255 Filed 1-25-78; 8:45 am]

[3128-01]

Bonneville Power Administration

ALLOCATION OF ELECTRIC ENERGY

Intent To Develop Formula for Allocation of Electric Energy

On December 14, 1977, the Department of Energy published in the FEDERAL REGISTER (42 FR 62950) the adopted "Procedure for Public Participation in Marketing Policy Formulation" for the Bonneville Power Administration (BPA). The procedure provides interested members of the public an opportunity to participate in the formulation of certain BPA power marketing policies, including the development of an allocation formula for electric energy available from the Federal Columbia River Power System (FCRPS).

BPA has contracts for the sale of firm power with 115 preference customers (public bodies and cooperative utilities), 6 Federal agencies, and 17 direct-service industrial (DSI) customers in the Pacific Northwest. These contracts will expire between 1981 and 1994.

BPA anticipates that under existing law the preference rights of public bodies and cooperative utilities to BPA's power will preclude execution of new power sales contracts with DSI customers with provisions similar to those in existing contracts. As the contracts with DSI customers expire in the period between 1981 and 1991, current preference customers and other public bodies and cooperative utilities are expected to make application for all or a portion of the electric power now being sold to DSI customers.

BPA has given notice to current preference customers that it has insufficient firm energy to supply their load growth after July 1, 1983. After that date BPA will be obligated to make available to each current preference customer during the term of its present power sales contract, an allocation of firm energy determined by a formula specified in the current sales contracts. This allocation formula does not include a method for allocating the energy which will be available when current power sales contracts expire.

In addition, new public bodies and cooperatives that may also be entitled

to a statutory preference and priority to power from the Federal System have applied for energy, and additional public bodies and cooperative utilities may be formed. These applications must be considered when BPA allocates the Federal System energy.

BPA intends to develop a formula that will allocate the energy available to BPA and which BPA is not obligated under contract to supply. The allocation formula that BPA will develop may be substantially different than the allocation formula in current preference customers' present power sales contracts.

BPA will consider many variables and alternatives before selecting a proposed formula. Issues BPA expects to consider include, but are not limited to, the following: (1) Class of customer served—current preference customers, new preference customers, preference customers that have net-billing agreements, investor-owned utilities, Federal agencies, and DSI; (2) customer-owned generation committed to load; (3) types of load served—residential, commercial, industrial, agricultural, and other; (4) load determination—based on historical data or a forecast; (5) grades of energy; (6) allocation duration; (7) rates charged for power; (8) conservation; and (9) amount of energy available for allocation—reevaluation of quantity and quality of energy, including any which may become available to BPA. In addition, BPA will consider the capacity requirements necessary to deliver Federal System energy to its loads in developing the allocation formula.

BPA is seeking recommendations from the public concerning the allocation formula BPA intends to develop. These recommendations will be used to assist BPA in developing the proposed allocation formula. BPA will invite further comment from the public (1) in the spring of 1979 when the proposed allocation formula is developed, (2) in the summer of 1979 during public comment forums on the proposed allocation formula, and (3) in the winter of 1979-80 when the Administrator will announce BPA's allocation formula. The comments received at the public comment forums and through the mail will be used to assist in developing BPA's allocation formula. BPA will also schedule public information forums during the summer of 1979, before the public comment forums, to explain the purpose and basis of the proposed allocation formula and to answer questions regarding the proposal and alternative formulas considered.

For further information, contact Donna Lou Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oreg. 97212, 503-234-3361. Submit written recommendations concerning the development of BPA's allocation formula to the preceding address no later than May 1, 1978.

Dated: January 23, 1977.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-2278 Filed 1-25-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for November 1977

In accordance with the provisions of 10 CFR § 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for November 1977 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d) (4); December 1977 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for November 1977 is calculated to be .238733.

In accordance with § 211.67(b) (2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of November 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .257276 of a barrel of deemed old oil.

The issuance of entitlements for the month of November 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i) (4), the price at which entitlements shall be sold and purchased for the month of November 1977 is hereby fixed at $8.61, which is the exact differential as reported for the month of November between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of November 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of November 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of November 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through October 1977 pursuant to 10 CFR § 211.67(j) (1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by ERA's Office of Administrative Review (prior to October 1, 1977, the Office of Exceptions and Appeals of the Federal Energy Administration). Also set forth in this column are adjustments for relief granted by the Office of Administrative Review for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see Beacon Oil Company, et al, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the November 1977 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its November 1977 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, see Entitlement Notice for October 1977. (42 FR 64401, December 23, 1977).

The listing contained in the Appendix rescinds the October 1977 entitlement sale requirements of several firms to the extent such firms were

unable to sell their October 1977 entitlements because of stays issued by the ERA's Office of Administrative Review to Young Refining Co. and Lundy Thagard Oil Co. The listing contained in the Appendix reflects these October 1977 entitlement sale requirements in such firms' November 1977 entitlement purchase or sale requirements. The total adjustment in deemed old oil receipts reflected by the "carry-forward" of October 1977 entitlement sale requirements equals 622,837 barrels.

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 1,198,790 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 11,221,424 barrels for November 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 24,524,186 barrels.

The total number of entitlements required to be purchased and sold under this notice is 21,947,985.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for November 1977, the pricing composition and weighted average costs thereof are as follows:

Category	Volumes	Weighted average cost	Percent of total volumes[1]
Lower tier	103,940,937	$5.70	22.1
Upper tier	88,930,593	12.09	18.9
Exempt domestic:			
Stripper	33,645,441	14.53	7.1
Naval petroleum reserve	3,040,951	12.32	.6
Total domestic	229,557,922	9.56	48.7
Total imported[2]	241,619,232	14.54	51.3
Total reported crude oil receipts	471,177,154	12.12	100.0

[1] Numbers may not add due rounding.
[2] Under current reporting procedures includes Alaska North Slope crude oil.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for November 1977 must be made by January 31, 1978.

On or prior to February 10, 1978, each firm which is required to purchase or sell entitlements for the month of November 1977 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of November. The monthly transaction report forms for the month of November have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by January 31, 1978 are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to January 31, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with ERA's Office of Administrative Review in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before February 27, 1978.

Issued in Washington, D.C. on January 19, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL

NOVEMBER 1977

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
-CONSOL'D-SALES	-15,487	0	0	0	0	0	15,487*
A-JOHNSON	0	181,101	0	0	0	0	181,101
ALLIED	38,849	80,435	0	0	0	0	41,586
AMER-PETROFINA	907,272	878,926	0	0	0	28,346	0
AMERADA-HESS	2,049,500	3,966,179	0	55,463	0	0	1,916,679
AMOCO	10,296,838	7,595,423	0	0	0	2,701,415	0
APCO	292,539	395,469	0	0	0	0	102,930
ARCO	4,593,284	4,821,554	0	0	0	0	228,270
ARIZONA	74,327	58,840	7,559	0	0	15,487	0
ASAMERA	41,861**	139,313	0	0	0	0	97,452
ASHLAND	1,478,897	2,633,858	0	0	0	0	1,154,961
ASIATIC	0	255,825	85,121**	170,704	0	0	255,825
AUGSBURY	0	4,059	4,059**	0	0	0	4,059
BASIN	24,310	115,174	0	0	0	0	90,864
BAYOU	43,247	54,387	0	0	0	0	11,140
BEACON	250,070	231,810	82,583	0	0	18,260	0
BELCHER	0	88,927	0	88,927	0	0	88,927
BI-PETRO	9,439	86,468	0	0	0	0	77,029
BRUIN	71,290	138,460	0	0	0	0	67,170
C&H	0	622	0	0	0	0	622
CALCASIEU	25,591	68,015	0	0	0	0	42,424
CALUMET	27,503	30,176	0	0	0	0	2,673
CANAL	78,587	61,115	0	0	0	17,472	0
CARIBOU	87,101	87,221	0	0	0	0	120
CHAMPLIN	1,898,872	1,380,098	0	0	0	518,774	0
CHARTER	893,516	893,516	400,069	0	0	0	0
CHEVRON	6,579,627	8,081,546	0	10,915	0	0	1,501,919
CIRILLO	0	43,926	0	43,926	0	0	43,926
CITGO	2,368,522	1,878,663	0	0	0	489,859	0
CLAIBORNE	-41,913	-5,952	0	0	0	0	35,961
CLARK	340,155	880,788	0	0	0	0	540,633
COASTAL	318,804	1,447,620	0***	16,039	0	0	1,128,816
CONOCO	3,344,638	2,587,456	0	37,694	0	757,182	0
CORCO	0	1,020,674	26,228	236,970	0	0	1,020,674
CRA-FARMLAND	422,754	508,306	0	0	0	0	85,552
CROSS	47,676	101,223	0	0	0	0	53,547
CROWN	366,550	703,419	0	0	0	0	336,869
CRYSTAL-OIL	212,191	178,775	0	0	0	33,416	0
CRYSTAL-REF	949	32,904	0	0	0	0	31,955
DELTA	293,468	245,167	-80,128	0	0	48,301	0
DEMENNO	29,244	41,961	0	0	0	0	12,717
DERBY	-507,996**	149,952***	0	0	0	0	657,948
DIAMOND	576,200	432,545	0	0	0	143,655	0
DILLMAN	0	1,491	0	0	0	0	1,491
DORCHESTER	258,790	195,822	0	0	0	62,968	0
DOW	64,239	178,966	0	0	0	0	114,727
E-SEABOARD	0	42,799	0	42,799	0	0	42,799
ECO	10,121	55,189	0	0	0	0	45,068
EDDY	40,803	42,652	0	0	0	0	1,849
ENERGY-COOP	11,963	735,611	0	0	0	0	723,648
ERICKSON	31,108	132,857	0	0	0	0	101,749
EVANGELINE	47,816	36,919	0	0	0	897	0
EXXON	10,616,629	10,077,220	0	319,954	0	539,409	0
EZ-SERVE	25,455	46,891	0	0	0	0	21,436
FARMERS-UN	259,143	330,916	0	0	0	0	71,773
FLETCHER	2,350	161,199	0	0	0	0	158,849
FLINT	7,950**	10,401	0	0	0	0	2,451
GARY	5,355	4,282	0	0	0	1,073	0
GETTY	1,360,776	1,176,933	0	0	0	183,843	0
GIANT	65,015	70,165	0	0	0	0	5,150
GLACIER-PARK	98,553	50,049	0	0	0	48,504	0
GLADIEUX	62,781	126,046	0	0	0	0	63,265
GLENROCK	1,987	2,488	0	0	0	0	501
GOLDEN-EAGLE	0	165,473	0	0	0	0	165,473
GOLDEN-EAGLE-NY	0	15,017	0	15,017	0	0	15,017
GOLDKING	14,324	26,773	0	0	0	0	12,449
GOOD-HOPE	41,953	281,332	0	0	0	0	239,379
GUAM	0	325,214	0	0	0	0	325,214

APPENDIX
ENTITLEMENTS FOR DOMESTIC CRUDE OIL

NOVEMBER 1977

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
GULF	8,532,359	6,204,242	0	21,169	0	2,328,117	0
GULF-STS	59,706	136,869	0	0	0	0	77,163
HIRI	0	502,894	0	0	0	0	502,894
HOWARD	0	24,688	0	24,688	0	0	24,688
HOWELL	588,860	308,239	0	0	0	280,621	0
HUDSON-OIL	26,304	181,315	0	0	0	0	155,011
HUNT	293,301	309,578	0	0	0	0	16,277
HUSKY	629,364	359,334	0	0	0	270,030	0
INDEPENDENT-REF	-56,025**	94,031	0	0	0	0	150,056
INDIANA-FARM	57,069	198,641	0	0	0	0	141,572
IRVING	0	11,237	11,237**	0	0	0	11,237
J&W	109,149	66,631	0	0	0	42,518	0
KENCO	18,082	35,511	0	0	0	0	17,429
KENTUCKY	17,134	23,581	0	0	0	0	6,447
KERN	336,868	350,932	158,603	0	0	0	14,064
KERR-MCGEE	1,323,318	960,891	0	0	0	362,427	0
KOCH	244,478	870,765	0	0	0	0	626,287
LAGLORIA	483,131	399,300	0	0	0	83,831	0
LAKESIDE	19,462	45,653	0	0	0	0	26,191
LAKETON	127,749	127,749	25,891	0	0	0	0
LITTLE-AMER	1,133,851	1,420,650	852,856	0	0	0	286,799
LOUISIANA-LAND	220,579	565,163	0	0	0	0	344,584
MACMILLAN	49,455	143,246	0	0	0	0	93,791
MARATHON	3,681,179	2,761,034	0	0	0	920,145	0
MARION	125,135	218,557	0	0	0	0	93,422
METROPOLITAN	0	49,844	0	49,844	0	0	49,844
MID-AMER	11,383	92,183	0	0	0	0	80,800
MID-TEX	15,721	10,463	0	0	0	5,258	0
MOBIL	6,379,260	5,344,662	0	38,668	0	1,034,598	0
MOBILE-BAY	0	147,819	0	0	0	0	147,819
MOHAWK	427,969	379,570	94,023	0	0	48,399	0
MONOCO	0	17,042	0	17,042	0	0	17,042
MONSANTO	400,880	291,642	0	0	0	109,238	0
MORRISON	20,938	15,151	0	0	0	5,787	0
MOUNTAINEER	8,390	8,709	0	0	0	0	319
MT-AIRY	51,161	134,465	0	0	0	0	83,304
MURPHY	811,708	665,496	0	0	0	146,212	0
N-AMER-PETRO	260,713	21,071	0	0	0	239,642	0
NATL-COOP	287,376	426,366	0	0	0	0	138,990
NAVAJO	360,609	372,868	71,315	0	0	0	12,259
NEVADA	0	15,072	0	0	0	0	15,072
NEW-EDGINGTON	492,588	452,284	202,340	0	0	40,304	0
NEW-ENGL-PETRO	0	380,515	0	380,515	0	0	380,515
NEWHALL	210,652	210,652	83,120	0	0	0	0
NORTHEAST-PETRO	0	10,821	0	10,821	0	0	10,821
NORTHLAND	48,429	110,144	0	0	0	0	61,715
OKC	147,549	254,946	0	0	0	0	107,397
OXNARD	3,995	16,469	0	0	0	0	12,474
PENNZOIL	691,008	383,909	0	0	0	307,099	0
PESTER	160,627	224,722	0	0	0	0	64,095
PHILLIPS	1,982,955	2,244,695	0	0	0	0	261,740
PHILLIPS-PR	0	346,031	0	346,031	0	0	346,031
PIONEER	19,045	55,453	0	0	0	0	36,408
PLACID	216,102	337,247	0	0	0	0	121,145
PLATEAU	143,083	151,361	0	0	0	0	8,278
POWERINE	143,381	315,044	0	0	0	0	171,663
PRIDE	169,529	200,605	0	0	0	0	31,076
PRINCETON	26,929	93,275	0	0	0	0	66,346
QUAKER-ST	30,078	199,997	0	0	0	0	169,919
RANCHO-REF	3,594	65,093	0	0	0	0	61,499
RICHARDS	505	59,411	0	0	0	0	58,906
RICO	0	54,129	0	54,129	0	0	54,129
ROAD-OIL	0	606	0	0	0	0	606
ROCK-ISLAND	315,598	332,704	-16,806	0	0	0	17,106
SABER-TEX	-112,605	311,567	0	0	0	0	424,172
SABRE-CAL	111,297	51,063	-35	0	0	60,234	0
SAGE-CREEK	1,596**	3,736	0	0	0	0	2,140
SAN-JOAQUIN	196,564	264,763	80,937	0	0	0	68,199

APPENDIX
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NOVEMBER 1977

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
SEMINOLE	12,257	68,761	0	0	0	0	56,504
SHELL	10,910,025	7,129,918	0	0	0	3,780,107	0
SIGMOR	27,696	128,867	0	0	0	0	101,171
SO-HAMPTON	37,213	164,643	0	0	0	0	127,430
SOHIO	1,363,166	3,218,675	0	0	0	0	1,855,509
SOMERSET	21,014	55,824	0	0	0	0	34,810
SOUND	-768	97,491	0	0	0	0	98,259
SOUTHERN-UNION	234,103	307,400	0	0	0	0	73,297
SOUTHLAND	443,290	298,505	75,155	0	0	144,785	0
SOUTHWESTERN	6,445	5,194	0	0	0	1,251	0
SPRAGUE	0	26,411	0	26,411	0	0	26,411
STEUART	0	11,879	0	11,879	0	0	11,879
SUNLAND	5,039	137,766	0	0	0	0	132,727
SUNOCO	5,159,707	3,908,661	0	0	0	1,251,046	0
SWANN	0	31,102	0	31,102	0	0	31,102
TENNECO	1,018,768	848,271	0	0	0	170,497	0
TESORO	520,675	522,498	0	0	0	0	1,823
TEXACO	9,924,017	7,747,192	0	254,849	0	2,176,825	0
TEXAS-AMERICAN	30,508	100,497	0	0	0	0	69,989
TEXAS-ASPH	232	37,753	0	0	0	0	37,521****
TEXAS-CITY	450,869	592,738	0	0	0	0	141,869
THAGARD	812,820	812,820	553,436	0	0	0	0
THRIFTWAY	30,867**	39,105	0	0	0	0	8,238
THUNDERBIRD	124,453**	131,080	0	0	0	0	6,627
TIPPERARY	99,829	67,627	0	0	0	32,202	0
TONKAWA	40,774	66,970	0	0	0	0	26,196
TOSCO	2,431,617	1,610,144	324,936	0	0	821,473	0
TOTAL-PETROLEUM	311,037	323,055	0	0	0	0	12,018
UCC-CARIBE	0	116,837	0	116,837	0	0	116,837
UNION-OIL	4,681,745	3,007,991	0	0	0	1,673,754	0
UNION-PETRO	0	14,409	0	14,409	0	0	14,409
UNTD-IND	8,324	5,600	0	0	0	2,724	0
UNTD-REF	101,443	375,052	0	0	0	0	273,609
US-OIL	18,898	172,652	0	0	0	0	153,754
USA-PETROCHEM	32,726	191,072	0	0	0	0	158,346
VICKERS	229,167	506,996	0	0	0	0	277,829
VULCAN	27,912	102,711	0	0	0	0	74,799
WALLACE	0	12,155	0	12,155	0	0	12,155
WALLER	0	7,303	0	7,303	0	0	7,303
WARRIOR	29,065**	37,136	10,203	0	0	0	8,071
WEST-COAST	71,321	130,040	0	0	0	0	58,719
WESTERN	83,000	94,892	0	0	0	0	11,892
WINSTON	92,859	190,083	0	0	0	0	97,224
WIREBACK	0	569	0	0	0	0	569
WITCO	56,883	178,418	0	0	0	0	121,535
WYOMING	51,198	145,780	0	0	0	0	94,582
YETTER	0	1,107	0	0	0	0	1,107
YOUNG	353,860	353,860	246,354	0	0	0	0
TOTAL	122,448,555	122,448,555	3,299,056	2,456,260	0	21,947,985	21,947,985

* Equals November 1977 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlement sale requirement rescinded for October 1977 (see discussion in Notice).

*** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

**** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 78-2067 Filed 1-20-78; 11:52 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER77-551 and ER-77-485]

CAROLINA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Schedule, Consolidating for Hearing, Providing for Hearing, and Establishing Procedures

JANUARY 19, 1978.

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

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

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

On August 3, 1977, Carolina Power & Light Co. (CP&L) tendered for filing an amendment to its rate schedule FPC No. 102 and at the same time filed a notice of cancellation of its rate schedule FPC No. 93.[1] Each rate schedule covers firm electric service to the city of Fayetteville, N.C. (city). The rate changes are proposed in order to accommodate the operation of the city's five new combustion turbines located at its Fayetteville east substation. CP&L requested that the effective date of the amended rate schedule be June 20, 1977. Consequently, waiver of the Commission's notice requirements is implied.

Rate schedule FPC Nos. 102 and 93 provide firm service to the city of Fayetteville where the energy is received by the city at a separate delivery point for each rate schedule service. Under the new agreement entered into by the city and CP&L, as reflected in the instant filing for amendment of rate schedule No. 102, partial requirements service will be provided in lieu of full service and totalized metering of the two points will be initiated. This action necessitates the cancellation of rate schedule FPC No. 93.

The amended rate schedule provides that the city will receive partial requirements service for the load not served by its five gas turbines; back-up service by CP&L for emergency contingencies; and the purchase by CP&L of capacity from the city when it becomes available.

The city now has installed and operating five 20 MW gas turbine generators. The city and CP&L estimate that during the first 12 months of operation under the new amendment, the city's peak shaving service will range from zero to approximately 60 MW. The amended rate schedule further provides that three of the five gas turbines will be used for peak shaving while the last two units will be held in reserve totaling approximately 67 percent of reserve capacity for the city's peak shaving operation. The city is contemplating installation of three additional gas turbine units by June, 1983.

With respect to the proposed rates charged for the amended service, demand and energy charges for the partial requirements service to the city are the same as those now specified for total requirements service. The agreement provides for the adjustment of metered demand and energy quantities for billing purposes to recognize the back-up service provided by CP&L to the city and the purchase of capacity by CP&L from the city.

The emergency backup service will be supplied at a capacity charge of 7.4 cents/kW/day in addition to an energy charge of CP&L's out-of-pocket costs, plus 10 percent. If the backup service is not available in CP&L's system and, therefore it must be purchased by CP&L for delivery to the city, the charge will be the cost of such capacity and energy plus the greater of 10 percent of the cost of the purchase, or 2 mills/kWh.

When CP&L purchases surplus capacity and energy from the city, the proposed rate will be at 5.5 cents/kW plus out-of-pocket costs plus 10 percent. The city of Fayetteville agrees to the terms of the CP&L filing.

Public notice of CP&L's filing was issued on August 17, 1977. The notice provided that all protests or petitions for intervention must be filed on or before August 31, 1977. None have been filed.

The proposed amendment including the reserve obligation has not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. Accordingly, the proposals should be accepted for filing on June 19, 1977, and suspended for one day to become effective, subject to refund, on June 20, 1977.

Since there is an existing proceeding in Docket No. ER77-485 concerning a previous rate filing by CP&L which was set for hearing in the order of July 19, 1977, and contains common questions of law and facts as are contained in the instant filing, it is appropriate to consolidate the instant docket with the proceeding in Docket No. ER77-485 for purposes of hearing and determination.

The Commission finds: (1) Good cause exists to accept for filing and suspend the proposed change in rates and cancellation of service tendered by the Carolina Power & Light Co. on August 3, 1977.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rate changes tendered by CP&L on August 3, 1977, to consolidate that hearing with the hearing set in Docket No. ER77-485, establish procedures for that hearing, and that the proposed rate changes be accepted for filing, suspended, and the use thereof deferred, all as hereinafter ordered.

(3) Good cause exists to waive the notice requirements of section 35.11 of the Commission's regulations under the Federal Power Act for the amendment to rate schedule FPC No. 102.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction set out in the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the proposed rates proposed by CP&L in this proceeding.

(B) Pending such hearing and decision thereon, the proposed changes in rates filed by CP&L on August 3, 1977, and identified above, are hereby accepted for filing as of June 19, 1977, suspended and the use thereof deferred until June 20, 1977, when they shall become effective, subject to refund.

(C) Carolina Power & Light's implied request for waiver of section

[1] The filing is designated as supplement No. 10 to rate schedule FPC No. 102 (supersedes FPC No. 93 as supplemented.)

35.11 notice requirements is hereby granted.

(D) The instant proceeding shall be consolidated for purposes of hearing and determination with the proceeding in Docket No. ER77-485 now set for hearing by the order of July 19, 1977, and the procedures set forth in the July 19th order are to be retained for this consolidated proceeding.

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

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2240 Filed 1-25-78; 8:45 am]

[6740-02]

[Docket No. E-7740 *et al*]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Proposed Settlement

JANUARY 19, 1978.

Take notice that by joint motion filed December 30, 1977, Indiana and Michigan Electric Co., (I&ME) and Richmond Power and Light of the City of Richmond, Ind., (Richmond), Docket Nos. E-7740, E-9239 and ER76-716, tendered for filing in the above-entitled docket an Agreement of Settlement and Compromise.

Attached to the joint motion and Agreement of Settlement and Compromise as an exhibit is an interconnection agreement negotiated between I&ME and Richmond providing for a variety of services to be rendered including, firm service, short-term service, limited-term service, emergency sevice, and transmission service. Copies of the tendered filing and attachments thereto are available for inspection in the offices of the Commission.

Any party desiring to file comments with respect to the Offer of Settlement and Compromise may do so, and all such comments, if any, should be filed on or before February 10, 1978, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20246. Comments so filed, if any, will be considered by the Commission in determining what action should be taken with regard to the Offer of Settlement and Compromise, but will not serve to make the party filing such comments an intervenor herein. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2241 Filed 1-25-78; 8:45 am]

[6740-02]

[Docket No. ER76-532]

PACIFIC GAS AND ELECTRIC CO.

Order Denying Motion for Approval of Settlement, Conditionally Accepting Settlement Rates, and Providing for Hearing

JANUARY 20, 1978.

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

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

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

On March 1, 1976, Pacific Gas and Electric Co (PG&E) filed with the Federal Power Commission its notice, pursuant to section 205(d) of the Federal Power Act, and Part 35 of the Commission's Regulations, of a proposed increase in rates for electric wheeling services pursuant to a schedule on file with the Commission providing service for the United States Bureau of Reclamation (USBR) from the Central Valley Power Project (CVP) in California. Under the provisions of its contract with USBR dated July 31, 1967, the rates for this service are subject to review between the two parties commencing April 1, 1971, and every five years thereafter and, if the parties are unable to agree, the issue is submitted to the Federal Power Commission. Prior to this filing PG&E and USBR reviewed the charge for the wheeling service and were unable to agree on a change in rate. The matter was submitted to the Federal Power Commission which accepted the rates for filing, suspended them for one day to April 1, 1976, and set the matter for hearing by order issued March 29, 1976.[1]

The Staff of the Federal Power Commission submitted its "top sheet" computations on August 23, 1976, and October 8, 1976. The hearing was scheduled for May 3, 1977. Prior to the hearing, various pre-hearing conferences and formal settlement conferences were held. On December 22, 1976, PG&E and USBR entered into a settlement agreement resolving all issues in this proceeding. On January 31, 1977, PG&E submitted the Settlement Agreement reached between itself and USBR. The settlement was noticed on February 11, 1977, setting February 25, 1977, and March 14, 1977, as the dates for comments and reply comments, respectively.

The settlement provides for a rate of 0.133 cents per kilowatt hour for delivery at 44,000 volts or higher.[2] In contrast, the March 1, 1976, filing by PG&E requested rates of 0.17 cents per kilowatt hour. The settlement rates are to apply to the wheeling service here involved for the period April 1, 1976 through March 31, 1981.

PG&E's proposed annual increase in tariff charges was in the amount of $2,735,000 for the test year 1976. Staff's studies indicated that an increase of $2,321,000 was cost justified and the settlement provides for an increase of $1,172,000. The settlement also provides that inasmuch as PG&E has not actually collected or received payments in excess of the settlement rates from USBR for this wheeling service, no refunds are required.

Comments on the proposed settlement were filed by the Staff of the Federal Power Commission, USBR, the Northern California Power Agency (NCPA), the Arvan-Edison Water Storage District (ARVAN), the Federal Agencies, represented by the Department of the Navy. The Federal Power Commission Staff and USBR support the settlement while the other parties filed objections.

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[1] Rehearing was denied on May 28, 1976. The Northern California Power Agency petitioned for review contending the contract did not permit PG&E unilaterally to file a rate increase, *Northern California Power Agency* v. *F.P.C.*, No. 76-1671 (D.C. Cir., appeal docketed July 26, 1976).

[2] For delivery of less than 44,000 volts, the settlement sets a rate of 0.226 cents per kilowatt hour from April 1, 1976, through March 31, 1978, and no more than 0.300 cents per kilowatt hour through March 31, 1981, subject to review of the parties and submittal to the Commission for final decision if the parties are unable to agree on a rate adjustment for the lower voltage.

NCPA in its comments filed February 11, 1977, contends both the prior and proposed rates are excessive and that its studies attached to its comments show the rates should be within the range of 0.4 to 0.7 mills/kWh depending upon the method adopted by the Commission. It criticizes the USBR settlement rate for including too many facilities in PG&E's rate base and for failing to credit against the rolled-in PG&E transmission cost, PG&E's use of the government's transmission system [the Central Valley Project (CVP) facilities]. It offers, instead, two alternative methods designed to meet these deficiencies. NCPA also suggests the settlement rate is discriminatory, citing nine allegedly similar transmission services rendered by PG&E at a lower rate. It also says the settlement fails to resolve the appropriate rate for service below 44 kV. Therefore, because facts are in dispute, it requests a hearing.

Replies to the comments of the various parties were filed, almost all indicating that some hearing procedure will be necessary in this proceeding. The Staff of the Federal Power Commission suggests that the settlement be approved and the settlement rates be put into effect subject to refund in the event the hearing indicates they are too high. USBR supports Staff's position but suggests that because the USBR is paying PG&E for service in accordance with the Settlement Agreement retroactive to April 1, 1976, with the understanding that higher or lower retroactive adjustment may be required upon final Commission decision, Staff's suggestion that the Settlement Agreement be approved subject to refund seems to be moot. NCPA's reply stated that it opposes acceptance of the Settlement but that it would not object to Staff's suggestion for a conditional settlement approval. ARVAN states any Commission approval action should be conditioned upon ultimate resolution of the factual disputes through the hearing process. Navy states, along with the other "Federal Agencies," that there is disagreement whether the contract provisions permit a cost of service approach, or require some other rate determining method. They contend that acceptance of the settlement as proposed by staff is inappropriate absent a hearing on contract interpretation and cost allocation issues. PG&E suggests that any hearings should be strictly limited and that the objectors should have the burden of proof as to why the settlement is not justified.

We shall accept the settlement rates subject to the condition that the settlement rates will be collected subject to refund or upward adjustment up to the level of the currently suspended rate and order a hearing as proposed by the Federal Power Commission Staff and as modified by the USBR. Pending the outcome of such hearing it will be necessary to deny the motion of PG&E for approval of its settlement as a just and reasonable rate in resolution of all the issues in this case.

PG&E has already submitted its computations for the record in this proceeding. However, the Commission staff has to date served only its "top sheets." USBR has filed a motion to provide for the scheduling of the hearing. Although no objections to the motion were raised, we deem it a more desirable policy in the administration of the Federal Power Act that such matters be referred to the presiding Judge for disposition as he finds appropriate in the conduct of the remanded proceedings.

The Commission finds: (1) The motion for approval of the Settlement Agreement to resolve all outstanding matters in this proceeding should be denied without prejudice to its resubmittal at the conclusion of the hearing in this proceeding.

(2) The rates as proposed in the Settlement Agreement to be denominated as 2d Revised Sheet No. 60 to PG&E's FPC Electric Tariff, Original Volume No. 4, superseding 1st Revised Sheet No. 60 of said tariff should, upon filing, within 30 days of the date of this order, be accepted, effective April 1, 1976, on the condition that they are subject to refund or upward adjustment up to the level of the currently suspended rate upon conclusion of the proceeding.

(3) Good cause exists to waive Section 35.0 of the Commission's Regulations as to filing fees and Section 35.3 and 35.13 of the Commission's Regulations with respect to notice requirements and rate change filing requirements.

The Commission orders: (A) This proceeding is hereby remanded for hearing before an Administrative Law Judge and for ruling upon the procedural matters raised by the motion of the Secretary of the Interior filed August 11, 1977.

(B) The motion of PG&E for approval of Settlement Agreement is hereby denied without prejudice.

(C) The rates proposed in the Settlement Agreement between PG&E and USBR shall become effective April 1, 1976, upon PG&E's filing and Commission acceptance of tariff sheets referred to in finding paragraph (2) above, subject to refund or reimbursement with 9 percent interest pending the outcome of the hearing as ordered in this proceeding.

(D) The Commission's Regulations, Section 35.0, 35.3, and 35.13, are hereby waived with respect to the settlement rates.

By the Commission.[3]

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-2243 Filed 1-25-78; 8:45 am]

[6740-02]

[Docket No. RP77-138]

UNITED GAS PIPE LINE CO.

Notice of Supplement To Petition for Advance Approval for Accounting and Rate Treatment of Research, Development and Demonstration Expenditures

JANUARY 20, 1978.

Take notice that on December 5, 1977, United Gas Pipe Line Co. (United) submitted a supplement to its original filing in the above referenced docket made on September 23, 1977. The supplement was filed pursuant to the written request of the Commission's Secretary dated October 28, 1977.

United states that because of curtailments and the continuing decline of natural gas reserves available to its customers, it is apparent that supplemental gas supplies must be developed. In this connection, United states that it recognizes that to meet the fundamental objective of enhancing gas supplies would require, among other things, its commitment to and participation in current research, development and demonstration (RD&D) projects as well as the initiation of new projects. As a result of this realization, it is stated, United conducted an investigation and the results were incorporated into a plan for a biomass conversion RD&D project which would involve the research, design, construction and operation of an experimental anaerobic digestion pilot plant for the conversion to synthetic gas of a unique and heretofore untested combination of selected biomass and waste feedstock.

The proposed project, subsequently known as Project SNG-Biomass, was structured to ensure an adequate review of and coordination with Federal RD&D programs and with other related private efforts of national scope, it is stated.

United states that it is anticipated that Project SNG-Biomass will further its RD&D objectives. It is indicated that as the project proceeds it will yield valuable knowledge of a new and potentially significant supplemental source of gas supply, which may be used to benefit United's customers within a reasonable period of time. Based upon present and projected technical and economic information, commercial scale gasification as contemplated in Project SNG-Biomass is likely to prove technically feasible

[3] Chairman Curtis voted present.

while the economic feasibility of such an undertaking is unproven. The feasibility and desirability of establishing a commercial scale facility will be undergoing continual analysis in the various phases of the project and the project would be terminated at an early date should such an analysis demonstrate that commercial application of the process is economically unfeasible. If United's project goals and timetables are achieved it is anticipated that United will possess the technical know-how and expertise to enhance its gas supply at a reasonable cost to United's customers.

United indicates that it will seek to patent significant inventions arising from the RD&D activities of Project SNG-Biomass, with the jurisdictional portion of revenues from the use and licensing of these patents to flow through to its ratepayers. It is the intent of United to provide, whenever feasible, for the protection of United's proprietary rights in any inventions, applications or patents resulting from research funded by United. United further states that the jurisdictional portion of any revenues realized as a result of the possible uses of the pilot plant gas will be credited to United's jurisdictional customers.

Any person desiring to be heard or to make any protest with reference to said supplement should, on or before February 6, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of United's filings in this docket are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2244 Filed 1-25-78; 8:45 am]

[6740-02]

[Project No. 2402]

UPPER PENINSULA POWER CO.

Order Providing for Hearing

JANUARY 19, 1978.

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

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the Federal Power Commission on the date the DOE Act takes effect shall not be affected, and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued, and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

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

By order dated January 25, 1968,[1] the FPC issued a major license to the Upper Peninsula Power Co. (Licensee) for the Prickett Project, FERC No. 2402, located on the Sturgeon River, in Baraga and Houghton Counties, Mich. Article 33 of the license requires the Licensee to discharge at all times a minimum flow of six cubic feet per second (cfs) from the project powerhouse to the Sturgeon River. The FPC also reserved by Articles 13[2] and 16[3] of the license for Project No. 2402, the right to require the Licensee to modify the operation of the project, including increasing the minimum flow release, for the conservation and development of fish and wildlife resources, and other beneficial public uses, including recreational purposes.

By letter dated November 3, 1975, the Michigan Department of Natural Resources (DNR) forwarded to the Licensee a proposal that the current minimum flow discharge from the project be increased to 70 cfs, or an amount equal to the inflow into the reservoir, whichever is the lesser amount, for the protection of fish, other aquatic life, and wildlife resources. The Licensee by letter dated December 3, 1975, rejected DNR's proposal, stating that any increase in the minimum discharge would not be in the interest of the rate payer and would not be in keeping with the "National policy" on fossil fuel conservation.

DNR by letter dated February 9, 1976, requested the FPC to order the Licensee to release at all times a minimum flow of 70 cfs or the inflow into the reservoir, whichever is the lesser amount, from the Prickett project for the protection of fish, other aquatic life, and wildlife resources. DNR stated that the Licensee's on-off operational policy of the project was having a disatrous effect on the newly established coho and chinook salmon runs, as well as the native populations of trout, sturgeon, and walleye. DNR also stated that a 70-cfs minimum flow would provide 80 percent of the downstream wetted perimeter to become available for the production of fish food organisms, and permit approximately 65 percent of downstream spawning gravel to be utilized for fish production. It appears that the increase in flow is requested to enhance the current downstream fishery resources as well as to promote the introduction of anadromous fish that are not indigenous to the Sturgeon River.

By letter dated April 8, 1976, the United States Department of the Interior, Fish and Wildlife Service (Department), stated that flows below 70 cfs have adverse impacts on the downstream aquatic ecosystem, particularly during periods when the Prickett project is not generating electricity. The Department claims that the Sturgeon

[1] Order Issuing License, *Upper Peninsula Power Company*, Project No. 2402, 39 F.P.C. 86 (January 25, 1968).

[2] Article 13 provides, in part, that: * * * the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations * * * as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power and other beneficial public uses, including recreational purposes; and the Licensee shall release water from the project reservoir at such rate in cubic feet per second * * * as the Commission may prescribe for the other purposes hereinbefore mentioned.

[3] Article 16 reads as follows: The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance and operation of such facilities and comply with such reasonable modifications of the project structures and operation as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing and upon findings based on substantial evidence that such facilities and modifications are necessary and desirable, reasonably consistent with the primary purpose of the project, and consistent with the provisions of the Act.

River below the project has the potential to support a high quality and productive fishery for trout, salmon, walleye, sturgeon, and various forage species, provided an adequate minimum flow is established and maintained. The Department recommended and requested that the Licensee be required to provide a minimum flow from the Prickett dam in conformance with the aforementioned DNR proposal.

On August 20, 1976, notice of the request for a change in the minimum flows was given in the FEDERAL REGISTER and local newspapers in the vicinity of the project.

By letter dated September 27, 1976, the Licensee stated that it believed that the current minimum flow requirement of 6 cfs is best adapted to a comprehensive plan for the development of the Sturgeon River. The Licensee also stated that an increase in the existing minimum flow requirement as requested by DNR would result in greater reliance on fossil-fule generation and higher costs for the the rate payer. The Licensee further stated that should the Commission determine that modification of Article 33 of the licensee is appropriate, a hearing should be held in accordance with the Commission's Rules of Practice and Procedure.

Upon investigating the matter, the Commission staff determined that the Licensee and DNR may not have exhausted all of the possibilities of reaching an accommodation on the question of minimum flow releases. At an informal technical conference conducted by staff on March 24, 1977, all parties agreed that further cooperative studies would be useful as an aid to assessing their own priorities and concerns as well as determining the basis for a possible agreement on operation of the Prickett Project. Licensee and DNR agreed to enter into negotiations following the cooperative studies, and DNR stated that it would renew its request for a hearing only at such time as an impasse was reached in the negotiations. The information compiled during the studies was to be made available to all parties as well as the Commission staff.

The cooperative studies were carried out as agreed in June, 1977, and negotiations ensued later in the summer. The discussions did not prove fruitful, and DNR renewed its request for a hearing by letter of October 20, 1977. The information compiled during the field investigation of June, 1977, has not been made available to the Commission staff.

In light of the above, we believe that it is appropriate and in the public interest that a hearing be held to determine whether the operation of the Prickett project, including the minimum flow releases, should be modified for the conservation and development of fish and wildlife resources, and other beneficial public uses, including recreational purposes. In so doing, we recognize that there is an inadequate record before us which would permit an informed decision on this matter at this time. By the same token, we are also unable at this time to determine whether any modification requirement to the minimum flow releases would be a major Federal action significantly affecting the quality of the human environment, and thus require the preparation of an environmental impact statement prusuant to the National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(C), and our implementing Order No. 415-C. It shall therefore be the objective of the Presiding Administrative Law Judge to develop a complete record in order that an informed decision can be made. The Presiding Administrative Law Judge shall also determine whether a staff environmental impact statement (EIS) is required. The Presiding Judge shall, however, hear the parties' direct case and afford the parties an opportunity to submit written statements on the need for an EIS before arriving at his decision.

The Commission finds: It is appropriate for the purposes of the Federal Power Act and in the public interest to hold a hearing, as hereinafter provided, to determine whether the operation of the Prickett project, including the minimum flow releases, should be modified for the conservation and development of fish and wildlife resources, and other beneficial public uses, including recreational purposes. In addition, the Presiding Administrative Law Judge assigned to this proceeding shall determine whether an environmental impact statement is required as discussed above.

The Commission orders: (A) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by the Federal Power Act, particularly sections 10(a), 10(g), 308, and 309 thereof, the license for Project No. 2402, and the Commission's Rules of Practice and Procedure, an initial conference shall be held at 9:30 a.m. on February 8, 1978, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., respecting the matters involved and the issues presented in the finding above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose pursuant to section 3.5 of the Commission's regulations, 18 C.F.R. § 3.5 (1977), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates and to rule on all motions with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided in the Commission's Rules of Practice and Procedure.

(C) The Commission's Rules of Practice and Procedure shall apply in this proceeding except to the extent that they are modified and supplemented herein.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Commissioner Holden voted present.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-2242 Filed 1-25-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[SS Docket Nos. 78-22, 78-23; File Nos. 31-A-RL-107, 16-A-L-117]

DU PAGE AVIATION CORP. AND PLANEMASTER SERVICES, INC.

Designating Applications for Consolidated Hearing on Stated Issues, Order

Adopted: January 19, 1978.

Released: January 23, 1978.

In re application of DuPage Aviation Corp., West Chicago, Ill., SS Docket No. 78-22, File No. 31-A-RL-107; Planemaster Services, Inc., West Chicago, Ill., SS Docket No. 78-23, File No. 16-A-L-117; for an aeronautical advisory station to serve DuPage County Airport, West Chicago, Ill.

1. DuPage Aviation Corp. (hereinafter called DuPage), and Planemaster Services, Inc. (hereinafter called Planemaster), have each filed an application for authority to operate an aeronautical advisory station at the same airport. DuPage seeks renewal of its current station license while Planemaster filed for a new station authorization. In that § 87.251(a) of the Commission's rules provides that only one aeronautical advisory station may be authorized at a landing area, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following comparative issues:

(a) To determine which applicant would provide the public with better

aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the aviation services (Part 87) that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators;

(b) To determine the manner in which DuPage has operated aeronautical advisory station WBU6 at DuPage County Airport; and

(c) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) where the burdens are on DuPage and issue (c) which is conclusory.

4. *It is further ordered*, That to avail themselves of an opportunity to be heard, DuPage and Planemaster, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc. 78-2249 Filed 1-25-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 466]

B. H. SOBELMAN & CO., INC.

Order of Revocation

The bond issued in favor of B. H. Sobelman & Co., Inc., 248 Bourse Building, Philadelphia, Pa., 19106, FMC 466, was cancelled effective January 11, 1978.

By letter dated December 14, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 466 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 11, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 466 issued to B. H. Sobelman & Co., Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 466 be and is hereby revoked effective January 11, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon B. H. Sobelman & Co., Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-2207 Filed 1-25-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1569]

WEICKER TRANSFER & STORAGE CO., D.B.A. WEICKER INTERNATIONAL

Order of Revocation

The bond issued in favor of Weicker Transfer & Storage Co., d.b.a. Weicker International, P.O. Box 5207 T. A., Denver, Colo. 80217, FMC No. 1569, was canceled effective January 14, 1978.

By letter dated December 19, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1569 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 14, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(d), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1569 issued to Weicker Transfer & Storage Co. d.b.a. Weicker International, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1569 be and is hereby revoked effective January 14, 1978.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Weicker Transfer & Storage Co., d.b.a. Weicker International.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-2206 Filed 1-25-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1607]

NORMA E. SANCHEZ

Order of Revocation

The bond issued in favor of Norma E. Sanchez, P.O. Box S-2350, Old San Juan, P.R. 00903, FMC No. 1607, was canceled effective December 24, 1977.

By letter dated November 28, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1607 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 24, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(d), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1607, issued to Norma E. Sanchez, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1607 be and is hereby revoked effective December 24, 1977.

It is further ordered, That a copy of this order be published in the FEDERAL

REGISTER and served upon Norma E. Sanchez.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc. 78-2208 Filed 1-25-78; 8:45 am]

[6730-01]

[Docket No. 78-1]

SAIPAN SHIPPING CO., INC. v. ISLAND NAVIGATION CO., LTD. AND OCEANIA LINE, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Saipan Shipping Co., Inc., against Island Navigation Co., Ltd., and Oceania Line, Inc., was served January 19, 1978. The complaint alleges violations by respondents of sections 15, 17, and 18(b) of the Shipping Act, 1916, in connection with carriage of cargo by respondents in the Guam/Northern Marianas trade.

Hearing in this matter, if any is held, shall commence on or before June 18, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc. 78-2209 Filed 1-25-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

VALLEY BANK SHARES, INC.

Formation of Bank Holding Company

Valley Bank Shares, Inc., Valley, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Valley, Valley, Nebr. 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 Resrve 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 9, 1978.

Board of Governors of the Federal Reserve System, January 19, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-2211 Filed 1-25-78; 8:45 am]

[6210-01]

FEDERAL OPEN MARKET COMMITTEE

Domestic Open Market Operations; Authorization

In accordance with the Committee's rules regarding availability of information, notice is given that at its meeting on January 17, 1978, a new paragraph 4 was added to the Committee's authorization for domestic open market operations. The new paragraph reads as follows:

4. In order to ensure the effective conduct of open market operations, while assisting in the provision of short-term investments for foreign and international accounts maintained at the Federal Reserve Bank of New York, the Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York: (a) For System Open Market Account, to sell U.S. Government securities to such foreign and international accounts on the bases set forth in paragraph 1(a) under agreements providing for the resale by such accounts of those securities within 15 calendar days on terms comparable to those available on such transactions in the market; and (b) for New York Bank account, when appropriate, to undertake with dealers, subject to the conditions imposed on purchases and sales of securities in paragraph 1(c), repurchase agreements in U.S. Government and agency securities, and to arrange corresponding sale and repurchase agreements between its own account and foreign and international accounts maintained at the Bank. Transactions undertaken with such accounts under the provisions of this paragraph may provide for a service fee when appropriate.

By order of the Federal Open Market Committee, January 20, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-1082 Filed 1-25-78; 8:45 am]

[6210-01]

BEDFORD BANCORP

Formation of Bank Holding Company

Bedford Bancorp, Bedford, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.52 percent or more of the voting shares of State Savings Bank, Bedford, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 8, 1978.

Board of Governors of the Federal Reserve System, January 19, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-2210 Filed 1-25-78; 8:45 am]

[4110-39]

DEPARTMENT OF HEALTH, EDUCATION, & WELFARE

National Institute of Education

PANEL FOR THE REVIEW OF LABORATORY AND CENTER OPERATIONS

Meeting

Notice is hereby given that the next meeting of the Panel for the Review of Laboratory and Center Operations will be held on February 11-12, 1978, at the Dupont Plaza Hotel, Connecticut and Massachusetts Avenues NW., Washington, D.C., in the Dupont Room. The Panel will meet from 9 a.m. until 5 p.m. on February 11 and from 9 a.m. until approximately 4 p.m. on February 12.

The Panel for the Review of Laboratory and Center Operations is established under section 405 of the General Education Provisions Act as amended by section 403(d) of the Education Amendments Act of 1976, 20 U.S.C. 1221e. Its functions include:

(a) Preparing recommendations on initial long-range funding and program plans submitted by the 17 educational laboratories and research and development centers;

(b) Reviewing and assessing the operations of the laboratories and centers and making recommendations for the improvement and continuation of individual laboratories and centers and for the support of new laboratories and centers.

The entire meeting will be open to the public. The agenda below will revolve around the follow-up of issues raised in the Panel's interim report on the long-range plans submitted by the laboratories and centers and the planning of site visits by the Panel.

SATURDAY, FEBRUARY 11, 1978

9 a.m.—Convene.
9-9:15—Approve January 7-9 minutes.
9:15-9:45—General business.
9:45-10:30—Discussion of follow-up communications with labs and centers.

10:30-10:45—Break.
10:45-12—Discussion of issues raised in interim report.
12-1:15—Lunch.
1:15-2:45—Discussion of lab and center site visits.
2:45-3—Break.
3-5—Discussion with NIE officials on lab and center relationships and policies.

SUNDAY, FEBRUARY 12, 1978

9:00-10:30—Discussion of lab and center site visits.
10:30-10:45—Break.
10:45-12—Discussion of lab and center site visits.
12-1:15—Lunch.
1:15-2:30—Discussion of future work and meetings.
2:30-2:45—Break.
2:45-4—General business.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the address shown below.

In accordance with the announcement previously made, 42 FR 43131, August 26, 1977, copies of the records of all Panel proceedings can be obtained by contacting the Panel office. Minutes require approval by the Panel at a subsequent meeting and are available to the public two weeks following their approval.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Panel office at the address or telephone number listed below:

Panel for the Review of Laboratory & Center Operations, National Institute of Education, Washington, D.C. 20208, 202-254-5680.

Dated: January 23, 1977.

CAROLYN BREEDLOVE,
Staff Director, Panel for the Review of Laboratory and Center Operations.

[FR Doc. 78-2254 Filed 1-25-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the third meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATES: February 13 and 14, 1978, 9 a.m. to 5 p.m.

ADDRESS: Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Room 4913, ROB-3, 400 Maryland Avenue SW., Washington, D.C. 20202, AC 202-245-2825 or 245-2352.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the needs of historically Black colleges and universities.

The meeting on February 13 and 14, 1978, will be open to the public beginning at 9:00 a.m. and ending 5 p.m. each day. The meeting will be held at the Shoreham Americana Hotel, 2500 Calvert Street NW., 20008.

The proposed agenda includes continuation of the drafting of policy recommendations on access, diversity and productivity of Blacks in higher education and Black colleges and universities.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located at 7th and D Streets SW., Room 4913, ROB-3, Washington, D.C.

Signed at Washington, D.C., on January 19, 1978.

CAROL J. SMITH,
Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 78-2285 Filed 1-25-78; 8:45 am]

[4110-12]

Office of Human Development Services

[Program Announcement No. 13626-781]

SPECIAL PROJECTS FOR SERVICES AND FACILITIES

Announcement of Grants for Fiscal Year 1978

The Rehabilitation Services Administration, Office of Human Development Services, announces that applications will be accepted until March 31, 1978, from State vocational rehabilitation agencies, rehabilitation facilities and other public or nonprofit agencies and organizations wishing to compete for grants in fiscal year 1978 under the rehabilitation special projects for services and facilities program authorized by sections 302(b), 302(c), 304(b)(1), and 304(c) 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 applicable to this program were published in the FEDERAL REGISTER in Subparts, A, B, and C 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, evaluation criteria and application procedures for the specified sections of the Rehabilitation Special Projects for Services and Facilities Program for Fiscal year 1978.

A. PROGRAM PURPOSE

The purpose of the Rehabilitation Special Projects for Services and Facilities Program is to expand or improve vocational rehabilitation services for the physically and mentally handicapped.

B. PROGRAM OBJECTIVES AND ELIGIBLE APPLICANTS

Section 302(b).—Training services. Under this section grants may be made for projects which are designed to provide vocational training in occupational skills, leading to maximum employability of handicapped individuals. Emphasis is on training services directed to the most severely disabled.

Priority will be given to those applications which have the following specific objectives:

1. Preparation of handicapped persons, particularly those who are severely disabled, for employment.

2. Encouragement of handicapped persons to undertake and complete skill training.

3. Improvement and expansion of occupational skill training opportunities

and related training services for the handicapped.

4. Encouragement of rehabilitation facilities to be more responsive to changing employment opportunities and changing training needs of State Rehabilitation Agencies.

5. Encouragement of experimentation in training methods relating to the teaching of occupational skills.

Application may be made by States and public or private nonprofit organizations and agencies. The rehabilitation facility to be involved in the provision of vocational training services shall:

1. Be a public or private nonprofit rehabilitation facility;

2. Have been in operation at least one year;

3. Provide training courses in occupational skills (with the major portion of each course being provided within the rehabilitation facility) and provide related services including work evaluation, work testing and job tryouts (with the major portion of each of these items with the exception of job tryouts being provided within the rehabilitation facility);

4. Meet occupational health and safety standards prescribed by regulations of the Secretary of Labor;

5. Substantially meet any standards for rehabilitation facilities established by the Secretary; and

6. Prepare trainees for gainful employment.

Section 302(c).—Facility improvement. Facility improvement grants may be made to analyze, improve and increase professional services, management effectiveness or other operational aspects of rehabilitation facilities affecting the facility's capability to provide employment and services for the handicapped.

Application may be made by any public or private nonprofit rehabilitation facility, or an organization or combination of such facilities, which has been in operation for at least twelve months.

Section 304(b)(1).—Special projects for severely disabled. Under this section, grants may be made to support projects and demonstrations to establish programs which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals. Specific target disability groups are older blind individuals, deaf persons whose maximum vocational potential has not been achieved and those individuals with epilepsy, cerebral palsy, multiple sclerosis or mental illness. Applications under this section must address one of these target groups.

Any State or other public or nonprofit agency or organization is eligible to apply.

For projects directed toward the mentally ill, priority will be given to those applications which have the following specific objectives:

1. Cooperative programming involving a State rehabilitation agency and a community mental health center, department of mental health, institution or other treatment resource designed to expand and improve vocational rehabilitation services for people with severe mental illness.

2. Prevention of institutionalization through the development of alternative vocationally-oriented rehabilitation programs in the community.

3. Demonstration of the role and function of a State rehabilitation agency within a system of community support services aimed at assisting individuals currently in institutions to achieve a satisfactory vocational adjustment in a less-restrictive environment.

4. Determination of the special needs in job development, placement, and follow-up services for persons severely handicapped by mental illness.

For projects directed toward individuals with epilepsy, cerebral palsy, or multiple sclerosis, priority will be given to those applications which have project objectives as follows:

1. Development of cooperative arrangements between a State rehabilitation agency and the State or local affiliate of a national organization concerned with the target population (e.g., United Cerebral Palsy, Epilepsy Foundation of America, National Multiple Sclerosis Society) to foster early referral and a coordinated approach to the provision of vocational rehabilitation services.

2. Identification of the constellation of services essential to the optimal vocational adjustment of the target population.

3. Exploration of rehabilitation needs unique to the target disability group in such areas as job development and post-employment services, psycho-social and recreational activities, services to families, and effective meas- ures for dealing with intermittent exacerbation-remission of symptomatol- ogy in the vocational rehabilitation process.

4. Establishment of a coordinated relationship between a State rehabilitation agency and a specialized medical resources (e.g., a seizure clinic) in the interest of joint programming aimed at the integration of treatment and vocational rehabilitation services.

Section 304(c).—Handicapped migratory agricultural and seasonal farmworkers. Under this authority grants may be made for projects or demonstrations which will provide vocational rehabilitation services to physically or mentally disabled migratory agricultural workers or seasonal farmworkers or to members of their families who are with them where such services are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker or seasonal farmworker.

Only State or local vocational rehabilitation agencies are eligible to apply.

C. Available Funds

An estimate of total monies available for new or competing extension projects in fiscal year 1978 is as follows: (1) Training Services and Facility Improvement, $4,052,000; (2) Severely Disabled, $1,200,000; and (3) Migratory Workers, $600,000. Normally, projects under the Special Projects for the Severely Disabled program (Section 304(b)(1)) are funded at a level of approximately $75,000–$120,000. During fiscal year 1978 from the monies available, it is expected that at least two projects will be funded in each of the priority areas of deafness and blindness and at least one project in each of the remaining priority areas. Size of individual grants and number of awards to be made under the other programs is variable. Applicants are advised to consult with the Regional Office in the Region where the applicant is located before making application to ascertain whether funds will be available in that specific Region for funding new or competing extension application in fiscal year 1978.

D. Grantee Share of Project

It is generally expected that grantees will provide at least some of the total project costs. Applicants for Training Service and Migratory Worker projects will be expected to provide at least 10 percent of total project costs. Applicants for Facility Improvement projects must provide a minimum of 20 percent. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q.

E. The Application Process

A-95 Clearinghouse notice. In compliance with the Department of Health, Education and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of the intent to apply for Federal Assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at

42 FR 2210, Jan. 10, 1977) for information on how they can meet the A-95 requirements.

State VR agency approval. Applicants are advised to consult with their State Vocational Rehabilitation Agency in the initial stages of application development to ensure State Agency requirements are met and approval is obtained. All applications submitted under this program must have State Agency approval before submission to the Rehabilitation Services Administration.

Application submission. In order to be considered for a grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. 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 Special Projects for Services and Facilities 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, except for applications pursuant to section 304(b)(1) should be submitted to the Regional Office from which the application was obtained or as otherwise specifically instructed in the application material. Applications for projects pursuant to section 304(b)(1) should be submitted to the Division of Grants and Contract Management, Office of Human Development Services, Room 1427, Mary E. Switzer Bldg., 330 "C" Street SW., Washington, D.C. 20201.

Application consideration. The Director, Office of Rehabilitation Service in the Regional Office or, in the case of projects pursuant to section 304(b)(1), the Commissioner of Rehabilitation Services determine 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 persons outside the cognizant Program Office. The results of the competitive review assist the Director, Office of Rehabilitation Services or the Commissioner's consideration of the competing applications. This consideration also takes into account the comments of the A-95 Clearinghouses, State VR Agencies, the HEW Regional Offices or the headquarters program office. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside the Government.

After the Director, Office of Rehabilitation Services or the Commissioner have 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 Director, Office of Rehabilitation Services or the Commissioner make 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. The Notice of Grant Awarded sets forth in writing to the grantee 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, if any. The initial award also specifies the total project period for which support is contemplated.

F. Criteria for Review and Evaluation of Applications

All new and competing extension applications received in response to this announcement will receive a technical review by qualified experts. Applications are evaluated against the following criteria:

1. Project objectives are identical with or are capable of achieving program objectives as defined in this announcement.
2. Project activities or tasks are capable of achieving project objectives.
3. Estimated cost to the Government is reasonable in relation to anticipated project results.
4. Budget items are appropriate in relation to project activities.
5. Adequate facilities are available to the applicant to carry out the project.
6. Project personnel, actual or proposed, are, or will be, well trained and qualified.
7. Staffing levels are adequate to carry out the project.
8. Project contains an adequate evaluation component.
9. Project provides for adequate liaison with the State Agency and community groups to ensure client referrals, outreach and utilization of project results.
10. Applicant employs sound financial management practices and controls to ensure the proper management of Federal funds.
11. Project demonstrates the potential for the project to be continued after termination of Federal support.
12. Project demonstrates the potential for project results to be effectively utilized after termination of support.

G. Closing Date for Receipt of Applications

Applications are due by close of business (COB) on March 31, 1978. Applications will be judged on time if:

1. The application was sent by registered or certified mail not later than March 31, 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 Serivces 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 applicaton in the application instructions. Hand delivered applications will be accepted no later than COB March 31 in any case.

H. Late Applications

Late applications are not accepted and applicants are notified accordingly.

Availability of Application Forms

Application kits which contain the prescribed application forms and information for the applicant may be obtained by writing to the Director, Office of Rehabilitation Services for the Region in which the applicant is located. Addresses are listed below. When requesting application kits, applicants must specify the program (e.g., Section 302(b), 304(b)(1), etc.) under which they are applying in order to ensure they are applying in order to ensure they receive the relevant application material. Applicants should request kits for only those programs for which they are eligible (see Section B above).

J. Regional Office Addresses

Region I. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Room 2011, Government Center, Boston, Mass. 02203.

Region II. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Building, Room 4106, 26 Federal Plaza, New York, N.Y. 10007.

Region III. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Office of Human Development Services, P.O. Box 13716, Philadelphia, Pa. 19101.

Region IV. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50—7th Street, N.E., Room 362, Atlanta, Ga. 30323.

Region V. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 31st Floor, Chicago, Ill. 60606.

Region VI. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Fidelity Union Life Building, Room 340, 1511 Bryan Street, Dallas, Tex. 75201.

Region VII. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 601 East 12th Street, Room 384, Kansas City, Mo. 64106.

Region VIII. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 11037, 19th and Stout Streets, Denver, Colo. 80294.

Region IX. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 United Nations Plaza, San Francisco, Calif. 94102.

RegionX. Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Wash. 98101.

(Catalog of Federal Domestic Assistance Program Number: 13.626 Rehabilitation Services and Facilities—Special Projects.)

Dated: January 20, 1978.

ROBERT R. HUMPHREYS,
Commissioner of Rehabilitation Services.

Approved: January 20, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 78-2224 Filed 1-25-78; 8:45 am]

[4110-12]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on February 24, 1978, at 7:30 p.m. through February 26, 1978, at 12 p.m., at St. Edward's University, 3001 South Congress Avenue, Austin, Tex.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under section 404 of the General Education Provisions Act.

The meeting will be open to the public. It will be for the purpose of exploring postsecondary education needs for Mexican-American students in the Southwest.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3123, Washington, D.C. 20202, telephone 202-245-8091.

Signed at Washington, D.C., on January 19, 1978.

ERNEST BARTELL,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 78-2261 Filed 1-25-78; 8:45 am]

[4110-12]

PUBLIC MEETING ON INFLUENZA

The Secretary, DHEW, announces his intent to hold a public meeting to discuss the new strain of influenza, A/USSR/1977. Issues relating to an appropriate national influenza immunization policy for 1978-79, such as formulation, supply, usage, and other such relevant matters will be examined. An expert group with competence to address these issues has been convened by the Secretary.

The meeting will be open to the public, attendance limited only by the space available.

Date: January 30, 1978.

Time: 8 a.m. (Registration: 7:45 a.m.)

Place: Conference Room 800, H. H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Contact: H. Bruce Dull, M.D., Assistant Director for Program, Center for Disease Control, Atlanta, Ga. 30333, Phone: 404-633-3311, extension 3701 or FTS: 236-3701.

Other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 23, 1978.

JOHANNES STUART,
Acting Director, Center for Disease Control.

[FR Doc. 78-2297 Filed 1-25-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-78-497]

ADMINISTRATOR OF THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Amendment to Delegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: This Notice amends the Delegation of Authority to the Administrator of the Federal Disaster Assistance Administration, to include authority to issue rules and regulations to implement the Legal Services provisions of the Disaster Relief Act of 1974. The amendment excludes the authority to redelegate authority to issue rules and regulations.

FOR FURTHER INFORMATION CONTACT:

Michael Hirsch, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-7055.

Accordingly, the Delegation of Authority to the Administrator, published at 41 FR 19365, May 12, 1976, is amended as follows:

1. Section A is amended by adding the following phrase to the end of the first sentence: "* * * including the authority to issue rules and regulations." Section A will now read.

Section A. *Authority delegated.* The Administrator of the Federal Disaster Assistance Administration is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to Section 412 of the Disaster Relief Act of 1974 (42 U.S.C. 5182) relating to disaster legal services, including the authority to issue rules and regulations. Said power and authority is conferred upon the Secretary pursuant to Executive Order 11910, entitled "Delegating Legal Services Functions Pursuant to the Disaster Relief Act of 1974," (April 14, 1976, 41 FR 15681).

2. Section B is amended by adding this phrase at the end of the sentence: "* * * except the authority to issue rules and regulations." Section B will now read:

Section B. *Authority to redelegate.* The Administrator may redelegate to employees of the Department of Housing and Urban Development any of the authority delegated in Section A, except the authority to issue rules and regulations.

(Disaster Relief Act of 1974, 88 Stat. 143 (42 U.S.C. 5121n.); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Executive Order 11910, signed April 14, 1976, 41 FR 15681.)

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc. 78-2203 Filed 1-25-78; 8:45 am]

[4210-01]

[Docket No. D-78-498]

ADMINISTRATOR OF THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Amendment to Delegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: This Notice amends the Delegation of Authority to the Administrator of the Federal Disaster Assistance Administration, under the Disaster Relief Act of 1974, to exclude authority to redelegate authority to issue rules and regulations.

FOR FURTHER INFORMATION CONTACT:

Michael Hirsch, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-7055.

Accordingly the Delegation of Authority to the Administrator, published at 39 FR 28227, August 5, 1974, is amended by adding the following phrase to the end of Section C: "* * * except the authority to issue rules and regulations." Section C of the Delegation of Authority will now read as follows:

Sec. C. *Authority to redelegate.* The Administrator may redelegate to employees of the Department of Housing and Urban Development any of the authority delegated in Section A except the authority to issue rules and regulations.

(Disaster Relief Act of 1974, 88 Stat. 143 (42 U.S.C. 5121n.); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); Executive Order 11795, signed July 11, 1974, 39 FR 25939.)

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc. 78-2204 Filed 1-25-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 26176]

COLORADO

Notice of Pipeline Application (Addition)

JANUARY 18, 1978.

In FR Doc. 77-36924, appearing on Page 64743 in the issue for Wednesday, December 28, 1977, Sec. 6: Lot 1 was omitted from T. 9 N., R. 93 W. and by this publication is added thereto.

Dated: January 13, 1978.

ANDREW W. HEARD, Jr.,
Leader, Craig Team, Branch of Adjudication.

[FR Doc. 78-2186 Filed 1-25-78; 8:45 am]

[4310-84]

[Wyoming 61842]

WYOMING

Application

JANUARY 18, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co., has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 93 W.,
Sec. 12, W½NW¼, SE¼NW¼, SW¼.

The pipeline will transport natural gas produced from the Echo Springs Federal No. 1 well at a location in the SW¼ of Section 12, T. 19 N., R. 93 W., into existing pipeline facilities in the SW¼ of Section 1, T. 19 N., R. 93 W., Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 83201.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-2228 Filed 1-25-78; 8:45 am]

[4310-84]

[Wyoming 61828]

WYOMING

Application

JANUARY 17, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colo. filed an application for a right-of-way to construct a 4½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 20 N., R. 98 W.,
Sec. 10, SW¼NW¼.

The purpose of the pipeline is to transport natural gas produced from the Desert Springs No. 25-A well in the NW¼ of section 10, T. 20 N., R. 98 W., to connect with Colorado Interstate Gas Company's existing pipeline in the SE¼ of section 9, T. 20 N., R. 98 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-2227 Filed 1-25-78; 8:45 am]

[4310-70]

National Park Service

GLACIER NATIONAL PARK

Boundary Revision

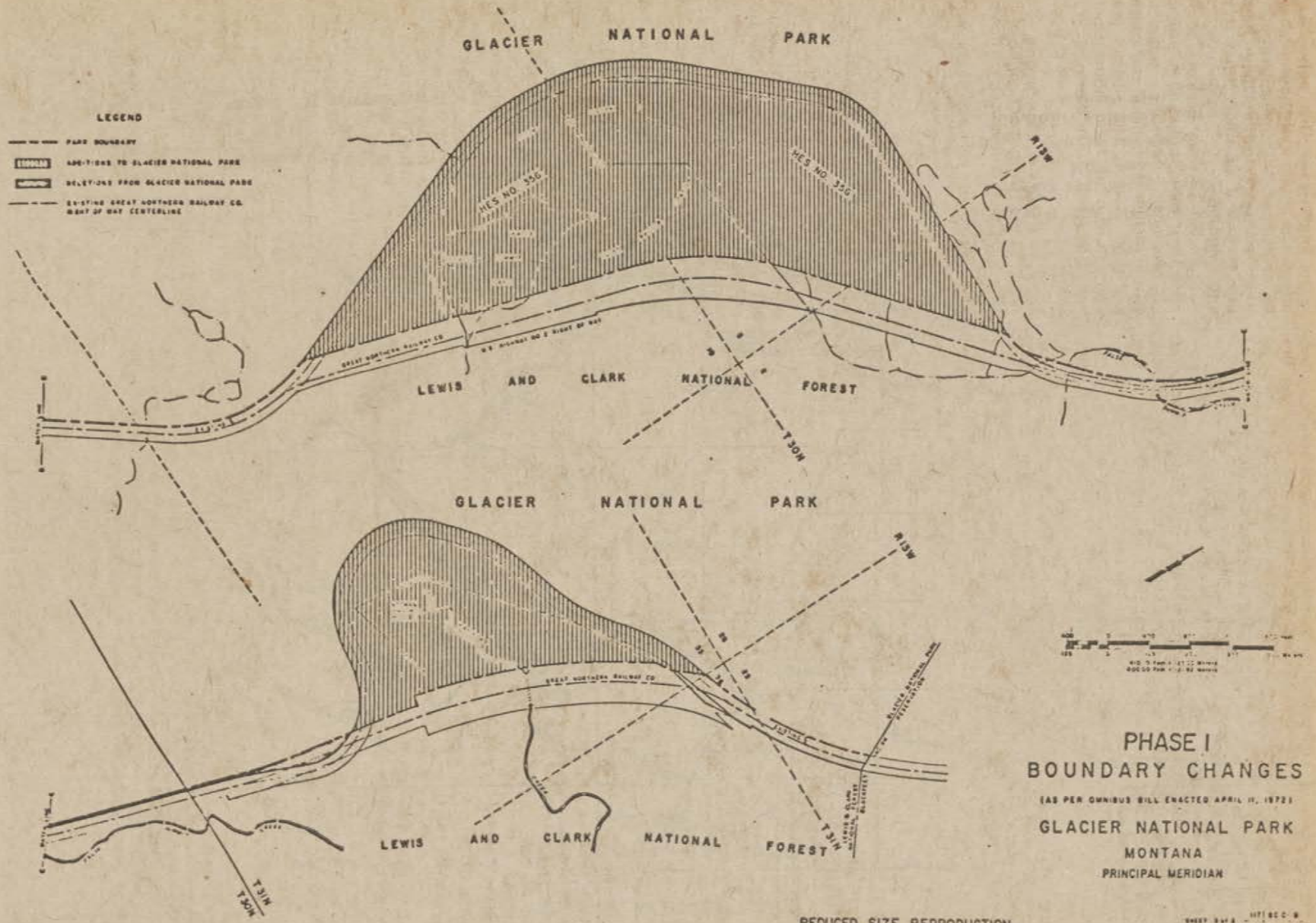
Pursuant to the act of April 11, 1972, Pub. L. 92-272 (86 Stat. 121) sections 301 and 302, the Secretary of the Interior is authorized to revise the boundaries of Glacier National Park to add approximately 267.90 acres and to exclude approximately 68.47 acres, and to publish these revisions by map or other boundary description in the FEDERAL REGISTER.

In accordance with the above act, notice is hereby given that the boundaries of Glacier National Park, Mont., have been partially revised to add approximately 316.76 acres and to exclude approximately 22.24 acres as depicted on boundary map numbered 80,011B, dated August 1977, prepared by the Denver Service Center of the National Park Service. This map is on file and available for inspection in the administrative office of Glacier National Park, West Glacier, Mont. 59936, The Rocky Mountain Regional Office of the National Park Service, 655 Parfet Street, Lakewood, Colo. 80225, and the Department of Interior, Washington, D.C. 20240.

All federally owned lands lying within the revised boundary as delineated on the referenced map are therefore included in Glacier National Park and are subject to the laws and regulations applicable to the park.

Dated: January 13, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.



REDUCED SIZE REPRODUCTION

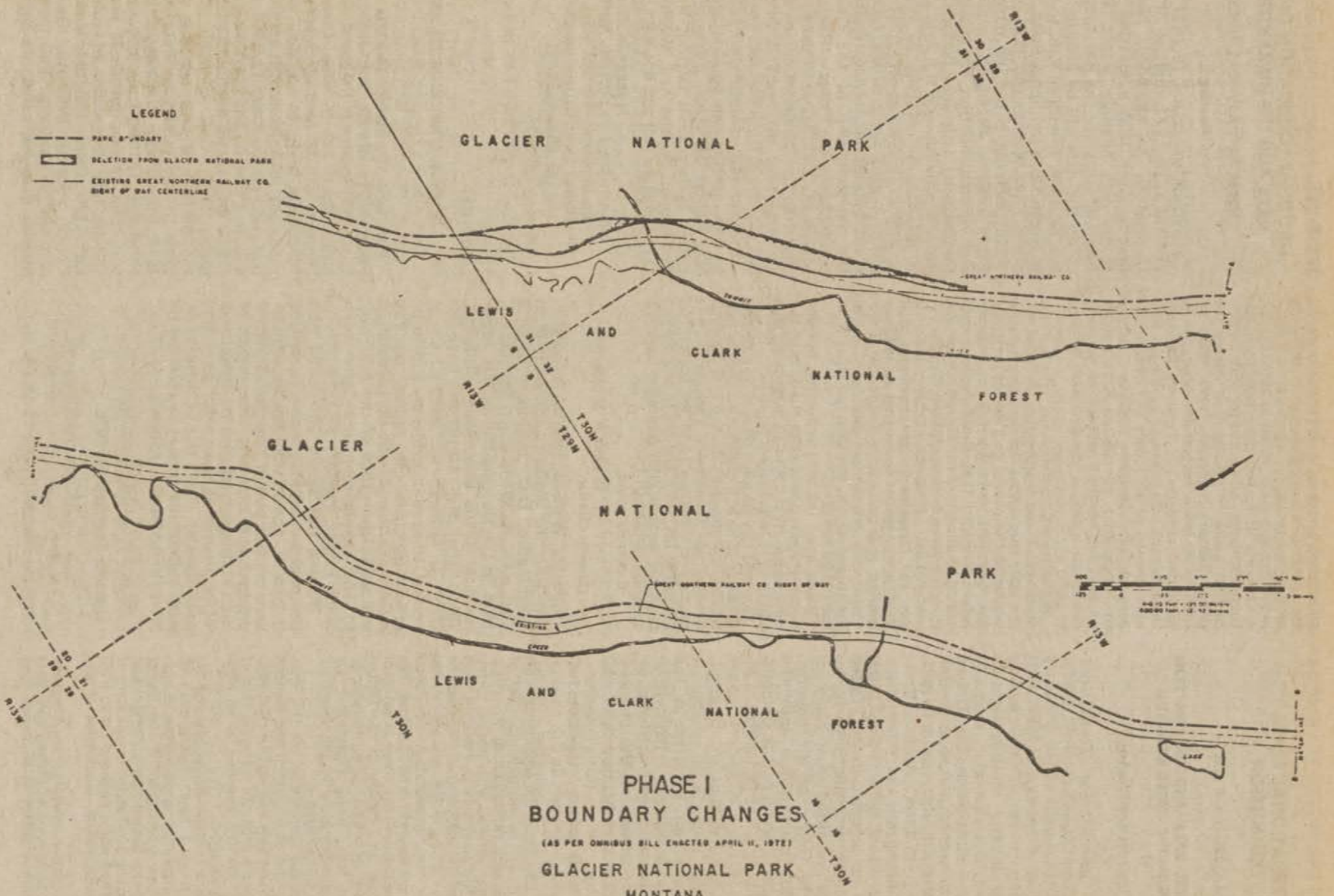




PHASE I
BOUNDARY CHANGES AS PER
OMNIBUS BILL
ENACTED APRIL 11, 1972

GLACIER NATIONAL PARK
Flathead and Glacier Counties
MONTANA
Principal Meridian

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



[FR Doc. 78-2058 Filed 1-25-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-8 and 9]

CARBON STEEL BARS AND CARBON STEEL STRIP FROM THE UNITED KINGDOM

Inquiries and Hearing

The U.S. International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on January 17, 1978, that during the course of determining whether to initiate an investigation with respect to carbon steel bars and carbon steel strip from the United Kingdom in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), Treasury concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Therefore, the Commission on January 23, 1978, instituted inquiries AA1921-Inq.-8 and 9, under section 201(c)(2) of that act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The Treasury advised the Commission as follows:

DEAR MR. CHAIRMAN: In accordance with section 201(c) of the Antidumping Act of 1921, as amended, antidumping investigations are being initiated with respect to imports of carbon steel bars and carbon steel strip from the United Kingdom. Pursuant to section 201(c)(2) of the Act, you are hereby advised that the information developed during our preliminary investigations has led to the conclusion that there is substantial doubt that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of this merchandise into the United States.

Based upon discussions with the U.S. Customs Service and your staff, it was decided that carbon steel bars and carbon steel strip each constitute a separate "class or kind of merchandise" for the purposes of an antidumping investigation.

For purposes of these investigations, the term "carbon steel bars" means bars of steel, other than alloy, provided for in item numbers 608.45 and 608.46 of the Tariff Schedules of the United States (TSUS) and the term "carbon steel strip" means strip of steel, other than alloy, provided for in item numbers 609.02, 609.03, and 609.04 of the TSUS.

The information available to Treasury with respect to imports of carbon steel bars from the United Kingdom indicates that those imports increased substantially during the period January-September 1977—the most recent period for which data are available—over the same period in 1976. However, imports of carbon steel bars from the United Kingdom accounted for only 1.4 percent of domestic consumption during the period January-September 1977. With respect to imports of carbon steel strip, the information available to Treasury indicates those imports also increased during the first nine months of 1977 over the comparable period in 1976. However, imports of carbon steel strip from the United Kingdom accounted for only 0.2 percent of domestic consumption during the first nine months of 1977.

Furthermore, although in recent years profitability and employment declined appreciably throughout the domestic industry producing the classes or kinds of merchandise described above, there is no evidence before Treasury that those declines were caused by imports of the alleged sales at less than fair value from the United Kingdom.

Accordingly, from the available information the Department has concluded that there is substantial doubt that an industry is being, or is likely to be, injured, or is prevented from being established, by reason of the alleged sales at less than fair value from the United Kingdom.

Based upon the data submitted by petitioner, the margins of sales at less than fair value range from 2.6 to 12 percent on bars and from 24 to 26 percent on strip.

Some of the enclosed data is regarded by Treasury to be of a confidential nature. It is therefore requested that the U.S. International Trade Commission consider all the enclosed information to be for the official use of the ITC only, and not to be disclosed to others without prior clearance from the Treasury Department.

Sincerely yours,

[s] ROBERT H. MUNDHEIM,
General Counsel.

Hearing. A public hearing in connection with the inquiries will be held in Washington, D.C., beginning at 9:30 a.m., e.s.t., on Wednesday, February 1, 1978, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. All persons have the right to appear by counsel or in person, to present evidence, and to be heard. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon, Friday, January 27, 1978.

Written statements. Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than Monday, February 6, 1978.

By order of the Commission.

Issued: January 24, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-2298 Filed 1-25-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Production Aid/Radio) to the National Council on the Arts will be held on February 14, 1978, from 9:30 a.m. to 7 p.m., in Room 1219, Columbia Plaza, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

JANUARY 23, 1978.

[FR Doc. 78-2279 Filed 1-25-78; 8:45 am]

[7537-01]

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on February 10, 1978, from 9 a.m. to 5:30 p.m., on February 11, 1978, from 9:30 a.m. to 5:30 p.m., and on February 12, 1978, from 9 a.m. to 1 p.m., in the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C.

A portion of this meeting will be open to the public on February 10, 1978, from 9 a.m. to 5:30 p.m., and on February 11, 1978, from 9:30 a.m. to 3 p.m. The agenda for these meetings will include discussions of guidelines for Literature, Artists-in-Schools, Dance Touring Program, Orchestra and Opera Programs, Folk Arts, and Special Projects, assistance for previ-

ously ineligible groups, and general policy.

The remaining sessions of this meeting on February 11, 1978, from 3 p.m. to 5:30 p.m., and February 12, 1978, from 9 a.m. to 1 p.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determinations of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

JANUARY 20, 1978.

[FR Doc. 78-2234 Filed 1-25-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-4]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS

Availability

Highway Accident Report.—The National Transportation Safety Board has completed its investigation into the August 20, 1976, collision of a tractor-semitrailer with 10 automobiles on State Route 17 in Valley View, Ohio. The tractor, leased to the Long Transportation Co. of Detroit, Mich., went out of control while descending a steep 10-percent grade; the automobiles were stopped at a traffic signal at the bottom of the grade. Eight of the 27 occupants died and 15 were injured.

The Safety Board determined that the probable cause of the accident was the inability of the improperly adjusted and partially inoperative service brake system on the tractor-semitrailer to adequately slow the vehicle as it descended the grade. Inadequate pretrip inspections by the driver and the lack of required maintenance and inspection by the carrier failed to identify and to correct the unsafe condition of the brake system.

Further, the Board found that the failure of the road signs to provide advance warning information concerning the length and steepness of the grade and the presence of the signalized interseciton, prevented the driver from taking early evasive action.

On January 12, as a result of its investigation of this accident, the Safety Board issued the following recommendations:

To the State of Ohio:

Conduct, in cooperation with the city of Garfield Heights and the Village of Valley View, a traffic survey and analysis of that part of State Route 17 (Granger Road), extending from the approach to the hill crest in Garfield Heights to Canal Road in Valley View, to determine and install needed advance warning signs which will provide drivers of all types of vehicles information relating to the length and steepness of the grade and the presence of the signalized intersection. (II-77-38)

Consider amending State laws to allow the Director of Transportation to place and maintain traffic control devices that conform to its manual and specifications upon all extensions of State highways through local jurisdictions. (H-77-39)

To the Federal Highway Administration:

Require the State of Ohio to renew its emphasis toward the implementation at the local level of established procedures for the accurate identification of accident locations on all roads and streets, as outlined in Highway Safety Program Standard No. 9, Chapter 7, Section 3A, B, and C. (H-77-40)

Require local jurisdictions to obtain State approval before installing traffic control devices on State routes through their jurisdictions. (H-77-41)

To the U.S. Department of Transportation:

Seek the necessary funding from the Congress to increase the resources of the Federal Bureau of Motor Carrier Safety to enable it to increase its activities devoted to the roadside inspection of commercial motor vehicles and the safety compliance survey of carrier operations. (H-77-42).

To the Bureau of Motor Carrier Safety:

Request added resources to give greater priority to increased roadside inspections of commercial motor vehicles and safety compliance surveys of carrier operations to insure greater compliance of vehicle maintenance operations and records. (H-77-43)

Each of these six recommendations is designated "Class II, Priority Action. Copies of the accident investigation report will be made available to the public in the near future.

Intermodal Transportation Safety Recommendation.—The Safety Board has recommended that the Secretary of Transportation develop, publish, and maintain an official list of regulated hazardous materials that cross-references all United States, United Nations, Intergovernmental Maritime Consultative Organization, and International Air Transport Association commodity descriptions and reference numbers. The list should be arranged for convenient use by all persons engaged in the export or import of hazardous materials. (I-78-1)

The Board's recommendation letter, issued January 17, notes that international trade in hazardous materials by the United States is a multi-billion dollar activity affecting all transportation modes. In shipping these materials U.S. manufacturers and carriers must comply with U.S. Department of Transportation regulations as well as rules of other countries in which the goods move. For example, DOT regulations govern domestic transportation and U.S. flag carriers. Intergovernmental Maritime Consultative Organization regulations apply to ocean transportation. International Air Transport Association restricted articles regulations have been adopted by over 50 other countries but not by the United States. Many European countries base their surface transportation regulations on the recommendations of a United Nations Committee of Experts.

The Board also notes that the name and reference number used for a commodity frequently differs among these regulations. Whenever a shipper exports or imports hazardous materials, such differences must be identified and reconciled to insure compliance with all governing regulations. This complex task requires access to the latest revisions of all applicable regulations, by every party involved in this trade. This case-by-case approach increases the likelihood of misinterpretation and violations. These violations, even unintentional, could have catastrophic results.

The Board believes that a cross-reference list of regulated hazardous materials commodity descriptions and reference numbers must be published and maintained by DOT to achieve official status and widespread use. Once established, this list could serve as a bridge code to information systems developed for other official purposes, such as environmental protection, worker safety, and customs.

NOTE.—The above notice summarizes Safety Board documents made available during the preceding week.

Single copies of the Board's safety recommendation letters in their entirety are available to the public without charge. Requests for copies must be in writing, identified by the recommendation number (shown in parentheses) 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. 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JANUARY 23, 1978.

[FR Doc. 78-2258 Filed 1-25-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ATLANTIC RESEARCH CORP.

Order Convening Hearing

The parties to the proceeding have conferred on January 31, 1978, as a convenient date for hearing on a stipulation to be presented in aid of concluding this proceeding (Byproduct Material License No. 45-02808-04).

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing will convene at 10 a.m. on Tuesday, January 31, 1978, in the South Courtroom (Room 358) of the United States Tax Court, 400 Second Street NW., Washington, D.C.

Issued: January 19, 1978.

For the Nuclear Regulatory Commission.

SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc. 78-2250 Filed 1-25-78; 8:45 am]

[7590-01]

[Docket Nos. 50-346A, 50-440A, and 50-441A]

CLEVELAND ELECTRIC ILLUMINATING CO., DAVIS-BESSE UNIT NO. 1 AND PERRY UNITS NO. 1 AND NO. 2

Request for Order To Show Cause

Notice is hereby given that by petition dated January 4, 1978, the City of Cleveland, Ohio, filed a request that the Nuclear Regulatory Commission commence proceedings pursuant to 10 CFR § 2.202 to require the Cleveland Electric Illuminating Co. to comply with the antitrust license conditions attached to the operating license for Davis-Besse Nuclear Power Station Unit No. 1 and the construction permits for Perry Plant Units No. 1 and No. 2. In accordance with the procedures specified in 10 CFR § 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Local Public Document Rooms, the Perry Public Library, 3753 Main Street, Perry, Ohio 44081, and Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452.

Dated at Bethesda, Md., this 19th day of January 1978.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 78-2253 Filed 1-25-78; 8:45 am]

[7590-01]

[Docket No. 50-141]

STANFORD UNIVERSITY

Proposed Issuance of Order Authorizing Termination of Facility License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an order authorizing the termination of Facility License No. R-60 issued to Stanford University (the licensee), for the Stanford Pool Reactor located on the University's campus near Palo Alto, Calif., in accordance with the licensee's application dated August 9, 1976, as supplemented December 9, 1977.

Prior to issuance of any order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By February 27, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the order in connection with the licensee's application. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application dated August 9, 1976, as supplemented December 9, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 18th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-2251 Filed 1-25-78; 8:45 am]

[7590-01]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised the license and Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment becomes effective 30 days after the date of issuance.

This amendment adds a license condition relating to the completion of facility modifications for fire protection. It also revises Technical Specifications to incorporate limiting conditions for operation and surveillance requirements for existing fire protection systems and administrative controls. Additional operating and surveillance requirements for the modifications being performed will be added to the Technical Specifications after the modifications are completed.

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 licensee's submittals dated January 31, March 18, July 14, August 18, September 13, and November 30, 1977, (2) Amendment No. 43 to License No. DPR-28, 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 Brooks Memorial Library, 244 Main Street, Brattleboro, Vermont. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-2252 Filed 1-25-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-14]

AMERICAN INSTITUTE OF MARINE UNDERWRITERS

Complaint; Petition and Hearing

On November 10, 1977, the Chairman of the section 301 Committee received from the American Institute of Marine Underwriters a petition alleging discriminatory and unfair trade practices and policies by the Union of Soviet Socialists Republics. The complaint alleges that the Soviet Union discriminates against the American marine insurance market, restricts the freedom of American exporters and importers, and burdens and restricts U.S. commerce by requiring that insurance on exports or imports be placed with a Soviet state insurance operation. By agreement with the petitioner, institution of the complaint was deferred until after a formal meeting was held between the government of the U.S. and the Government of the USSR in early January. That meeting did not result in a resolution of the problem. Therefore, the Marine Underwriters complaint is now being instituted pursuant to section 301 of the Trade Act of 1974 (Pub. L. 93-618; 88 Stat. 1978). The text of the complaint is as follows:

NOVEMBER 4, 1977.

CHAIRMAN,
Section 301 Committee, Office of the Special Representative for Trade Negotiations, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 301 of the Trade Act of 1974 (Pub. L. 93-618, 88 Stat. 1978; 19 U.S.C. S2411 (Supp. 1977) and Section 2006.0 et seq. of Title 15 of the Code of Federal Regulations, the American Institute of Marine Underwriters hereby submits this complaint against the discriminatory and unfair trade practices and policies of the Union of Soviet Socialist Republics, such practices and policies being unjustifiable, unreasonable, and burdensome to United States commerce.

The complainant, the American Institute of Marine Underwriters, whose office is at 14 Wall Street, New York City, is a nonprofit trade association of 126 insurance companies, each of which is authorized to engage in the business of marine insurance in one or more States of the United States. Collectively, they underwrite more than 90 percent of the marine insurance written in the United States. Over the years the Institute and its members have contributed significantly to the growth and development of the American maritime industry and, at present, represent a significant share of what has come to be recognized as one of the world's leading insurance markets.

Marine insurance is a service vital to the proper functioning of international trade. The American marine insurance industry is interrelated with and makes significant contributions to the development of a strong international commerce for the United States. This industry provides the lubricant necessary to permit the safe and inexpensive ocean transport of goods and raw materials, a service essential to the American economy. The American marine insurance industry also plays a significant role in the implementation of United States foreign policy and in our country's increasingly difficult attempt to maintain a favorable balance of payments position.

Traditionally, exporters and importers have been free to choose their own insurers from the highly competitive international insurance marketplace. This system has effectively and economically served world trade for many years. Given freedom of competition, it will continue to do so for years to come. The Union of Soviet Socialist Republics, however, denies that freedom to compete by requiring that virtually all insurance on exports or imports be placed with Ingosstrakh, a Soviet state insurance operation. This practice of the Soviet Union discriminates against the American marine insurance market, restricts the freedom of the American exporter or importer, thereby burdening and restricting United States commerce, and adversely affects the United States balance of payments.

Since the beginning of renewed trade between the United States and the Soviet Union in 1972, American companies have had to negotiate sales contracts with the Soviet Foreign Trade Organizations. These state-controlled Organizations, as buyers, have refused from the very beginning to countenance contract terms on any basis other than F.O.B.-U.S.A. port of export or F.A.S.-U.S.A. port of export, so that American exporters would have no control over the placement of insurance. Regardless of the terms of delivery, the Soviet Foreign Trade Organizations always insist on a provision like the following, which provides that they, as buyers, "are to take care of and to bear expenses for insurance with Upravlenie Insotrannogo Strakhovanija SSSR (Ingosstrakh) of the equipment to be delivered under the contract from the moment of its despatch from the Sellers' and/or their subcontractors' works up to the moment of its arrival at the Buyer's works."

These provisions on insurance in the Soviet form contracts also provide that the American seller shall bear some of the costs of such insurance. Again quoting from a Soviet form contract for the purchase of equipment from an American seller:

"The expenses for insurance from the Sellers' and/or their subcontractors' works up to the moment of loading the goods on board the ship at the port of shipment (or franco-railway carborder) at the rate of 0.075% of the insurance amount are to be charged to the Sellers' account and deducted by the Buyers from the Sellers' invoices when effecting payment for the equipment."

If a U.S. exporter wishes to make a sizable sale to the U.S.S.R., he is under pressure to sell on these Soviet-dictated terms and he naturally will be most reluctant to take issue with any item of the terms because it might delay or cause the loss of the sale. Because of this Soviet practice an American exporter is not free to negotiate whether it is more favorable for him to insure the exports under his customary open cargo insurance policy. The American Institute of Marine Underwriters has been informed by many American exporters that they would prefer American marine insurance coverage due to low cost, familiarity with conditions insured, confidence in its security, speedy claims services available, availability of open cargo policies covering and exporter's worldwide business, and a desire to assist in the U.S. balance of payments situation. The Soviet practices complained of prevent the American exporter from selling his goods on a C.I.F. basis and thereby prevent him from exercising choice and preference in insurance matters. This is a restriction and burden placed on U.S. commerce.

Soviet insurance practices restrict and burden U.S. commerce in another, more harmful way. The American Marine Insurance Market is completely shut out by these Soviet practices from participating in the trade between the United States and the Union of Soviet Socialist Republics. This results in great losses of premium to this Market. According to figures provided by the U.S. Department of Commerce, Domestic and International Business Administration, in 1976 U.S. exports to the U.S.S.R. amounted to $2,306 millions, and U.S. imports from the U.S.S.R. totalled $221 mil-

lions. By applying to these 1976 figures (U.S. Sources) for U.S.-U.S.S.R. trade, a premium rae of 3/10 of 1% of insured value, the cargo insurance premium for U.S. exports to the U.S.S.R. can be seen as having amounted to $6,918,000, and for U.S. imports from the U.S.S.R. to $663,000.

Comparable figures for earlier years are as follows (U.S. sources):

	U.S. exports	U.S. imports	Potential premium
Year:			
1975	1,833,000,000	254,000,000	6,261,000
1974	607,000,000	350,000,000	2,871,000
1973	1,195,000,000	220,000,000	4,245,000

While it is true that the Russian Government, responding to pressures from this Institute and from other American sources both public and private, has permitted a trickle of cargo insurance to be placed with American underwriters during these years, when compared with the potential premiums set forth above the amount of cargo insurance placed in the American Marine Insurance Market is almost infinitesimal.

Since 1973 the American Institute of Marine Underwriters has worked closely with the United States Government, through the Departments of State and Commerce, in attempting to negotiate with representatives of the Soviet insurance operation, Ingosstrakh, some workable formula or understanding whereby the services of American marine insurers could be made available to U.S.-U.S.S.R. traders. The Institute has over the last five years participated in a variety of attempts to persuade the Soviet Government to share some of the insurance business from U.S.-U.S.S.R. trade. All of these efforts were undertaken with the approval and cooperation of the United States Government, and all were unsuccessful. We, therefore, feel that there is no other means of redress of these unfair trade practices by the Soviet Union than section 301 of the Trade Act of 1974, which we hereby invoke.

It is the firm opinion of the American Institute of Marine Underwriters that the restrictions placed on insurance by the Union of Soviet Socialist Republics are inconsistent with the reciprocal obligations of trading partners and violative of the spirit of detente as embodied in the Basic Principles of Relations Between the United States of America and the Union of Soviet Socialist Republics of May 29, 1972, especially the Seventh provision (Signed at Moscow on May 29, 1972, Department of State Bulletin, June 26, 1972, p. 898). The American Institute of Marine Underwriters further alleges that the Soviet restrictions on U.S. commerce which are the basis of this complaint also violate the Long Term Agreement Between The United States Of America and The Union Of Soviet Socialist Republics To Facilitate Economic, Industrial, and Technical Cooperation, especially Articles I and II(b), 25 UST 1782; TIAS 7910 (Signed at Moscow June 29, 1974; entered into force June 29, 1974; Department of State Bulletin, July 29, 1974, p. 219); the Final Act of the Conference on Security and Cooperation in Europe, adopted at Helsinki on August 1, 1975, in particular those provisions dealing with "Commercial Exchanges" under the Section entitled "Co-operation In The Field Of Economics, Of Science And Technology And Of the Environment" (Department of State Bulletin, September 1, 1975, pp. 323-350, at pp. 329-331); and the United Nations Resolution on Development and International Economic Cooperation (Resolution of UN General Assembly, Seventh Special Session, September 16, 1975 (A/RES/3362 (S-VIII))), in particular Article I (10).

The American Institute of Marine Underwriters hereby certifies that it has not filed for other forms of relief under the Trade Act of 1974 or any other Act.

Pursuant to section 301 of the Trade Act of 1974, we respectfully request a public hearing on the foregoing complaint. It is our hope that your office will conduct a review of the complained-of restrictions by the Union of Soviet Socialist Republics and will urge the President to respond to such unjustifiable and unreasonable restrictions in the manner authorized by Section 301 of the Trade Act of 1974.

Respectfully submitted,

THOMAS A. FAIN,
President, American Institute of Marine Underwriters.

HEARINGS

1. The Complainant has requested that hearings be held on this matter. Such hearing will be held on Tuesday, February 28, 1978 and if necessary will continue on Wednesday, March 1. The Hearing is to be held at the Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C., Room 730, beginning at 10 a.m.

2. Requests to present oral testimony and accompanying briefs must be received on or before February 23, 1978. Written briefs from those persons not wishing to present oral testimony should be received in the Office of the Special Representative for Trade Negotiations on or before the date of the hearing, February 28, 1977, in order to be considered by the section 301 Committee.

Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all section 301 proceedings (15 CFR 2006 as amended by FEDERAL REGISTER notice of Tuesday, October 18, 1977, page 55611). Please note that all communications to the Chairman of the Section 301 Committee should be addressed to the Office of the Special Representative for Trade Negotiations, Room 715, 1800 G Street NW., Washington, D.C. 20506.

(a) *Submission of briefs and requests to present oral testimony.* Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR 2006.6 and 2006.7 (found in the FEDERAL REGISTER of August 28, 1975, page 39497).

(b) *Rebuttal briefs.* In order to assure parties an opportunity to contest information provided by other interested parties in the written briefs and the oral testimony, rebuttal briefs may be filed by any party within 15 days after the transcript of the hearing becomes available.

(c) *Attendance at hearings.* The hearings will be open to the public.

SHIRLEY A. COFFIELD,
Chairman, 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc 78-2274 Filed 1-25-78; 8:45 am]

[6820-27]

OFFICE OF THE FEDERAL REGISTER

LEGAL DRAFTING WORKSHOPS SCHEDULED

February and March 1978

The Legal Drafting Workshop covers the following material:

1. Drafting conventions, preferred usage, the rule of consistency.
2. Drafting exercises-proposed and final rules and preambles.
3. Review techniques that improve your work.
4. What you can do to make regulations easier to read and easier to use.

The aim of this workshop is to improve the quality of Federal regulations by teaching you how to design and draft clear documents.

Who: Any Federal employee who drafts documents or who reviews documents for substance that are published in the FEDERAL REGISTER.

When: February 13, 14, 15, and 16, 1978, for people who are new to the Federal Government or to the rulemaking process and want a basic course. March 27, 28, 29, and 30, 1978, the same course will be given for people who are familiar with the rulemaking process and want to examine course material in depth.

Where: Office of the Federal Register, Washington, D.C.

Cost: $150 for each person. Send a form 170 or the training authorization form used by your office to: Special Projects Unit, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

How: Each participant must call the Office of the Federal Register, 202-523-4534 to make a reservation in addition to completing the training form.

For more information: Write: Special Projects Unit, Office of the Feder-

al Register, National Archives and Rec- ords Service, Washington, D.C. 20408, or phone 202-523-4534.

FRED J. EMERY,
Director of the Federal Register.

JANUARY 24, 1978.

[FR Doc. 78-2299 Filed 1-25-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14393; SR-DTC-77-8]

DEPOSITORY TRUST CO.

Order Approving Rule Change To Permit Inclusion of Municipal Bonds in DTC

JANUARY 19, 1978.

On August 25, 1977, the Depository Trust Co., 55 Water Street, New York, N.Y. 10041, ("DTC") submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change to include interchangeable municipal bonds in DTC. As a result, participants in DTC will be able to deposit interchangeable municipal bonds deemed eligible for the program and thereafter effect receipt and delivery of such securities with other participants upon instructions made to, and book entry effected at, DTC. The proposal also enables a participant to withdraw a municipal security from DTC in either bearer or registered form. In connection with the proposed rule change, DTC requested that the Commission continue its finding pursuant to paragraph (g) of Rules 8c-1 and 15c2-1 under the Act, 17 CFR 240.8c-1(g) and 15c2-1(g), that the agreements, provisions and safeguards established by DTC are adequate for the protection of investors.

In accordance with section 19(b) of the ACt and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 45399 (September 9, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 13929, (September 2, 1977). The only letter of comment received was from the Public Securities Association and expressed support for the proposed rule change.

In a letter dated January 6, 1978, DTC further described the safeguards that will apply to the operation of the proposed service.

The Commission has reviewed the submission and finds, pursuant to paragraph (g) of Rules 8c-1 and 15c2-1 under the Act, that the agreements, provisions and safeguards established by DTC are adequate for the protection of investors.

The Commission has, pursuant to section 17A under the Act, considered the anti-competitive impact which this proposal may have on other clearing agencies and on brokers and dealers and transfer agents. Under the proposed rule change, the largest securities depository would extend its service for the first time to interchangeable municipal bonds. Currently, no other depository offers a book entry movement capability for municipal securities. No comments were received from any clearing agency on the DTC proposal. Nevertheless, the Commission has closely examined the DTC proposal with respect to possible anti-competitive effects on other clearing agencies and depositories. The Commission has found that the proposal does not contain anti-competitive features, such as provisions tying the availability of DTC's present services to the offering of the proposed services in municipal securities. Other depositories may develop a similar program if they choose to do so. Moreover, the proposal does represent a step in the immobilization of certain municipal securities and the extension to DTC participants of the ability to effect receipts and deliveries of these securities through book entry. As such, the proposal promotes efficiency in the clearance and settlement process and contributes to a national system for the prompt and accurate clearance and settlement of transactions in securities. Furthermore, to the extent securities in bearer form are converted to registered form and immobilized in depositories, thefts and losses of these securities will be reduced.

The proposal does not on its face have an anti-competitive impact upon transfer agents and the Commission did not received any comment from any transfer agent. Any transfer agent desiring to participate may execute the necessary agreements with DTC, but the proposal does have certain performance time and other requirements which make physical presence in or near DTC a virtual necessity. These requirements, however, reflect the safeguards DTC has devised to handle deposits and withdrawals of municipal bonds in bearer form and the needs of participants who wish to achieve overnight withdrawal from DCT of a municipal bond in bearer form.

The Commission does not believe the program would impose any anti-competitive impacts upon brokers and dealers that would be not necessary or appropriate in furtherance of the purposes of the Act. No comments from any broker-dealers, writing in an individual capacity, were received. As noted above, the Long Range Planning Subcommittee of the Public Securities Association commented in support of the proposal.

The Commission's approval of the proposal comports with the Congressional mandate contained in section 17A(e) of the Act that "the Commission use its authority under * * * (the Act) to end the physical movement of securities certificates in connection with the settlement among brokers and dealers of transactions in securities * * *."

The Commission finds, therefore, that the proposed rule change is consistent with the maintenance of fair competition among brokers and dealers, clearing agencies and transfer agents and does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission finds also that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, with the requirements of section 17A and the rules and regulations thereunder. The Commission will, of course, examine this proposal and all of DTC's rules for compliance with the Act at the time it makes its determination whether to grant permanent registration to DTC.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-DTC-77-8 be, and hereby is, approved.

For the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2246 Filed 1-25-78; 8:45 am]

[8010-01]

[Release No. 14394; SR-NYSE-77-26]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 19, 1978.

On October 7, 1977, the New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change to amend margin requirement rules 431 and 432 to ensure that member organizations understand that regulation T supersedes any Exchange margin requirement, permit member organizations who carry options accounts to utilize the uniform net capital rule, and eliminate Form MF-1, the margin requirements met by liquidation form.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 34-14183 (November 17, 1977)) and by publication in the FED-

ERAL REGISTER (42 FR 60824 (November 29, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2247 Filed 1-25-78; 8:45 am]

[8010-01]

[Release No. 34-14387; File No. SR-NYSE-77-38]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 6, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

NYSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

On January 1, 1978, the following charges went into effect for specific services provided by the NYSE Exchange regulation and surveillance group. These charges will be included in the Exchange's quarterly statements beginning March, 1978.

The new charges are:

Regulation T and 15c3-3 extensions: $2 per request;

FOCUS feedback service: $150 per request;

Annual file maintenance fee: $10 per registered person;

NYSE directory and guide: $25 annual subscription per volume;

Interpretation handbook service: $75 per annum;

Weekly bulletin service: $60 per annum.

The complete information memorandum detailing the new charges is attached to this filing as exhibit IA.

STATEMENT OF BASIS AND PURPOSE

NYSE'S STATED PURPOSE OF PROPOSED RULE CHANGE

The purpose of this fee schedule is to offset the increased costs of supplying specific services provided by the Exchange's regulation and surveillance group.

NYSE'S STATED BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The basis under the Act for the proposed rule change is section 6(b)(4).

(a) (i) Not applicable.
(ii) Not applicable.
(iii) Not applicable.
(iv) The fees will apply equally to all members, nonmembers and others who utilize the specific services described herein.
(v) (A) Not applicable.
(B) Not applicable.
(C) Not applicable.
(D) Not applicable.
(E) Not applicable.
(vi) Not applicable.
(vii) Not applicable.
(viii) Not applicable.
(b) Not applicable.
(c) Not applicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANT, OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not formally solicited comments regarding this proposed change, nor has the Exchange received any unsolicited written or verbal comments from members or other interested parties.

NYSE'S STATEMENT ON BURDEN ON COMPETITION

None.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 16, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS
Secretary.

JANUARY 17, 1978.

[FR Doc. 78-2122 Filed 1-25-78; 8:45 am]

[8010-01]

[Rel. No. 20391; 70-6110]

OHIO POWER CO.

Proposed Issuance and Sale at Competitive Bidding of First Mortgage Bonds and Cumulative Preferred Stock

JANUARY 20, 1978.

Notice is hereby given that Ohio Power Co. ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, up to $38,000 aggregate principal amount of its first mortgage bonds of a new series ("bonds"), having a maturity date of March 1, 2008. The interest rate (which will be expressed in a multiple of one-eighth of 1 percent and the price to be paid to Ohio for the bonds (which shall not be less than 100 percent, unless Ohio shall authorize a lower percentage, not less than 99 percent, and shall not exceed 102¾ percent will be determined by competitive bidding. None of the bonds may be redeemed prior to March 1, 1983, if such redemption is for the purpose of refunding such bond through the use, directly or indirectly, of borrowed funds at an effective interest cost less than the effective interest cost of the bonds.

Ohio also proposes to issue and sell at competitive bidding up to 1,600,000 shares of a new series of its cumulative preferred stock ("preferred stock"), par value $25 per share. The price to be paid to Ohio shall be $25 per share, which shall also be the price at which the preferred stock shall be initially offered to the public. The dividend rate (which will be expressed in a multiple of $0.01) and the amount per share to be paid by Ohio as compensation to the purchasers will be determined by competitive bidding. None of the shares of the preferred stock may

be redeemed prior to March 1, 1983, if such redemption is for the purpose of refunding such stock, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the preferred stock at an effective interest cost or effective dividend cost less than the effective dividend cost of the preferred stock.

It is stated that no condition is to be contained in the bond purchase contract requiring the issuance and sale of the preferred stock, nor is any condition to be contained in the preferred stock purchase contract requiring the issuance and sale of the bonds. Neither the bonds nor the preferred stock will, however, be issued and sold unless Ohio shall have received, prior to such sale, one or more cash capital contributions in an aggregate amount of $20,000,000 from AEP. The making of such cash capital contributions was authorized by order of this Commission dated January 5, 1978 (HCAR No. 20365).

The proceeds from the sale of the bonds, together with other funds available to Ohio, will be used to pay at maturity the $38,232,000 principal amount of Ohio's first mortgage bonds, 3 percent series, due April 1, 1978. The proceeds from the sale of the preferred stock will be used to repay unsecured short-term indebtedness and to reimburse Ohio's treasury for expenditures incurred in connection with its construction program. As of December 30, 1977, Ohio had approximately $108,107,000 principal amount of unsecured short-term debt outstanding, and it is anticipated that at the time of the issuance and delivery of the bonds and preferred stock approximately $125,000,000 principal amount of such unsecured short-term debt will be outstanding. Ohio estimates its 1978 construction costs will be approximately $203,000,000 (exclusive of construction costs of its generating subsidiary).

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed transactions. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 21, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporative Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2248 Filed 1-25-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/4]

STUDY GROUP 7 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on February 22, 1978, at the Systematics General Corp., Nationa Scientific Laboratories Division, Room 300, 2290 Telestar Court, Falls Church, Va. The meeting will begin at 9 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The main purpose of the meeting will be to discuss the results of the international meeting of Study Group 7 and preparations for the Special Preparatory Meeting which will be held in Geneva starting in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Dated: January 16, 1978.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR, National Committee.

[FR Doc. 78-2230 Filed 1-25-78; 8:45 am]

[4710-01]

[Public Notice CM-8/5]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Monday, February 27, in Room 1410 of the State Department. The meeting will run from 9:30 a.m. until 1 p.m.

There will be two items on the agenda, in addition to any old or new business which any Commission member wishes to raise.

1. Final approval of the Commission's 14th Annual report.
2. Final approval of Commission recommendation on coordination of U.S. Government exchange/training programs.

Members of the general public may attend and participate in the discussion subject to the instructions of the Chairman. They will be accommodated up to the seating capacity of the room.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Staff Director of the Commission by close of business Tuesday, February 21, of his intention to attend. He may be reached by telephone at 202-632-2764.

Dated: January 13, 1978.

W. E. WELD, Jr.,
Staff Director, U.S. Advisory Commission on International Educational and Cultural Affairs.

[FR Doc. 78-2232 Filed 1-25-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-002]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Meeting of Officers

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Officers to be held on Tuesday, February 28, 1978, beginning at 9:30 a.m., in Room 8332, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

The agenda for this meeting is as follows:

1. To discuss the program and plan for the annual meeting tentatively scheduled for April 5 and 6, 1978.

2. To review the status of subcommittee reports to be presented at the annual meeting.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the committee at any time. For additional information contact: Capt. C. E. Mathieu, Commandant (G-MHM/83), U.S. Coast Guard, Washington, D.C. 20590, 202-426-2306. Persons wishing to attend and persons wishing to present oral statements should notify this office not later than the day before the scheduled meeting.

Issued in Washington, D.C., on January 16, 1978.

H. G. LYONS,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-2267 Filed 1-25-78; 8:45 am]

[4910-14]

[CGD 78-008]

PROPOSED AMENDMENT OF A PERMIT TO CONVERT A DRAWBRIDGE ACROSS THE BUSH RIVER, MILE 6.8, AT PERRYMAN, MD. TO A FIXED BRIDGE STRUCTURE

Public Hearing

The Commandant has authorized a public hearing to be held by the Commander, Fifth Coast Guard District, at Edgewood Senior High School, Edgewood, Md., on March 29, 1978, at 8 p.m. The purpose of the hearing is to consider the permit application from Amtrak to convert a railroad drawbridge across the Bush River, mile 6.8, Perryman, Md., to a fixed bridge structure.

The plans provide for the same as the existing published vertical clearance of 12 feet above mean high water in the closed position. The horizontal clearance normal to the axis of the channel is 35 feet.

The determination of whether a Coast Guard bridge permit will be issued must rest primarily on the project's impact on navigation and the environment.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705 by March 24, 1978. Such notification should include the approximate time required to make the presentation. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the hearing officer at the time of the hearing. Those wishing to make written comments only may submit those comments at the hearing, or to the Commander (oan), Fifth Coast Guard District. Comments must be received by April 14, 1978. Written comments will be available for public inspection in the office of the Commander (oan), Fifth Coast Guard District. A transcript of the hearing will also be available for inspection approximately 30 days after the hearing.

All comments, oral and written, will be considered before a final determination is made of the subject application by the Commandant, U.S. Coast Guard, Washington, D.C. 20590.

(Section 502, 60 Stat. 847, as amended (33 U.S.C. 525, 49 U.S.C. 1655(g) (6) (C)); 49 CFR 1.46(c) (10).)

Dated: January 19, 1978.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc 78-2266 Filed 1-25-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 574]

ASSIGNMENT OF HEARINGS

JANUARY 23, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 120981 (Sub 22), Bestway Express, Inc., now assigned February 27, 1978 at Nashville, Tennessee, will be held at the Ramada Inn-Airport, 709 Spence Lane.

MC 139495 (Sub 266), National Carriers, Inc. now being assigned February 1, 1978 (1 day) at New York N.Y., and will be held in Room No. E-2222, Federal Building, 26 Federal Plaza.

MC-F 13164 Overnite Transportation Co.—Purchase—Bonifield Bros. Truck Lines, Inc. and MC 109533 Sub No. 85 Overnite Transportation Co., now assigned February 22, 1978 at Washington, D.C. is postponed to February 23, 1978 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 71459 (Sub 65), O.N.C. Freight Systems, now assigned February 13, 1978 at Phoenix, Ariz., will be held at the Granada Royale Motel, 3210 Northwest Grand Avenue.

MC 142809, Don Penick and Harvey Keenan, d.b.a. Double Eagle Trucking, now assigned February 28, 1978 at Olympia, Wash., will be held in Room 340, Federal Building, 915 Second Avenue.

MC 107515 (Sub 1075), Refrigerated Transport Co., Inc., now assigned February 28, 1978 at Madison, Wis., will be held at the Park Motor Hotel, 22 South Carroll Street.

MC 74321 (Sub 130), B. F. Walker, Inc. now assigned January 30, 1978 at Denver, Colo., is cancelled.

MC 19447 (Sub-No. 235), Leonard Bros. Trucking Co., Inc., now assigned February 7, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 116004 (Sub-No. 430, Texas Oklahoma Express, Inc., now assigned February 8, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 24784 (Sub-No. 8), Barry, Inc., now assigned February 9, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 118535 (Sub-No. 100), Tiona Truck Line, Inc., now assigned February 10, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC 135797 (Sub-No. 73), J. B. Hunt Transport, Inc., now assigned February 13, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 143448 (Sub-No. 1), Doonan Truck & Equipment, Inc., and MC 143449 (Sub-No. 1), Red Ball Wrecker Service, Inc., now assigned February 14, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 134755 (Sub-No. 114), Charter Express, Inc., MC 115841 (Sub-No. 564), Colonial Refrigerated Transportation, MC 136786 (Sub-No. 119), Robco Transportation Inc., MC 134755 (Sub-No. 99), Charter Express, Inc., and MC 114569 (Sub-No. 175), Shaffer Trucking, Inc., now assigned February 16, 1978 at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 124896 (Sub-No. 30), Williamson Truck Lines, Inc., now being assigned February 16, 1978 (2 days) for hearing in Kansas City, Mo., will be held in Room 609, Federal Office Building, 911 Walnut Street.

MC-F 13314, Consolidated Freightways Corporation of Delaware—Purchase (Portion)—M & M Transportation Co. now being assigned March 6, 1978 for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-F 13333, Smith's Transfer Corp.—Purchase (Portion)—Nelson Freightways, Inc. now being assigned March 6, 1978 for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 134922 (Sub 181), B. J. McAdams, Inc., Extension-Kosciusko, Miss., and MC-C 9847 B. J. McAdams, Inc., Freeman Truck Line, Inc., Transcon Lines, Eugene D. Anderson, John Paul Jones, and Wentworth E. Griffin—Investigation—Shipper Supporter Mispresentation and Correction now being assigned March 6, 1978 for prehearing conference at the Offices of the

Interstate Commerce Commission in Washington, D.C.

MC 141804 (Sub 63), Western Express, Div. of Interstate Rental, Inc., now assigned January 18, 1978, at Little Rock, Ark., is cancelled.

I & S M 29710, General Increase, December, 1977, C.S.M.F.T.A., now assigned March 7, 1978, at Washington, D.C., is cancelled. The Schedules have been cancelled.

No. 36103, *Louis Dreyfus Corporation* v. *The Atchison, Topeka & Sante Fe Railway Co.*, et al., now assigned February 1, 1978 for pre-hearing conference, at Washington, D.C., has been postponed to March 1, 1978, pre-hearing conference at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139269 (Sub 12), C. P. Craska, Inc., now assigned February 8, 1978 at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 142766 (Sub 7), White Tiger Transportation, Inc., now assigned February 7, 1978 at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MCC 9853, Consolidated Van Lines, Inc.—Investigation and Revocation of Certificate, now assigned February 6, 1978 at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 135082 (Sub 45), Burch Trucking, Inc., d.b.a. Roadrunner Trucking, Inc., now assigned February 7, 1978 at Albuquerque, N. Mex., will be held in the Sheraton-Old Town Inn, 800 Rio Grande Boulevard Northwest; and February 28, 1978 at Phoenix, Ariz., will be held in the Tax Court, Room 235, Federal Building and Post Office, 1000 Liberty Avenue. Location of hearing assigned March 7, 1978 at Portland, Oreg. will be announced by subsequent notice.

MC 60014 (Sub 46), Aero Trucking, Inc., MC 118959 (Sub 149), Jerry Lipps, Inc., MC 106398 (Sub 775), National Trailer Convoy, Inc., MC 73165 (Sub 405), Eagle Motor Lines, Inc. and MC 11207 (Sub 393), Deaton, Inc.; now assigned February 9, 1978 at Jacksonville, Fla., will be held in Room 100, Voyager Building, 2255 Phyllis Street.

MC 13250 (Sub 138), J. H. Rose Truck Line, Inc., now assigned February 8, 1978 at Jacksonville, Fla., will be held in Room 100, Voyager Building, 2255 Phyllis Street.

MC 125978 (Sub 9), Dependable Car Travel Service, Inc., now assigned February 13, 1978 at Miami, Fla., will be held in Room 100, Voyager Building, 2255 Phyllis Street.

MC 52464 (Sub 8), Evans Trucking Co. Extension-New York now being assigned February 21, 1978 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 63792 (Sub 29), Tom Hicks Transfer Co., Inc. now being assigned February 24, 1978 (1 day) at Dallas, Tex., and will be held in Tax Court Room No. 330, US Post Office & Courthouse, Bryan and Ervay Streets.

MC 124211 (Sub 295), Hilt Truck Line, Inc. now assigned March 1, 1978 at Washington, D.C. is cancelled, application dismissed.

FD 21215 (Sub 2), Seaboard Coast Line Railroad Co., et al.—Investigation of Control and Modification of Traffic Conditions, FD 25309 (Sub 1), Louisville & Nashville Railroad Co., et al.—Investigation of Control and Modification of Traffic Conditions, FD 28417, *Florida East Coast Railway Co.* v. *Seaboard Coast Line R.R. Co.*, et al. and FD 28480, *Southern Railway Co.* v. *Seaboard Coast Line Railroad Co.*, et al. now being assigned for Prehearing Conference at the Offices of the Interstate Commerce Commission on February 6, 1978.

MC 109689 (Sub 317), W. S. Hatch Co., now being assigned March 9, 1978 (2 days) at Salt Lake City, Utah in a hearing room to be later designated.

MC 130410, Corporate Travel Service, Inc. now assigned February 21, 1978 at Dearborn, Mich., is closed effective January 23, 1978.

MC 121509 (Sub 3), Daufeldt Transport, Inc., now assigned February 14, 1978 at Des Moines, Iowa, will be held in Room 453, Federal Building, 210 Walnut Street.

No. 36775, Increased commutation fares, Hudson Transit Lines, Inc., now assigned February 13, 1978 at New York, N.Y., will be held in Room F-2220, Federal Building, 26 Federal Plaza.

MC 126118 (Sub 38), Crete Carrier Corp. now assigned March 16, 1978 at Lincoln, Nebr., is advanced to March 15, 1978 (3 days) in a hearing room to be later designated.

MC 126118 (Sub 40), Crete Carrier Corp. now assigned March 14, 1978 at Lincoln, Nebr., is advanced to March 13, 1978 (2 days) in a hearing room to be later designated.

MC 139482 (Sub 12), New ULM Freight Lines, Inc. now assigned January 31, 1978 at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

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

[FR Doc. 78-2272 Filed 1-25-78; 8:45 am]

[7035-01]

[Exemption No. 142]

CAR SERVICE ORDERS

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: The Baltimore and Ohio Railroad Company and Consolidated Rail Corporation: There has been a substantial increase in the demand for plain boxcars for railroad shipments of insulating material from Newark, Ohio, because of a shortage of motor trucks caused by heavy snow and blocked highways. This shortage of trucks is threatening to force a major manufacturer of insulating materials to curtail production, with resulting loss of employment, unless sufficient railroad cars can be utilized to offset the reduction in the supply of motor trucks. Although the railroads named above are unable to furnish currently sufficient boxcars of suitable ownership that can be loaded in compliance with Car Service Rules 1 and 2, the flow of the traffic is such that the majority of the cars will move in the direction of the owners in compliance with those rules.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 405, issued by W. J. Trezise, or successive issues thereof as having mechanical designation "XM" may be loaded with insulating material by shippers served by The Baltimore and Ohio Railroad Company (BO) and by the Consolidated Rail Corporation (CR) at Newark, Ohio, without regard to the requirements of Car Service Rules 1 and 2 subject to exceptions 1 to 3 inclusive, shown below.

EXCEPTIONS

1. Cars of Canadian or Mexican ownership.
2. Cars subject to a car relocation or car assistance directive issued by the Car Service Division, Association of American Railroads.
3. Cars with inside length of 59-ft. 8-in. or greater.

Effective January 18, 1978.

Expires January 31, 1978.

Issued at Washington, D.C., January 18, 1978.

For the Interstate Commerce Commission.

JOEL E. BURNS,
Agent.

[FR Doc. 78-2271 Filed 1-25-78; 8:45 am]

MOTOR CARRIER, BROKER, 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 particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be

filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 113855 (Sub-No. 399), filed January 11, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Construction equipment* from Honeoye, N.Y. and Brunswick, Ga., to points in the United States (including Alaska but excluding Hawaii), and (2) *equipment, materials* and *supplies* used or useful in the manufacture and destribution of the commodities in (1) above, from points in the United States (including Alaska but excluding Hawaii), to Honeoye, N.Y. and Brunswick, Ga. Restricted to traffic originating at or destined to the plantsites and warehouse facilities of Stone Construction Equipment, Inc., located at or near Honeoye, N.Y. and Brunswick, Ga.

NOTE.—Common control may be involved.

Hearing: February 2, 1978 at the Office of the Interstate Commerce Commission, Washington, D.C.

By the Commission.

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

[FR Doc. 78-2270 Filed 1-25-78; 8:45 am]

[7035-01]

[Volume No. 54]

MOTOR CARRIER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

JANUARY 18, 1978.

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 particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 30237 (Sub-No. 35), filed November 29, 1977. Applicant: YEATTS TRANSFER CO., a corporation, P.O. Box 666, Altavista, Va., 24517. Applicant's representative: Eston H. Alt, P.O. Box 666, Altavista, Va., 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Worcester County, Mass., and points in Vermont, to points in Arkansas, Delaware, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Boston, Mass., or Washington, D.C.

No. MC 42261 (Sub-No. 131), filed November 4, 1977. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Liquid wax*, in bulk, in tank vehicles, from Catlettsburg, Ky., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at New York, N.Y.

No. MC 52709 (Sub-No. 344), filed November 22, 1977. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 7240, 3980 Quebec Street, Denver, Colo. 80207. Applicant's representative: Robert P. Tyler, P.O. Box 7240, 3980 Quebec Street, Denver, Colo. 80207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Insulating material*, from Fruita, Colo. to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at San Francisco, Calif. or Denver, Colo. Common control may be involved.

No. MC 52781 (Sub-No. 5), filed November 28, 1977. Applicant: OVERCASH TRANSFER, INC., P.O. Box 3117, C.R.S., 21 By-Pass, Rock Hill, S.C. 29730. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate in interstate or foreign commerce, over irregular routes, as a *contract carrier*, in the transportation of (a) *Fabricated pipe, tubing, fittings, and* (b) *materials equipment and supplies* used in the

manufacture, erection and maintenance of the above named commodities, between the plantsite and facilities of I.T.T. Grinnell Industrial Piping, Inc., at or near Kernersville, N.C. on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii, under a continuing contract with I.T.T. Grinnell Industrial Piping, Inc.

NOTE.—If a hearing is deemed necessary the applicant does not specify a location.

No. MC 57622 (Sub-No. 3), filed November 28, 1977. Applicant: LEE-LANAU MOTOR FREIGHT, INC., 3868 Rennie School Road, Traverse City, Mich. 49684. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. 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), (1) between Traverse City, Mich., and Grawn, Mich., from Traverse City via U.S. 31 to Grawn and from Grawn to Traverse City via County Road 633, serving all intermediate points; (2) between Traverse City, Mich., and Leland, Mich., from Traverse City over Michigan Highway 22 north to Northport, Mich., thence over County Road 629 to Northport Point, Mich., and return to Michigan Highway 22, thence south over Michigan Highway 22 to Leland; and from Leland south over Michigan Highway 22 to junction Michigan Highway 204, thence east over Michigan Highway 204 to Michigan Highway 22, thence south over Michigan Highway 22 to Traverse City, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lansing or Grand Rapids, Mich.

No. MC 61592 (Sub-No. 409), filed November 22, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yard tractors*, between Lyons, Ill., on the one hand, and on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill., and be consolidated with other similar applications.

No. MC 74321 (Sub-No. 139), filed December 23, 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 is sought to operate as a *common carrier* by motor vehicle over irregular routes in the transportation of: *Iron and steel articles*, (1) between El Paso, Tex., on the one hand, and, on the other, points in Arizona, California, Colorado, New Mexico, Nevada, Oregon, Idaho, Montana, Washington, Wyoming, Utah, Nebraska, and Texas; and (2) between Fort Worth and Dallas, Tex., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Illinois and Texas.

NOTE.—Common control may be involved. Hearing: February 15, 1978 (3 days), at 9:30 a.m. local time, in Room 5A15-17, Federal Building, 1100 Commerce Street, Dallas, Tex., before Administrative Law Judge Wallace H. Nations.

No. MC 95876 (Sub-No. 220), filed November 7, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneaspolis, Minn. 55402. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Fiberboard, pulpboard and strawboard*, from Coldwater, Mich., to points in the United States (except Alaska and Hawaii); and *equipment, materials and supplies* used in the manufacture of fiberboard, pulpboard and strawboard, 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 it be held at Detroit, Mich.

No. MC 106398 (Sub-No. 790), filed November 28, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from Otsego, Mich., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. Common control may be involved.

No. MC 106603 (Sub-No. 165), filed November 28, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board* from Coldwater, Mich. to points in Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. (2) *Equipment, materials, and supplies* from points in Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin to Coldwater, Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Washington, D.C. Common control may be involved. Applicant holds motor contract carrier permit in MC 46240, and other subs, therefore dual operations may be involved.

No. MC 107002 (Sub-No. 522), filed November 8, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil and products thereof*, in bulk, in tank vehicles, (1) from the facilities of Cargill, Inc. at or near Gainesville, Ga., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas, and (2) from points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia to the facilities of Cargill, Inc. at or near Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107295 (Sub-No. 868), filed November 28, 1977. Applicant: PREFAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Lumber and lumber products*, from the plantsite and warehouses facilities of Southwest Forest Industries (or its subsidiaries), located at or near Flagstaff, McNary and Eagar, Arizona, and South Fork, Colo., to points in New Mexico, Oklahoma, Missouri and Arkansas; (2) *treated and nontreated poles, posts and pilings*, from the plantsite and warehouse facilities of Southwest Forest Industries at Prescott, Ariz., to points in New Mexico, Texas, Oklahoma, Missouri and Arkansas; and (3) *molding*, from the plantsite and warehouse facilities of Southwest Forest Industries at McNary, Ariz., to points in Arkansas,

Illinois, Indiana, Missouri, New Mexico, Oklahoma, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Phoenix, Ariz.

No. MC 112304 (Sub-No. 123), Filed November 28, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vehicle lifts*, and *accessories, attachments and parts* thereof, from the plantsite of Dover Corp./Rotary Lift Division, Madison, Ind., to points in the United States including Alaska, but excluding Hawaii; and (2) *Equipment, materials and supplies* used in the manufacture of the commodities in (1) above, from points in the United States including Alaska, but excluding Hawaii, to the plantsite named above.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Washington, D.C. or Cincinnati, Ohio. Common control may be involved.

No. MC 113651 (Sub-No. 240), filed November 7, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty, P.O. Box 552, Muncie, Ind. 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh and frozen inedible meats* (except commodities in bulk) from Frankfort and Shelbyville, Ind. to points in Illinois, Iowa, Kansas, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Bausback Fertilizer Co. located at or near the named origins.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 114045 (Sub-No. 483), filed November, 7, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas-Fort Worth Airport, Tex. 75261. Applicant's representative: J. B. Stuart, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration, from Reno, Nev., to points in Arizona, restricted to the transportation of shipments having prior movement from the facilities of E. J. Brach & Sons, at Chicago and Carol Stream, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 114045 (Sub-No. 489), filed November 28, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas-Fort Worth Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles) from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to traffic originating at the above-named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex. Common control may be involved.

No. MC 114211 (Sub-No. 340), filed January 11, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. 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*, and (2) *materials, supplies and equipment* used in the manufacture and distribution of commodities named in (1) above, from (a) the plant sites and warehouse facilities of Penn Dixie Steel Corp. and Penn-Dixie Steel Industries, Inc. and Stephen Springs Co., 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., Richard City, Tenn., Atlanta, Ga., Salisbury, N.C., North Arlington, N.J., North Judson, Ind., Cicero, Ind., and Newton, Kans., to points in the United States (except Alaska and Hawaii); (b) from points in the United States (except Alaska and Hawaii), to the plantsites and warehouse facilities of Penn Dixie Steel Corp. and Penn-Dixie Steel Industries, Inc. and Stephen Springs Co., 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., Richard City, Tenn., Atlanta, Ga., Salisbury, N.C., North Arlington, N.J., North Judson, Ind., Cicero, Ind., and Newton, Kans.

NOTE.—Prehearing conference: January 31, 1978, 9:30 a.m. Local Time at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 114273 (Sub-No. 309), 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: *Alcoholic liquors, wines and malt beverages* (except in bulk in tank vehicles), from Allen Park, Mich.; Baltimore, Md.; Bardstown, Ky.; Boston, Mass.; Cincinnati, Ohio; Clermont, Ky.; Detroit, Mich.; Dundalk, Md.; Frankfort, Ky.; Lawrenceburg, Ind.; Linden, N.J.; Louisville, Ky.; New York, N.Y.; Owensboro, Ky.; Pekin, Ill.; Peoria, Ill.; Philadelphia, Pa.; Plainfield, Ill.; Relay, Md.; and Schenley, Pa., to points in Minnesota.

NOTE.—Applicant states it is presently providing service from Allen Park, Mich.; Boston, Mass.; Cincinnati, Ohio; Detroit, Mich.; Lawrenceburg, Ind.; Louisville, Ky.; and Schenley, Pa. on a joint-line basis. 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 that it be held at either Chicago, Ill. or Washington, D.C.

No. MC 115311 (Sub-No. 258), filed December 13, 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 a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials* (except in bulk), from the facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies, 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 in and east of North Dakota, South

Dakota, Nebraska, Colorado, and New Mexico (except Maine, New Hampshire, and Vermont); and (2) *Materials, equipment and supplies,* (except in bulk), used in the manufacture and distribution of commodities named in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico (except Maine, New Hampshire, and Vermont, to facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies, 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 that it be held at Atlanta, Ga., or Chicago, Ill. Prehearing conference, January 31, 1978, at 9:30 a.m. at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 115841 (Sub-No. 582), filed November 30, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate or foreign commerce as a *common carrier* by motor vehicle, over irregular routes, transporting: *Prepared flour mixed* and *frosting mixes,* from the plantsite and storage facilities of Chelsea Milling Co., at or near Chelsea, Mich., to points in Georgia, North Carolina, South Carolina, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Detroit, Mich., or Washington, D.C.

No. MC 115904 (Sub-No. 89), filed November 28, 1977. Applicant: GROVER TRUCKING CO., a corporation, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake city, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Masonry articles and supplies,* between points in the United States located on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international Boundary Line between the United States and Canada, restricted to the account of Rocky Mountain Supply, and further restricted against the transportation of commodities which be reason of their size and weight require the use of special equipment, commodities in bulk and those commodities falling within the category described in Mercer Extension—Oil Field Commodities, 74 MCC 459.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 117940 (Sub-No. 242), filed November 17, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Alan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk), from points in Wisconsin to points in Louisiana, restricted to traffic originating at the facilities of Milkhouse Cheese Corp. at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex. Applicant holds contract carrier authority in MC 114789 (Sub-No. 16) and other subs, therefore dual operations may be involved.

MC 118202 (Sub-No. 81), filed November 28, 1977. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. 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 and Descriptions in Motor Carrier Certificates,* 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by King Foods, Inc., at South St. Paul, Minn. to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 118318 (Sub-No. 32), filed November 21, 1977. Applicant: IDACAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, Idaho 83651. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses,* from the facilities of Lever Brothers Co. at or near City of Commerce and Richmond, Calif.; and the facilities of White King, Inc., at or near Los Angeles, Calif., to points in Box Elder, Cache, Davis, Morgan, Salt Lake, Tooele, Utah and Weber Counties, Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif. Common control may be involved.

No. MC 118959 (Sub-No. 158), filed November 1, 1977. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tanks, accessories for tanks, parts for tanks,* from Dexter, Mo., and Hialeah, Fla., to points in the United States (except Alaska and Hawaii); (2) *machinery, equipment, materials and supplies* used in connection with the commodities described in (1) above from points in the United States (except Alaska and Hawaii), to Dexter, Mo., and Hialeah, Fla.

NOTE.—Applicant holds motor contract carrier authority in No. MC 125664 and therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn. or Memphis, Tenn. Common control may be involved.

No. MC 119349 (Sub-No. 6), filed November 22, 1977. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, Fla. 33450. Applicant's representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *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, Florida, Georgia, Louisiana, Mississippi, and Texas, 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 Alabama, Geor-

gia, Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia, to points in 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 deadening compound* (except in bulk) and *filters*, from points in New York, Ohio, Pennsylvania, Rhode Island, and West Virginia to points in Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C., or Atlanta, Ga.

No. MC 123387 (Sub-No. 11), filed November 17, 1977. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, Va. 23320. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (except in bulk), from Texas-Mexico border points, to points in North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, the District of Columbia, New Hampshire, Vermont, Maine, Ohio, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Norfolk, Va. Common control may be involved.

No. MC 123407 (Sub-No. 420), filed December 1, 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: *Pre-cut log homes* from Englewood, Colo., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo.

No. MC 123522 (Sub-No. 3), filed November 25, 1977. Applicant: SEYLLER TRANSPORT, INC., 262 Mill St., Hampshire, Ill. 60140. Applicant's representative: R. D. Higgins, 7222 Cunningham Road, Rockford, Ill. 61102. Authority sought by applicant to operate in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Illinois and Indiana, to points in Illinois, Wisconsin, Ohio, Indiana, Iowa, and Michigan, under continuing contract or contracts with BTU Contracts, Inc.

NOTE.—Applicant states that common control may be involved. If a hearing is deemed necessary applicant requests that hearing be held in Chicago, Ill.

No. MC 124679 (Sub-No. 86), filed November 22, 1977. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 975 West 2100 South, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* from the plantsite and/or storage facilities of Mrs. J. G. McDonalds's Chocolate Co. at or near Salt Lake City, Utah, to points in California, Florida, Georgia, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Texas and Washington.

NOTE.—Applicant holds motor contract carrier authority in number MC 128813 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124692 (Sub-No. 185), filed November 28, 1977. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron* and *steel articles, construction equipment, tools, materials, and supplies*, from the plantsite and fabricating facilities of Brown Minneapolis Tank Co., at St. Paul, Minn., to points in Texas, New Mexico, Oklahoma, and Arizona; and (2) *construction equipment, tools, materials and supplies* in shipper owned trailers, from points in Texas, Oklahoma, Arizona, and New Mexico, to St. Paul, Minn., restricted to traffic for the account of Brown Minneapolis Tank Fabricating Co. in (1) and (2) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 125745 (Sub-No. 4), filed September 30, 1977. Applicant: RAY D. SIMMONS d.b.a. SIMMONS TRUCKING CO., Route 6, Box 316, Carthage, Mo. 64836. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those of such size and weight as to require special equipment), (1) from Jasper County, Mo. to points in Kansas, Oklahoma, Arkansas, and Texas, and (2) from points in Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Nebraska, Oklahoma, Texas, Kansas, Michigan, Pennsylvania, Colorado, Alabama, and Utah to points in Jasper County, Mo.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Tulsa, Okla.

No. MC 126305 (Sub-No. 87), filed November 22, 1977. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, P.O. Box 357, Glayton, Ala. 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Moulded rubber parts, pipe, gaskets and Fittings, parts and accessories* thereof, (except commodities in bulk), from the warehouse and plant facilities of Murray Rubber Co., Harris County, Tex. to points in New Jersey, Ohio, Virginia, Alabama, Georgia, Pennsylvania, North Carolina, New York, Michigan, Louisiana, Arkansas, and Flordia; (2) materials, equipment, machinery and supplies used in the manufacturing, processing and distribution of the above named commodities (except commodities in bulk), from the above named States to the facilities of the Murray Rubber Co., Harris County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham or Montgomery, Ala.

No. MC 127579 (Sub-No. 5), filed November 30, 1977. Applicant: HAULMARK TRANSFER, INC., P.O. Box 343, Cockeysville, Md. 21030. Applicant's representative: Glenn M. Heagerty, P.O. Box 343, Cockeysville, Md. 21030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies used in the manufacture, sale and distribution of shampoo, toilet preparations, cosmetics and hair care products* from points in Delaware, Maryland, Pennsylvania, Virginia and West Virginia to facilities utilized by Clairol, Inc. at or near Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129026 (Sub-No. 4), filed November 29, 1977. Applicant: J.C.D. TRANSPORTATION CORP., 5950 Fisher Road, P.O. Box 487, East Syracuse, N.Y. 13057. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), (1) Between East Hartford, Conn.; Springfield and Westwood,

Mass.; Baltimore and Landover, Md.; and Columbus and Salem, Ohio; (2) between the above specified points on the one hand, and, on the other, points in New York (except those in Nassau, Suffolk, Westchester, Putnam, Orange, and Rockland Counties) and Berks, Bradford, Carbon, Clinton, Columbia, Dauphin, Erie, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzurne, Lycoming, McKean, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Warren, Wayne, Wyoming, and York Counties, Pa., under continuing contract or contracts with The Great Atlantic & Pacific Tea Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 134477 (Sub-No. 199), filed November 28, 1977. Applicant: SCHANNO TRANSPORTATION INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture and sale of clothing and finished goods (except commodities in bulk), from Los Angeles, Calif.; Seattle, Wash.; and points in North Carolina (except Albemarle, Altamahaw, Belmont, Charlotte, Gastonia, Landis, Ranlo, and Salisbury, N.C.), to the facilities of Munsingwear, Inc., located at or near Ashland, Wis. and Little Falls and Minneapolis-St. Paul, Minn. Restricted to traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 200), filed November 28, 1977. Applicant: SCHANNO TRANSPORTATION INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Independence, Mo. to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Restricted to the transportation of traffic originating at the facilities of Commercial Distribution Center, Inc., at or near Independence, Mo. and destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134922 (Sub-No. 246), filed November 28, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpet and yarn*, between Fresno, Calif., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, it is requested it be held in San Francisco, Calif. or Little Rock, Ark.

No. MC 136008 (Sub-No. 89), filed November 28, 1977. Applicant: JOE BROWN CO., INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage, meat meal and bone meal*, between points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Kansas City, Mo.

No. MC 138627 (Sub-No. 24) (correction), filed October 18, 1977, published in the FEDERAL REGISTER issue of December 8, 1977, and republished as corrected this issue. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. 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: *Plasterboard joint system, joint compound, tape, texturing compounds, and articles* used in the installation thereof, from Matteson, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE.—The purpose of this republication is to delete the word "manufacture" from the commodity description as published in the FEDERAL REGISTER issue of December 8, 1977, and substitute the word "installation" in lieu thereof. If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill., or Omaha, Nebr.

No. MC 138941 (Sub-No. 24), filed November 22, 1977. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), (1) from points in Wayne, Ontario, and Monroe Counties, N.Y., to points in Montana, Nevada, Idaho, Utah, Wyoming, and Colorado, (2) from Jacksonville, Ill., and Springfield, Ill., to points in Montana, Nevada, Idaho, Utah, Wyoming, and Colorado; (3) from Covington and Conyers, Ga., to points in Montana, Nevada, Idaho, Utah, Wyoming, Colorado, Texas, Arizona, and New Mexico, (4) from Washington, N.J., to points in Montana, Nevada, Idaho, Utah, Arizona, Wyoming, Colorado, and New Mexico; (5) from Shawnee, Okla., to points in Montana, Idaho, and Wyoming, (6) from Lowell, Mass., to points in Montana, Nevada, Idaho, California, Utah, Oregon, Arizona, Wyoming, Washington, Colorado, New Mexico and Texas; (7) from Stratford, Conn., to points in Montana, Nevada, Idaho, California, Utah, Oregon, Arizona, Wyoming, Washington, Colorado, New Mexico, and Texas; (8) from Temple, Tex., to points in Montana, Nevada, Idaho, Utah, Wyoming, and Colorado; (9) from Dallas, Tex., to points in Oregon, Washington, Montana, Nevada, Idaho, Utah, Arizona, Wyoming, Colorado, and New Mexico, under a continuing contract, or contracts, with Mobil Chemical Co., Plastics Division.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y., or Los Angeles, Calif.

No. MC 140665 (Sub-No. 19), filed November 7, 1977. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Electric lamps, Christmas tree lamp outfits, electric cord sets, dry cell batteries, portable battery chargers*, and *materials and supplies* used in the manufacture and distribution of the above commodities, from Winchester, Va., St. Louis, Mo., Mattoon, Ill., and Lexington, Ky. to points in the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio or Washington, D.C. Common control may be involved.

No. MC 140768 (Sub-No. 9), (correction), filed October 16, 1977, published in the FEDERAL REGISTER issue of December 1, 1977, and republished, as corrected, this issue. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregu-

lar routes, transporting: *Heating equipment, stoves, fireplaces, furnaces and incinerators,* from Athens and Huntsville, Ala., to points in the United States, except Alaska and Hawaii.

NOTE.—The purpose of this republication is to delete the restriction from the authority sought by applicant as published in the FEDERAL REGISTER issue of December 1, 1977. Applicant holds motor contract authority in MC 134404 and Subs thereunder and, therefore, dual operations may be involved. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 140768 (Sub-No. 13), filed November 29, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC. P.O. Box 796 Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, 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: (1) *Electrolyte battery acid, brake fluid, lacquer, gas line anitfreeze, and windshield washer solution* (except in bulk) (a) from the plantsite and warehouse facilities of Scholle Corp. at or near Ridgefield, N.J. to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, (b) from the plantsite and warehouse facilities of Scholle Corp. at or near Northlake, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, (c) from the plantsite and warehouse facilities of Scholle Corp. at or near College Park, Ga., to points in Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (2) *materials, and supplies* used in the manufacture, packaging and distribution of the commodities in (1) above from the destinations named in (1) (a) (b) and (c) to their respective origins.

NOTE.—Applicant holds contract carrier authority in No. MC 134404 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Washington, D.C.

No. MC 142065 (Sub-No. 9), filed November 3, 1977. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Processed meats* from Allen Township, at or near Quincy, Mich., to points in Alabama, Arizona, Georgia, Kansas, Missouri, Oklahoma, Tennessee, and Texas, under a continuing contract or contract with Peter Eckrich and Sons, Inc., of Fort Wayne, Ind., restricted to the transportation of traffic originating at the plantsite and facilities of Peter Eckrich and Sons, Inc., of Allen Township, at or near Quincy, Mich.

NOTE.—If oral hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind. or Tulsa, Okla. Applicant holds pending common carrier authority in MC 142672 and subs thereunder, therefore dual operation may be involved.

No. MC 142368 (Sub-No. 9), filed November 28, 1977. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, Calif. 91744. Applicant's representative: William J. Monheim, 13710 East Whittier Boulevard, Suite 203, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Shower-bath stall doors, tub enclosures, glass, and materials, equipment, and supplies* used in the manufacture and distribution of shower-bath stall doors, tub enclosures, and glass between Seattle, Wash., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Seattle, Wash.

No. MC 142672 (Sub-No. 9), filed November 4, 1977. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought as a *common carrier,* by motor vehicle, over irregular duties, transporting: *Prepared frozen foods,* from Carrollton, Macon, Marshall, and Moberly, Mo., to points in Alabama, Delaware, Georgia, Maryland, New York, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

NOTE.—If oral hearing is deemed necessary, applicant requests same be held at St. Louis, Mo. or Little Rock, Ark. Applicant holds contract carrier authority in MC 142065 Subs 1 and 3, therefore dual operations may be involved.

No. MC 142715 (Sub-No. 7), filed November 4, 1977. Applicant: LENERTZ, INC., 411 Northwestern National Bank Building, South St. Paul, Minn. 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles distributed by meat packing plants* (except hides and commodities in bulk), from the plantsites and storage facilities of Geo. A. Hormel & Co., located at or near Austin, Minn.; Fort Dodge and Algona, Iowa; Fremont and Scottsbluff, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to product originating at the named origins and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 143071 (Sub-No. 7), filed November 28, 1977. Applicant: UNIVERSAL DEVELOPMENT, INC., Box 568, York, Nebr. 68467. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Preformed plastic and fiberglass tubs, drums and tanks,* from the plantsite and facilities of Snyder Industries at Lincoln, Nebr., to points in the United States (except Connecticut, Delaware, Hawaii, the District of Columbia, Maine, Massachusetts, Alaska, Nevada, Rhode Island, Utah, and Vermont.)

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 143177 (Sub-No. 1), filed November 4, 1977. Applicant: MICHAEL C. STRICKLAND d.b.a. STRICKLAND FEED SERVICE, P.O. Box 30, Luverne, Ala. 36049. Applicant's representative: Michael C. Strickland (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Dry animal and poultry feeds and feedstuff* only in bulk, in tank trailers with auger self-unloading devices from the plantsite and storage facilities of Cargill, Inc., Nutrena Feed Division, in the Montgomery Industrial terminal in Montgomery, Ala., to all points in Georgia and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either in Montgomery or Birmingham, Ala.

No. MC 143236 (Sub-No. 11), filed January 12, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities the transportation of which because of size or weight require the use of special equipment), between points in New Jersey 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 it be held at New York, N.Y., or Washington, D.C. Applicant holds motor contract permit in MC 142766 and other subs, therefore dual operations may be involved.

No. MC 143462 (Sub-No. 1), filed November 30, 1977. Applicant: ERWIN TRUCKING, INC., 7176 North 50th Street, Omaha, Nebr. 68152. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel nails and staples, pneumatic hand tools, and parts and accessories for pneumatic hand tools*, from Cincinnati, Ohio, to Des Moines, Iowa, Denver, Colo., Omaha, Nebr., Wichita, Kans. and Eden Prairie, Minn., and (2) *coils steel strapping and mechanics hand tools other than power*, from New York City, N.Y., to Des Moinies, Iowa, Denver, Colo., Omaha, Nebr., Wichita, Kans. and Eden Prairie, Minn. All service limited to that performed under contract with Carlson Stapler & Shippers Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Omaha, Nebr.

No. MC 143563 (Sub-No. 1), filed November 7, 1977. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, Maine 04572. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from Skowhegan, Maine to points in the United States (except Alaska, Hawaii, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey and points in New York east of Interstate 81).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Portland, Maine. Applicant holds motor contract carrier authority in No. MC 140572 (Sub-No. 1), therefore, dual operations may be involved.

No. MC 143592 (Sub-No. 4), filed November 28, 1977. Applicant: EDWARDS TRUCKING CO., INC., P.O. Box 123, Clinton, Md. 20735. Applicant's representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetic tapes, office furniture, and microfilm equipment and supplies*, between the National Headquarters of the Social Security Administration location in Baltimore, Md., and the National Records Center at or near Boyers, Pa., under a continuing contract, or contracts, with Social Security Administration.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Baltimore, Md.

No. MC 143786 (Sub-No. 2), filed November 22, 1977. Applicant: HAL MAST TRUCKING CO. INC., Route 1, Sugar Grove, N.C. 28679. Applicant's representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, N.C. 28204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, wicker*, from Boone, N.C., to Buffalo, N.Y., and its commercial zones and to Greencastle, Pa., under continuing contract with American Wicker, Inc., located at Boone, N.C.

NOTE.—Applicant believes that its application is susceptible of handling without oral hearing and hereby requests such handling. If a hearing is deemed necessary, however, Applicant requests that it be held at Charlotte, N.C. or Boone, N.C.

No. MC 143822 (Sub-No. 1), filed October 31, 1977. Applicant: Y's TRUCKING CO., INC., 2378 Caladium Drive NE., Atlanta, Ga. 30345. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Plastic articles*, from the plantsite of Rehrig Pacific Co., located at or near Doraville (Gwinnett County), Ga., to points in Alabama, Georgia, North Carolina, south Carolina, Florida, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Tennessee, Kentucky, Illinois, Indiana, Ohio, and St. Louis, Mo., under a continuing contract or contracts, with Rehrig Pacific Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 143949 (Sub-No. 1), filed November 7, 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: *Mini motor homes and recreational vehicles*, in truckaway and driveaway service, from the plantsites and facilities of Dolphin Camper Co. and Roust-a-bout of California, Inc., located in Los Angeles and San Bernardino Counties, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, New mexico, Oregon, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 143983 filed November 4, 1977. Applicant: MEL-KRIS TRUCKING CORP., 803 East 27th Street, Paterson, N.J. 07513. Applicant's representative: Meyer Stein, 400 Madison Avenue, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, between Paterson, N.J. on the one hand, and on the other hand, Glens Falls, N.Y., under a continuing contract or contracts with Native Textiles, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that is be held at either New York City or Albany, N.Y.

No. 143414 (Sub-No. 1), filed November 25, 1977. Applicant: SAVICK TRUCKING SERVICE, INC., 9116 Pawnee Road, Homerville, Ohio 44235. Applicant's representative: Edwin F. Savick, 9116 Pawnee Road, Homerville, Ohio 44235. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal health aid and sanitation products and dry feed ingredients* between Fort Wayne, Ind., plantsite of Allied Mills, Inc. and points in Ohio under a continuing contract with Allied Mills, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Cleveland or Columbus, Ohio.

No. MC 143453 (Sub-No. 1), filed November 28, 1977. Applicant: HORSELESS CARRIAGE CARRIERS, INC., 150 Fayette Avenue, Wayne, N.J. 07470. Applicant's representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antique automobiles and classic cars*, in secondary movements, in truckaway service between points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Wayne, N.J.

No. MC 144039, filed November 28, 1977. Applicant: PELLA CANNING AND PROCESSING, INC., 300 South Street, P.O. Box 83, Pella, Iowa 50219. Applicant's representative: Tom Talbott, 300 South Street, P.O. Box 83, Pella, Iowa 50219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit-flavored drinks and dry powdered fruit flavored beverage preparations*, between Pella, Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Indiana, Missouri, Nebraska, and South Dakota, under a continuing contract, or contracts, with the Coca-Cola Co., Foods Division.

NOTE.—Should a hearing be deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 144043, filed November 25, 1977. Applicant: MILLER DELIVERY

SERVICE, INC., 227 North Main Street, Findlay, Ohio 45840. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Applicant seeks authority as a *contract carrier* by motor vehicle over irregular routes in the transportation of: *Electronic components and electronic devices*, from the plantsite of RCA Corp. at or near Findlay, Ohio, to Detroit Metropolitan Airport and Willow Run Airport, Mich., under contract with RCA Corp. of Findlay, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 228 (Sub-No. 76), filed November 9, 1977. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Michael J. Marzano, 99 Kinderkamack Road, Westwood, N.J. 07675. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at points in Dutchess, Putnam, Orange, Sullivan, Ulster, Delaware, and Broome Counties, N.Y., and points in Rockland County, N.Y., located west of a line which begins at the point on the southerly boundary line of Rockland County where it is intersected by Saddle River Road, thence along Saddle River Road to its junction with South Monsey Road, thence along South Monsey Road to its junction with College Road, thence along College Road to its junction with Forshay Road, thence along Forshay Road to its junction with Wilder Road, thence along Wilder Road to its junction with U.S. Highway 202, thence along U.S. Highway 202 to its junction with New York Highway 306, thence along New York Highway 306 to its junction with Willow Grove Road, thence along Willow Grove Road to its junction with Palisades Interstate Parkway thence along Palisades Interstate Parkway to the Rockland-Orange County boundary line, and extending to Atlantic City, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Newburgh, N.Y.

No. MC 115337 (Sub-No. 1), filed November 7, 1977. Applicant: OLIN L. CHAMBERLAIN, d.b.a. CHAMBERLAIN'S BUS SERVICE, Box 54, R.D. No. 1, Covington, Pa. 16917. 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: *Passengers and their baggage*, in round-trip charter operations, and in special operations in round-trip sightseeing and pleasure tours, beginning and ending at Mansfield and Wellsboro, Pa., and points in their commercial zones, and extending to points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg Pa.

By the Commission.

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

[FR Doc. 78-2148 Filed 1-25-78; 8:45 am]

[7035-01]

OPERATING AUTHORITY APPLICATIONS; ORAL HEARINGS

Special Orders

JANUARY 18, 1978.

All interested persons are advised that commencing February 1, 1978, special orders will be promptly issued in all operating authority applications referred to the Office of Hearings for oral hearing. These orders will call upon all parties to confer promptly to determine whether any issues can be reduced or eliminated by amendment or otherwise. Applicants will have 30 days from the service date of the order to request approval of any proposed amendments. Protestants will have 45 days from the service date of the order to notify the Commission of their intent to participate in the hearing or to withdraw. Failure of a protestant to notify the Commission will be construed as a waiver of its right to further participation.

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

[FR Doc. 78-2273 Filed 1-25-78; 8:45 am]

[Volume No. 55]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Railroad Abandonments, Alternate Route Deviations, and Intrastate Applications

JANUARY 20, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition 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 Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 3581 (Sub-No. 1) (M1) (notice of filing of petition to modify certificate and remove restriction), filed December 9, 1977. Petitioner: THE MOTOR CONVOY, INC., P.O. Box 82432, Hapeville, Ga. 30054. Petitioner's representative: Edward Wolcott, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Petitioner holds a motor *common carrier* certificate in No. MC 3531 (Sub-No. 1), issued April 24, 1951, authorizing as pertinent transportation over irregular routes (A) *automobiles and trucks, finished or unfinished, tractors and chassis* in driveaway and truckaway service in secondary movements, between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, restricted against the transportation (1) of shipments moving from Guntersville, Ala., and Memphis, Tenn., which have previously moved to such points by barge, and (2) of shipments which have originated at Detroit, Mich., or Toledo, Ohio and are destined to any point in North Carolina or South Carolina; and (B) *automobiles and truck bodies and cabs, automobile show equipment, paraphernalia, and display material*, between points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennesse, subject to the restriction that neither parts nor accessories shall be transported at the same time as, and in the same vehicle in which the transportation of the commodities authorized herein is being performed.

By the instant petition, petitioner seeks to modify part (a) so as to authorize the transportation of tractor attachments, parts and accessories when moving at the same time and in the same vehicle with tractors. Petitioner further seeks to remove the restriction in part (b) prohibiting the transportation of parts and accessories in the same vehicle and at the same time in which the transportation of other authorized commodities is being performed.

No. MC 6516 (Sub-No. 2)(M1) (notice of filing of petition to add an origin

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

and destination point), filed December 8, 1977. Petitioner: TRIBORO TRUCKING INC., 439 Orchard Street, Carlstadt, N.J. 07072. Petitioner's representative: Robert Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *common carrier* permit in No. MC 6516 (Sub-No. 2), issued June 18, 1969, authorizing transportation over irregular routes of *grease, soap, oil, paint, varnish, disinfectant, and water proofing material* from Belleville, N.J., to points in Hudson, Essex, Union, and Passaic Counties, N.J., that part of Connecticut west of the Connecticut River, those in that part of New York on and south of a line beginning at the Connecticut-New York State Line and extending along U.S. Highway 6 to junction New York Highway 17M, near Central Valley, N.Y., thence along New York Highway 17M to junction U.S. Highway 6 near Goshen, N.Y., thence along U.S. Highway 6 to the New York-Pennsylvania State Line, and those in that part of Pennsylvania east of a line beginning at Lewisville, Pa., and extending northerly through Parkersburg, Reading, Hazleton, Tnukhannock, and Montrose, Pa., to the Pennsylvania-New York State Line, including the points specified; and such above specified commodities as are damaged or refused and empty containers therefor, from points in the above specified destination territory, to Belleville, N.J. By the instant petition, petitioner seeks to add Philadelphia, Pa., as an origin and destination point.

No. MC 114552 (Sub-Nos. 3, 12, 13, 18, 98G, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E50, and E51)(M1) (notice of filing of petition to broaden commodity), filed October 14, 1977. Petitioner: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Petitioner's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Petitioner holds motor *common carrier* certificates in Nos. MC 114552 (Sub-No. 3) issued July 17, 1961; MC 114552 (Sub-No. 12) issued July 13, 1961; MC 114552 (Sub-No. 13) issued September 26, 1961; MC 114552 (Sub-No. 18) issued June 22, 1964; and MC 114552 (Sub-No. 98G) issued Sept. 19, 1975; petitioner also holds letter-notices in MC 114552 (Sub-No. E3), published in the FEDERAL REGISTER issue of August 19, 1974, and republished, as corrected, in the FEDERAL REGISTER issues of July 28, 1976 and January 12, 1977; MC 114552 (Sub-No. E4), published in the FEDERAL REGISTER issue of September 10, 1974, and republished, as corrected, in the FEDERAL REGISTER issue of October 8, 1974; MC 114552 (Sub-No. E5), published in the FEDERAL REGISTER issue of September 24, 1974; MC 114552 (Sub-No. E6), published in the FEDERAL REGISTER issue of October 3, 1974; MC 114552 (Sub-No. E7), published in the FEDERAL REGISTER issue of October 10, 1974, and republished, as corrected, in the FEDERAL REGISTER issue of November 7, 1974; MC 114552 (Sub-No. E8) published in the FEDERAL REGISTER issue of May 28, 1975, and republished, as corrected, in the FEDERAL REGISTER issue of July 1, 1975; MC 114552 (Sub-No. E9) published in the FEDERAL REGISTER issue of June 3, 1975, and republished, as corrected, July 1, 1975; MC 114552 (Sub-No. E10) published in the FEDERAL REGISTER issue of May 28, 1975; MC 114552 (Sub-No. E11) published in the FEDERAL REGISTER issue of August 11, 1975; MC 114552 (Sub-No. E12) published in the FEDERAL REGISTER issue of June 17, 1975, and republished, as corrected in the FEDERAL REGISTER issue of March 23, 1977; MC 114552 (Sub-No. E13) published in the FEDERAL REGISTER issue of July 28, 1975; MC 114552 (Sub-No. E50) published in the FEDERAL REGISTER issue of July 18, 1975; and MC 114552 (Sub-No. E51) published in the FEDERAL REGISTER issue of June 13, 1975, authorizing transportation, over irregular routes, of *lumber* (except plywood and veneer), generally between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. By the instant petition, petitioner seeks to broaden the commodity description by deleting the exceptions.

No. MC 123993 (Sub-No. 17) (M1) (notice of filing of petition to change origin point), filed December 22, 1977. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Petitioner holds a motor *common carrier* certificate in MC 123993 (Sub-No. 17), issued September 20, 1971, authorizing the transportation of: *Sugar, in bags,* from the plantsite of Southdown Sugars, Inc. at Houma, La. to points in Alabama and Mississippi. By the instant petition, petitioner seeks to change the origin of such authority so that it will read: "Sugar, in bags, from Supreme, La. to points in Alabama and Mississippi.

No. MC 138899 (Sub-No. 2) (M1) (notice of filing of petition to substitute contracting shipper), filed December 5, 1977. Petitioner: GREEN RIVER TRANSPORTATION CO. INC., Central City, Ky. 42330. Petitioner's representative: Kenneth Kusch, 107 North Railroad Street, P.O. Box 655, Central City, Ky. 42330. Petitioner holds a motor *contract carrier* permit in MC 138899 (Sub-No. 2) issued August 19, 1977, authorizing transportation over irregular routes of *Wooden pallets, boxes, crates and bases* from points in Muhlenberg County, Ky., to points in Indiana and Illinois; and *lumber,* from the destination points above to the facilities of Expendable Pallet Manufacturing Co. Inc., in Muhlenberg County, Ky., under continuing contract or contracts with Expendable Pallet Manufacturing Co. Inc., of Muhlenberg, Ky. By the instant petition, petitioner seeks to substitute Geibel Lumber Co. Inc., as the contracting shipper in lieu of Expendable Pallet Manufacturing Co.

No. MC 139495 (Sub-No. 13) (M1) (notice of filing of petition to add commodity description), filed December 5, 1977. Petitioner: NATIONAL CARRIERS INC., 1501 East Eighth Street, P.O. Box 1358, Liberal, Kans. 67901. Petitioner's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Petitioner holds a motor *common carrier* certificate in No. MC 139495 (Sub-No. 13), issued November 2, 1977 authorizing transportation over irregular routes of *Sodium bicarbonate and sodium carbonate* (except in bulk and except soda ash) from the facilities of Church & Dwight Co., Inc., located in Sweetwater County, Wyo., to points in Alabama, Mississippi, Louisiana, Arkansas, Iowa, Indiana, Ohio, Kentucky, Michigan, Tennessee, Missouri, Nebraska, Kansas, Oklahoma, and Texas. By the instant petition, petitioner seeks to add *cleaning, scouring, and washing compounds* to the commodity description.

No. MC 140484 (Sub-No. 17) (M1) (notice of filing of petition to add origin point), filed December 27, 1977. Petitioner: LESTER COGGINS TRUCKING INC., 2671 East Edison Avenue, P.O. Box 69, Fort Myers, Fla. 33901. Petitioner's representative: Chester A. Zyblut, 1030 15th Street NW., Washington, D.C. 20007. Petitioner holds a motor *common carrier* certificate in No. MC 140484 (Sub-No. 17), issued October 31, 1977, authorizing transportation over irregular routes, *Glassware, chinaware, earthenware, porcelain, stoneware, plastic bowls, cups, dishes, and plates,* between Lake City and Jeannette, Pa., and Sebring, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas. By the instant petition, petitioner seeks to add the plantsite and storage facilites of Walker China Co., located in Bedford Heights, Ohio as an origin point.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATION

The following applications are governed by special rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules pro-

vide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 21684 (Sub-No. 25), filed December 1, 1977. Applicant: CHARLES E. DANBURY CO., a corporation, 292 South Fifth Street, Cincinnati, Ohio 45176. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis, semitrailers, semitrailer chassis, container trailers, trailer converter dollies, and parts and accessories for the foregoing commodities*, from Denton County, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Pullman, Inc. (Trailmobile Division) located at Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio, or Chicago, Ill.

No. MC 37896 (Sub-No. 26), filed December 2, 1977. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 778, Fletcher, N.C. 28732. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stoves and stove parts*, from points in Buncombe County, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Asheville, N.C.

No. MC 47171 (Sub-No. 101), filed December 2, 1977. Applicant: COOPER MOTOR LINES, INC., P.O. Box 4259, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals; coal tar dyes* (except indigo); *softeners*, fabric or textile; *cleaning compounds; and dye intermediates* (except commodities in bulk), from Toms River, N.J., to Charlotte, N.C. and Lobeco, S.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C., or Columbia, S.C.

No. MC 50069 (Sub-No. 528), filed December 5, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Detroit, Mich., and Cleveland, Ohio, to points in Minnesota.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 59150 (Sub-No. 108), filed November 2, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring*, from Memphis, Tenn., and Grenada, Miss., to points in Georgia, Florida, and Alabama; and (2) *lumber*, from New Orleans, La., to points in Alabama, Georgia, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, Tenn.

No. MC 60014 (Sub-No. 63), filed November 30, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper articles* from Pulaski, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas; and (2) *scrap copper* from points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas to Pulaski, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn., or Washington, D.C.

No. MC 60014 (Sub-No. 64), filed November 30, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, lumber and lumber products, plywood and machinery*, from Savannah, Ga., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Winsconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 64932 (Sub-No. 580), filed December 12, 1977. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur Trioxide*, in bulk, in tank vehicles, from the plantsite of E. I. duPont de Nemours & Co. at Fort Hill, Ohio, to Millsdale, Ill., Midland and St. Louis, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Washington, D.C.

No. MC 67156 (Sub-No. 1), filed December 5, 1977. Applicant: CONTAINER TRANSPORT CO., a corporation, 55 Francisco Street, San Francisco, Calif 94133. Applicant's representative: Patrick Pollock (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* from the plantsite of Pacific Paperboard Products, Inc., at Stockton, Calif., to Oakland and San Francisco, Calif. Restriction: The operations authorized herein are limited to shipments in containers via piggyback service or ocean carriage, under a continuing contract or contracts with Pacific Paperboard Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Stockton, Calif.

No. MC 68860 (Sub-No. 28), filed November 21, 1977. Applicant: RUSSELL TRANSFER, INC., 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Liniel G. Gregory, Jr., (same address as applicant). 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, Florida, Georgia, Kentucky, Maryland, South Carolina, Virginia, West Virginia, Ohio, and the District of Columbia; 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, Florida, Georgia, Kentucky, Maryland, South Carolina, Ohio, Virginia, West Virginiia, and the District of Columbia, to Eden, N.C., restricted against the transportation of commodities in bulk, in tank vehicles, or commodities requiring the use of special equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Va.; Washington, D.C., or Charlotte, N.C.

MC 71452 (Sub-No. 15), filed November 28, 1977. Applicant: INDIANA TRANSIT, INC., 4300 West Morris Street, Indianapolis, Ind. 46241. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority is sought to operate as a motor *common carrier* in interstate or foreign commerce, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and articles which, because of size or weight, require special equipment), between points in Adams, Allen, Bartholomew, Blackford, Boone, Brown, Carroll, Cass, Clay, Clinton, Daviess, Decatur, Delaware, Fayette, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jay, Jennings, Johnson, Knox, Kosciusko, Lawrence, Madison, Marion, Martin, Miami, Monroe, Montgomery, Morgan, Owen, Parke, Posey, Putnam, Randolph, Rush, Shelby, Sullivan, Tippecanoe, Tipton, Vanderburgh, Vigo, Wabash, Wayne, Wells, White, Whitley, Ripley, Jefferson, Scott, Orange, and Dubois Counties, Ind.; Hamilton County, Ohio; McCracken and Graves Counties, Ky.; Fayette and Macon Counties, Ill.; and Louisville, Ky. Restricted against the transportation of single articles or pieces which exceed 100 pounds in weight.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Indianapolis, Ind.

No. MC 74321 (Sub-No. 138), filed December 9, 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 irreguar routes, transporting: (1) *Iron and steel articles and construction materials* (except in bulk), from facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies, 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, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; and (2) *materials, equipment and supplies* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in the United States, except Alaska, Connecticut, Hawaii, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, to facilities of or utilized by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and subsidiaries of the foregoing companies, at or near points named in (1) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Indianapolis, Ind., Chicago, Ill., or Washington, D.C. Prehearing conference, January 31, 1978, at 9:30 a.m., local time, at the offices of the Interstate Commerce Commission in Washington, D.C.

No. MC 75281 (Sub-No. 12), filed December 1, 1977. Applicant: RIGHTER TRUCKING CO., INC., 1238 Meadowabrook Drive, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground silica*, from Alexander County, Ill., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cairo, Ill.

No. MC 78400 (Sub-No. 57), filed November 28, 1977. Applicant: BEAUFORT TRANSFER CO., a corporation, P.O. Box 151, Gerald, Mo. 63037. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glasshouse pots and accessories*, requiring protection from freezing service; and, (2) *refractory and refractory products*, from the plantsite and facilities of Lacledе-Christy Clay Products Co. at Owensville, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 82079 (Sub-No. 56), filed December 2, 1977. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* (except in bulk), in mechanically refrigerated vehicles, from the plantsites and warehouse facilities of E. J. Brach & Sons, Inc., in Chicago and Carol Stream, Ill., to points in Michigan on, east and south of a line beginning at the intersection of U.S. Highway 23 and the Michigan-Ohio State line, and extending along U.S. Highway 23 north to its junction with Michigan Highway 21, then east along Michigan Highway 21 to its junction with Michigan Highway 15, then along Michigan Highway 15 to Bay City, Mich., restricted to traffic

originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich. or Chicago, Ill.

No. MC 84739 (Sub-No. 27), filed: November 28, 1977. Applicant: SEVERSON TRANSPORT, INC., 621 Albion Road, Edgerton, Wis. 53534. Applicant's representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the facilities of Krier Preserving Co. located at or near Belgium and Random Lake, Wis. to points in Pennsylvania on and west of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 97699 (Sub-No. 47), filed November 28, 1977. Applicant: BARBER TRANSPORTATION CO., a corporation, P.O. Drawer 1970, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, Suite 1660 Lincoln Center, 1600 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Campbell, Sheridan, Johnson, Weston and Crook Counties, Wyo., as off-route points in connection with the carrier's authorized regular-route operations between Spearfish, S. Dak. and Billings, Mont.*,

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Rapid City, S. Dak.

No. MC 103993 (Sub-No. 911), filed December 5, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani, (same address as applicatn). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*,from Tulsa, Okla., to points in Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Wisconsin, Alabama, Pennsylvania, Maryland, New Jersey, West Virginia, Virginia and Delaware.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106674 (Sub-No. 273), filed December 2, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution* from the storage facilities of CF Industries, Inc., at or near burns Harbor, Ind. to points in Michigan and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill., or Indianapolis, Ind.

No. MC 108676 (Sub-No. 114), filed November 28, 1977. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. 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: *Aluminum products and aluminum extrusions, and parts, materials and attachments* used in the assembly thereof, from the plantsite of Jarl Extrusions, Inc. located at Elizabethton, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Nashville, Tenn. or Atlanta, Ga.

No. MC 110525 (Sub-No. 1216), filed November 2, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chicken fat*, in bulk, in tank vehicles, from Linville and Winchester, Va. to Maspeth, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in New York, N.Y.

No. MC 110817 (Sub-No. 23), filed November 18, 1977. Applicant: E. L. FARMER & CO., a corporation, P.O. Box 3512, Odessa, Tex. 79760. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite* (except those commodities described in the Mercer description) from points in Big Horn County, Wyo. to points in Texas, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at (1) Houston, Tex. or (2) Dallas, Tex.

No. MC 111231 (Sub-No. 223), filed November 14, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. 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 commodities requiring special equipment), (1) between New Orleans, La., and Hattiesburg, Miss., serving all intermediate points: From New Orleans over U.S. Highway 90 to junction U.S. Highway 11, thence over U.S. Highway 11 via Slidell, La., to Hattiesburg, and return over the same route; (2) between Mobile, Ala., and Poplarville, Miss., serving the intermediate point of Wiggins, Miss.: From Mobile over U.S. Highway 98 to junction Mississippi Highway 26 near Lucedale, Miss., thence over Mississippi Highway 26 to Poplarville, and return over the same route; (3) between Livingston, Ala., and Hattiesburg, Miss., serving all intermediate points: From Livingston over U.S. Highway 11 (also over Interstate Highway 59) to Hattiesburg, and return over the same route; (4) between Vicksburg, Miss., and Meridian, Miss., serving all intermediate points: From Vicksburg over U.S. Highway 80 (also 20) to Meridian, and return over the same route; (5) Between Jackson, Miss., and New Orleans, La., serving all intermediate points: From Jackson over U.S. Highway 51 to its junction with Interstate Highway 10, thence over Interstate Highway 10 to New Orleans (also Interstate Highway 55 and Interstate Highway 10), and return over the same route; (6) between Brookhaven, Miss., and Laurel, Miss., serving all intermediate points: From Brookhaven over U.S. Highway 84 to Laurel, and return over the same route; (7) between Jackson, Miss., and Gulfport, Miss., serving all intermediate points: From Jackson over U.S. Highway 49 to Gulfport, and return over the same route; (8) between Hattiesburg, Miss., and Lucedale, Miss., serving all intermediate points: from Hattiesburg over U.S. Highway 98 to Lucedale, and return over the same route; (9) between Mobile, Ala., and the junction of U.S. Highway 11 and Interstate Highway 10 near Slidell, La., serving all intermediate points in Louisiana: from Mobile over Interstate Highway 10 (also U.S. Highway 90) to its junction with U.S. Highway 11 near Slidell, and return over the same route; (10) Between Slidell, La., and Lafayette, La., serving all intermediate points: from Slidell over U.S. Highway 190 (also over Interstate Highway 12 and Interstate Highway 10), and return over the same route; (11) between Baton Rouge, La., and New Orleans, La., serving all intermediate points: from Baton Rouge over U.S. Highway 61 to New Orleans, and return over the same route; (12) be-

tween Hattiesburg, Miss., and McComb, Miss., serving all intermediate points: from Hattiesburg over U.S. Highway 98 to McComb, and return over the same route; (13) between Leland, Miss., and Vicksburg, Miss., serving no intermediate points: from Leland over U.S. Highway 61 to its junction with Interstate Highway 20, thence over Interstate Highway 20 to Vicksburg, and return over the same route; (14) Serving as off-route points in connection with the regular routes described above, points in Louisiana and Mississippi within 200 miles of Poplarville, Miss.; alternate routes for operating convenience only: (15) between junction U.S. Highway 61 and 80 and Interstate Highway 20 bypass north and east of Vicksburg, Miss., and Baton Rouge, La., in connection with carrier's regular-route operations serving no intermediate points but serving Vicksburg, Miss., for purpose of joinder and local service. From junction U.S. Highways 61 and 80 and Interstate Highway 20 bypass north and east of Vicksburg, Miss., over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20, thence over combined U.S. Highway 80 and Interstate Highway 20 to junction U.S. Highway 61, thence over U.S. Highway 61 to Baton Rouge, and return over the same route.

NOTE.—Any duplication of authority requested herein shall not be construed as conferring more than one operating right.

It is further requested that the certificate requested herein supersede certificate number MC 111231, Sub-No. 192 dated January 23, 1976. Said application intends to convert irregular-route authority to regular-route authority. If a hearing is deemed necessary, the applicant requests it be held in Jackson, Gulfport and Biloxi, Miss., Baton Rouge and New Orleans, La.

No. MC 111310 (Sub-No. 27), filed December 1, 1977. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, Wis. 54615. 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) *Malt beverages and related advertising materials and supplies and malt beverage dispensing equipment* when shipped therewith from Milwaukee, Wis. to St. Cloud, Minn.; (2) *rejected shipments and empty malt beverage containers* from St. Cloud, Minn., to Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison or Black River Falls, Wis.

No. MC 112520 (Sub-No. 246), filed November 28, 1977. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Panebianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between points in Monroe County, Ala., on the one hand, and, on the other, points in Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Mobile, Ala., or Atlanta, Ga.

No. MC 113855 (Sub-No. 394), filed December 1, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Agricultural implements* and *agricultural implement parts*, between Big Stone County, Minn., and Ward County, N. Dak., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 114045 (Sub-No. 488), filed November 28, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas-Fort Worth Airport, Tex. 75261. Applicant's representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, frozen and nonfrozen, from Weslaco, Tex., to points in California, Colorado, Oklahoma, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex., or Brownsville, Tex. Common control may be involved.

No. MC 114552 (Sub-No. 143), filed November 30, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, core stock, panelling, and composition board*, from Savannah, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held in Savannah, Ga.

No. MC 114569 (Sub-No. 202), filed December 5, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (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 sections A 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, in tank vehicles), between the facilities of Premier Bone- less Meats, Inc., at or near Lyons, Nebr., and points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Washington, D.C.

No. MC 114890 (Sub-No. 76), filed December 1, 1977. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Trenton, Mo., to points in Kansas, Nebraska, Iowa, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Memphis, Tenn., or St. Louis, Mo.

No. MC 115841 (Sub-No. 579), filed November 8, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, crated, and new furniture, uncrated*, as described in appendix II to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from points in Alamance, Beaufort, Chatham, Davie, Davidson, Forsyth, Guilford, Lee, Moore, Nash, Orange, Randolph, Rowan, Stanly, Surry, and Wayne Counties, N.C., to points in Arkansas, Louisiana, Mississippi, Texas, and Oklahoma. Restriction: New furniture, uncrated, moving to points in Oklahoma and Texas, shall be transported only in mixed loads with new furniture, crated; (2) *new furniture, crated and uncrated*, as described in appendix II to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from Toccoa, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, Oklaho-

ma, South Carolina, Tennessee, and Texas; (3) *new furniture,* from points in that part of North Carolina on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to Reidsville, N.C., thence along U.S. Highway 158 to Mocksville, N.C., thence along U.S. Highway 64 to Statesville, N.C., thence along U.S. Highway 21, to Charlotte, N.C., thence along U.S. Highway 29 to the North Carolina-South Carolina State line to points in Georgia, South Carolina, Florida, and Alabama; and (4) *new furniture,* from points in North Carolina east of Transylvania, Haywood, Madison, Yancey, Mitchell, Avery, Watauga, Ashe, and Alleghany Counties to points in Georgia, Florida, Alabama, Arkansas, Louisiana, Oklahoma, Texas, and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 115904 (Sub-No. 88), filed November 30, 1977. Applicant: GROVER TRUCKING CO., 1710 West Braodway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories used in the manufacture and installation, thereof* (except in bulk in tank vehicles), between the facilities of Robintech, Inc., located at or near Grinnell, Iowa, Rolla, Mo., and Hillsboro, Tex., on the one hand and on the other points in and west of Minnesota, Iowa, Missouri, Arkansas and Louisiana (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Washington, D.C. Common control may be involved.

No. MC 116880 (Sub-No. 8), filed filed December 5, 1977. Applicant: WALTER D. DAVIS, INC., Bangor Street, Houlton, Maine 04730. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Citrus juices,* in bottles, in mixed loads with exempt commodities, from Boston, Mass., to ports of entry on the international boundary line between the United States and Canada located at or near Houlton and Calais, Maine, under a continuing contract or contracts with Atlantic Wholesalers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine or Boston, Mass.

No. MC 117613 (Sub-No. 23), filed November 25, 1977. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Waste oils,* from points in New Jersey, Pennsylvania, and Delaware, to Baltimore, Md., under a continuing contract, or contracts, with Maryland Liquid Disposal, Inc.

NOTE.—Applicant holds motor common authority in No. MC-138438 (Sub-No. 7) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118159 (Sub-No. 234) filed November 25, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). 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 and east of Wisconsin, Illinois, Missouri, Louisiana, and Arkansas; and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of malt beverages, and *returned empty malt beverage containers* (except commodities in bulk), from points in and east of Wisconsin, Illinois, Missouri, Lousiana, and Arkansas to Eden, N.C.; and (3) *malt beverages and related advertising materials* between Fulton, N.Y.; Eden, N.C.; Milwaukee, Wis.; and Fort Worth, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 82), filed November 30, 1977. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Thomas J. Beener, Waterloo Savings Bank Building, Suite 340, West Part at Cedar, P.O. Box 5,000, Waterloo, Iowa 50704. 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 section A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, from the facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Iowa, Kentucky, Minnesota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119531 (Sub-No. 164), filed November 30, 1977. Applicant: SUN EXPRESS, INC., P.O. Box 1031, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal containers and covers,* from Leetsdale, Pa. to points in Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Columbus, Ohio.

No. MC 119917 (Sub-No. 47), filed December 1, 1977. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: William F. Dudley, 724 Memorial Drive SE., Atlanta, Ga. 30316. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers* from the facilities of Midland Glass Co. located at or near Warner Robbins, Ga., to points in Williamsburg, Va. and points within its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or Atlanta, Ga.

No. MC 123069 (Sub-No. 21), filed December 5, 1977. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio 43212. Applicant's representative: Paul R. Bergant, 10 South La Salle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products, in packages* from Rittman, Fairport, and Lodi, Ohio to points in Indiana and the Chicago, Ill. Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123069 (Sub-No. 22), filed December 5, 1977. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio 43212. Applicant's representative: Paul R. Bergant, 10 South La Salle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products, in packages,* from Akron, Ohio, to points in Indiana and the Chicago, Ill. Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 417), filed November 28, 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: *Pipe, fittings, valves, hy-*

drants, castings, and materials and supplies used in the installation thereof from Birmingham, Ala., to points in Utah and points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 418), filed December 1, 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: *Iron and steel articles* from Chicago Heights, Ill., to points in Indiana, Wisconsin, Ohio, Michigan, Kentucky, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 419), filed December 1, 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: *Pipe, fittings, valves, hydrants, castings, and materials and supplies used in the installation thereof* (except commodities in bulk) from the plantsite and storage facilities of Clow Corp., near Lincoln, Talladega County, Ala., to points in the United States (except Alaska, Hawaii, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 123579 (Sub-No. 4), filed November 28, 1977. Applicant: HARBOURT AIR FREIGHT SERVICE, INC., 3570 Quakerbridge Road, P.O. Box 3215, Trenton, N.J. 08619. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y., restricted to transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, Pa. Common control may be involved.

No. MC 124078 (Sub-No. 758), filed November 2, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products thereof*, in bulk, in tank vehicles, (1) from the plantsite and/or warehouse facilities of Cargill, Inc., located at or near Gainesville, Ga., to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas; and (2) from points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Virginia, to the plantsite and/or warehouse facilities of Cargill, Inc. located at or near Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga. Common control may be involved.

No. MC 124078 (Sub-No. 765), filed December 1, 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: *Plastic materials*, dry, in bulk, in tank vehicles, from Illiopolis, Ill., to points in Iowa, Missouri, Minnesota, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Virginia, Tennessee, Mississippi, Georgia, and Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Chicago, Ill. Common control may be involved.

No. MC 124692, (Sub-No. 188), filed December 20, 1977. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, Ind. 46240. 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*, and (2) *materials, supplies and equipment used in the manufacture and distribution of commodities named in (1) above* (except in bulk), from (A) the plantsites and warehouse facilities of Penn-Dixie Steel Corp. and Penn-Dixie Steel Industries, Inc., and Stephens Spring Co. located at or near Kokomo and Elkhart, Ind.; Toledo and Columbus, Ohio; Lansing and Grand Rapids, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island and Joliet, Ill.; Nazareth and Cabot, Pa.; Petoskey, Holland and Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; West Des Moines, Iowa; Richard City, Tex.; North Judson, Ind.; Cicero, Ind. and Newton, Kans., to points in the U.S. (except Alaska, Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, District of Columbia, New Jersey, New York, Delaware, Maryland, West Virginia, Virginia, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi and Florida); and (B) from points in the United States (except Alaska, Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, District of Columbia, New Jersey, New York, Delaware, Maryland, West Virginia, Virginia, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi and Florida), to the plantsites and warehouse facilities of Penn-Dixie Steel Corp., Penn-Dixie Steel Industries, Inc., and Stephens Spring Co. located at or near Kokomo, Ft. Wayne, and Elkhart, Ind.; Toledo and Columbus, Ohio; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island, Ill.; Joliet, Ill.; Petoskey, Holland and Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; West Des Moines, Iowa; Richard City, Tex.; Atlanta, Ga.; Salisbury, N.C.; North Arlington, N.J.; North Judson, and Cicero, Ind. and Newton, Kans.

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, Washington, D.C.

No. MC 124774 (Sub-No. 101), filed December 1, 1977. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Drive, P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. 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 sections A 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, in tank vehicles), from the plantsites and storage facilities of Premier Boneless Meats at or near Lyons, Nebr. to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: Restricted to the transportation of shipments originating at the above-de-

scribed shipper plantsites and storage facilities at or near the named origins and destined to the named destination points (except when moving in foreign commerce).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Omaha, Nebr.

No. MC 126305 (Sub-No. 88), filed November 30, 1977. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Clayton, Ala. 36016. 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: (1) *Iron and steel, iron and steel articles, pipe and pipe fittings, valves, hydrants, parts thereof and accessories therefor*, from Birmingham, Ala., to points in the United States east of and including the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (2) *materials, equipment, machinery, and supplies* used in the manufacturing, processing, and distribution of the commodities named in (1) above, from points in the States named in (1) above to Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 127739 (Sub-No. 5), filed November 28, 1977. Applicant: BOYCE BRUCE, 417 North Metts Street, Louisville, Miss. 39339. Applicant's representative: John A. Crawford, 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and Structural tile*, (1) between the plant and facilities of Delta-Shuqualak Brick & Tile Co., Inc., at or near Shuqualak, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas; (2) from points in Indiana, to the plant and facilities of Delta-Shuqualak Brick & Tile Co., Inc., at or near Shuqualak, Miss.; (3) between the plant and facilities of Delta Brick & Tile Co., Inc., at or near Indianola, Miss., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas; and (4) from points in Indiana to the plant and facilities of Delta Brick & Tile Co., Inc., at or near Indianola, Miss. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Delta Brick & Tile Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 129226 (Sub-No. 5), filed November 28, 1977. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, N.Y. 11714. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by persons who operate retail drug stores and materials, supplies, and equipment used in the conduct of such business (except in bulk), between Melville, N.Y., on the one hand, and, on the other, points in New Jersey and those in Rockland and Orange Counties, N.Y., under a continuing contract or contracts with Genovese Drug Stores, Inc., located at Melville, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134064 (Sub-No. 8), filed November 23, 1977. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, Ga. 30501. Applicant's representative: Charles M. Williams, 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: I. *petroleum and petroleum products, vehicle body sealer, and/or sound deadener compound (except in bulk), and filters*, from points in Marion county, Tenn., to the District of Columbia and in the States in and east of Wisconsin, Iowa, Missouri, Oklahoma, and Texas, restricted to traffic originating at points in Marion County, Tenn.; II. *materials, supplies, and equipment used in the manufacture, sale, and distribution of the commodities named in part I above (except 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 III. *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.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held in Washington, D.C., or Atlanta, Ga.

No. MC 134262 (Sub-No. 13), filed November 28, 1977. Applicant's name: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebra. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calcium chloride*, (a) from Ludington, Mich., and Boyden, Iowa, to points in North Dakota, Nebraska, Oklahoma, Missouri, Illinois, Indiana, and Wisconsin; (b) from Midland, Mich., to points in Iowa, Kansas, Minnesota, South Dakota, North Dakota, Nebraska, Oklahoma, Missouri, Illinois, Indiana, and Wisconsin; (2) *salt*, from points in Utah in and north of Tooele, Utah, Wasatch and Summit Counties, Utah, to points in Iowa, Nebraska, Minnesota, South Dakota, Kansas, Missouri, and Wisconsin; and (3) *lignin pitch*, from Green Bay and Rothschild, Wis., to points in Texas, Oklahoma, and Louisiana. Restricted against the transportation of liquids in bulk, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with Farmers Feed & Supply, Inc., of Boyden, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134286 (Sub-No. 37), filed November 30, 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, 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), in vehicles equipped with mechanical refrigeration, from the plantsites and storage facilities utilized by John Morrell & Co. at or near Sioux Falls, S. Dak., and Sioux City, Estherville, and Humboldt, Iowa, to points in Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, restricted to trafic originating at the above-named origins, and destined to points in named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 134286 (Sub-No. 38), filed November 30, 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, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and com-

modities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsdites and storage facilities utilized by John Morrell & Co. at or near Sioux Falls, S. Dak., and Sioux City, Estherville, and Humboldt, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named origins, and destined to points in named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 134755 (Sub-No. 122), filed November 21, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. 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: *Petroleum, petroleum products, vehicle body sealers, deadner compounds (except in bulk), oil filters, and air filters*, (1) from Bradford and Petrolia, Pa., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; (2) from Emlenton, Farmers Valley, and New Kensington, Pa.; Congo and St. Marys, W. Va.; and Buffalo, N.Y., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; and (3) from Portland, Oreg., to points in Washington, Montana, Idaho, Utah, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 138398 (Sub-No. 2) and sub numbers thereunder, therefore, dual operation may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Pittsburgh, Pa.

No. MC 136818 (Sub-No. 21), filed December 1, 1977. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood, P.O. Box 3902, Phoenix, Ariz. 85030. Applicant's representative: Donald E. Fernaays, Suite 320, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plant and warehouse facilities of Kraft, Inc., at Springfield, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to traffic originating at the above-named origin and destined to the above destination States.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136897 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Phoenix, Ariz.

No. MC 138875 (Sub-No. 65), filed November 30, 1977. Applicant: SHOEMAKER 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*, by motor vehicle, over irregular routes, transporting: *Such products as are dealt in by wholesale and retail distributors of floor, wall, ceiling, and counter coverings* (except products in bulk) from Pensacola, Fla.; Newark and Salem, N.J.; Owensboro, Ky.; Beaver Falls and Marietta, Pa.; Dyersburg, Tenn.; and Houston, Miss.; to the facilities of Construction Specialties Co., Inc., located in Ada and Canyon Counties, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 139495 (Sub-No. 289), filed November 30, 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; *Intravenous solutions, related drugs, medicines, and related medical supplies* from the plantsite and storage facilities of Travenol Laboratories, Inc., located at or near Memphis, Tenn., to Mansfield, Mass.; Lockland, Ohio; Cleveland, Ohio; Melvindale, Mich.; Buffalo, N.Y.; Indianapolis, Ind.; Morton Grove, Ill.; Minneapolis, Minn.; and McKees Rocks, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 139923 (Sub-No. 38), filed December 2, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products and synthetic cheese*, (except commodities in bulk), from the plantsites and storage facilities of or utilized by L. D. Schreiber Cheese Co., Inc., located in Barry, Jasper, Lawrence and Newton Counties, Mo., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington, restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC-139926 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 140543 (Sub-No. 3), filed December 5, 1977. Applicant: Frank Garretson, R.R. No. 2, Morrison, Tenn. 35357. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, rough*, from Jackson County, Ala., to points in Tennessee, North Carolina, Alabama, Virginia, Mississippi, Georgia, and Florida. Restricted to the transportation of shipments originating at or destined to the facilities of Word-Mead in Jackson County, Ala., under a continuing contract, or contracts, with the Mead Corporation, of Dayton, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Huntsville, Ala.

No. MC 140587 (Sub-No. 5), filed November 30, 1977. Applicant: Cecil Claxton, Box 7, Route 3, Wrightsville, Ga. Applicants' representative: Ronald K. Kolins, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007. 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, Florida, Georgia, and South Carolina, 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, Florida, Georgia, and South Carolina to Eden, N.C.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C. Applicant also holds contract carrier authority MC 133492 (Sub. 1) and subs thereunder, Therefore dual operations may be involved.

No. MC-140829 (Sub-No. 65) filed December 1, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative, William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. 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 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), in vehicles equipped with mechanical refrigeration, from the plant site and storage facilities utilized by John Morrell & Co. at or near Sioux Falls, S. Dak.; Estherville, Humboldt and Sioux City, Iowa to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC-136408 Sub & and other subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC 141312 (Sub-No. 3), filed November 28, 1977. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, Nebr. 68463. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, from Weeping Water, Nebraska to the facilities of CertainTeed Corp. at Kansas City, Mo., under a continuing contract, or contracts, with CertainTeed Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 141635 (Sub-No. 2), filed December 5, 1977. Applicant: LAVERN GIBSON d.b.a. GIBSON SERVICE CO., P.O. Box 1123, Henderson, Tex. 75652. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed,* and *replacement vehicles* and *trailers* (except mobile homes) by wrecker equipment, between points in Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, it is requested that such hearing be held at Dallas or Fort Worth, Tex.

No. MC 141914 (Sub-No. 27) (Correction), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished as corrected, this issue. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectionaries*, in temperature controlled vehicles, from Salt Lake City, Utah, to points in Alabama, Arkansas, California, Oregon, South Carolina, Tennessee, Texas, Oklahoma, and Washington.

NOTE.—Commission records reveal that dual operations are not involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah. The purpose of this correction is to show correct dual operations statement.

No. MC 141914 (Sub-No. 28) (Correction), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished, as corrected, this issue. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials, stains, varnishes, protective coating materials, athletic field surfacing materials and the component materials* contained therein, and *advertising material* related thereto, between the plantsite of California Products Corp., Cambridge, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Commission records reveal that dual operations are not involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla. or St. Louis, Mo. The purpose of this correction is to show correct dual operations statement.

No. MC 142062 (Sub-No. 8), filed November 28, 1977. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Post Office Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: (1) *Aluminum* and *aluminum products*, and such other commodities as are manufactured or distributed by a manufacturer of aluminum products, from facilities of Reynolds Metals Company at or near Louisville, Ky., to points in California, Oregon, and Washington; and (2) returned, refused or rejected shipments of the foregoing commodities, from points in California, Oregon, and Washington, to facilities of Reynolds Metals Co. at or near Louisville, Ky. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Reynolds Metal Co.

NOTE.—If a oral hearing is deemed necessary, applicant requests that it be held in Lousiville, Ky.

No. MC 142335 (Sub-No. 2), filed November 23, 1977. Applicant: C & E TRUCKING CO., INC., 8434 Tepic Drive, Paramount, Calif. 90723. Applicant's representative: Richard Celio, 1415 West Garvey Avenue, Suite 102, West Covina, Calif. 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste and scrap paper for recycling*, from points in Arizona, to plant facilities utilized by Crown Zellerbach, Corp., located at or near Antioch, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 142351 (Sub-No. 5), filed November 28, 1977. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jerico Turnpike, Commack, N.Y. 11725. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hibachis, barbeques, accessories and components, lawn chairs, charcoal, folding cots, zorries*, from Hicksville, Long Island, N.Y., to Illinois, Indiana, Florida, Pennsylvania, North Carolina, Ohio, Maine, Michigan, New Jersey, Virginia, Georgia, South Carolina, Connecticut, West Virginia, Maryland, and Delaware, under a continuing contract, or contracts, with Ivy Mar Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C. Applicant has pending common carrier authority in No. MC 142351 Sub-No. 7 therefore, dual operations may be involved.

No. MC 142608 (Sub-No. 4), filed November 28, 1977. Applicant: ASCENZO BROTHERS, INC., 535 Brush Avenue, Bronx, N.Y. 10465. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Wallingford, Conn. to points in New York, New Jersey, and Pennsylvania, under a continuing contract or contracts with Cosid, Inc., located at New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 142959 (Sub-No. 2), filed November 28, 1977. Applicant: DONALD L. AMENT and ROBERT ROBBENNOLT, a co-partnership d.b.a. A & R TRANSPORT, No. 5 King Henry Place, Billings, Mont. 59101. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, building block, tile, sewer pipe*, and *allied clay products*, from the plantsite of The Lovell Clay Products Co. at Lewistown, Mont., to points in Wyoming and points in Colorado lying on the north of U.S. Highway 50; and (2) *Clay*, from points in Big Horn County, Wyo., to the plantsite of The Lovell Clay Products Co. at Lewistown, Mont under continuing contract or contracts with The Lovell Clay Products Co.

NOTE.—If hearing is deemed necessary applicant requests it be held at Billings or Helena, Mont.

No. MC 143117 (Sub-No. 2), filed November 28, 1977. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03103. Applicant's representative: Harry C. Pappas (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Description in Motor Carriers Certificates, 61 M.C.C. 209,766 (except hides and pieces thereof and commodities in bulk), from the plantsite and storage facilities of the Great Plains Beef Co. at or near Council Bluffs, Iowa, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, under a continuing contract or contracts with Great Plains Beef Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Concord, N.H., or Boston, Mass. Applicant seeks common carrier authority in No. MC 141921 (Sub-No. 8); therefore dual operations may be involved.

No. MC 143228 (Sub-No. 1), filed December 1, 1977. Applicant: EDWARD C. BRAUN AND WILLIAM R. BRAUN, d.b.a. BRAUN TRUCKING SERVICE, P.O. Box 33, Hecker, Ill. 62248. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg. St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Louis, Mo. and Belleville, Ill., to St. Paul, Minn., and, *Empty malt beverage containers and pallets* on return, under a continuing contract or contracts with Capitol City Distributing Co., Inc. and; (2) *Malt beverages*, from St. Paul, Minn., to Belleville, Ill., and empty malt beverage containers and pallets on return, under a continuing contract or contracts with The Universal Beverage Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo. or Springfield, Ill.

No. MC 143254 (Sub-No. 2), filed November 30, 1977. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, Mass. 02167. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives;* (2) *Fabrics;* (3) *Fabrics laminated to urethane foam;* and (4) *equipment, materials*, and *supplies* used in the manufacture and distribution of the above commodities, between the facilities of R. H. Wyner Associates, Inc., in Stoughton, Mass., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted (a) against the transportation of commodities in bulk, and (b) to the performance of a transportation service under a continuing contract or contracts with R. H. Wyner Associates, Inc., of Stoughton, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass., or Washington, D.C.

No. MC 143472 (Sub-No. 2), filed December 1, 1977. Applicant: GMG ENTERPRISES, INC., 1479 Urbandale, Florissant, Mo. 63031. Applicant's representative: Gregory M. Rebman, Suite 1230, Marquette Building, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages* from St. Louis, Mo., and its commercial zone to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Oklahoma, Tennessee (except Shelby County), and Wisconsin; (2) *glass bottles, non-alcoholic beverage cases and containers and pallets*, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Oklahoma, Tennessee (except Shelby County), and Wisconsin to St. Louis, Mo., and its commercial zone, under a continuing contract or contracts with Taylor Beverages, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 143661 (Sub-No. 1), filed December 5, 1977. Applicant: SOLAR TRANSPORT, INC., P.O. Box 296, Palestine, Tex. 75801. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Building, Suite 3300, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solar panels and parts and accessories for solar panels*, from the facilities of Solar Manufacturing, Inc. located at or near Palestine, Tex., to all points in the United States (except Alaska and Hawaii) and (2) *Materials, equipment and supplies utilized in the manufacture, distribution, sales and installation of the commodities referred to in Part (1) above* (except commodities in bulk), from all points in the United States (except Alaska and Hawaii) to Palestine, Tex., under a continuing contract, or contracts, with Solar Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas or Houston, Tex. Common control may be involved.

No. MC 143677 (Sub-No. 1), filed December 2, 1977. Applicant: JIMMIE W. LEE d.b.a. LEE'S LOWBOY SERVICE, 13506 Giles Road, Omaha, Nebr. 68138. Applicant's representative: Joseph Winter, 33 N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and concrete products* (except commodities in bulk), from points in Nebraska to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 143813 (Sub-No. 1), filed December 5, 1977. Applicant: P/C TRANSPORTATION LINES, INC., 830 West Fifth Avenue, Columbus, Ohio 43215. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Applicant seeks authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Show or display cases and parts thereof*, and materials used in the manufacture, distribution or sale thereof, between Bellevue and Columbus, Ohio, on the one hand, and, on the other, points in the United States, including Alaska, and (except Hawaii), under a continuing contract or contracts, with the Columbus Show Case Co., of Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Columbus, Ohio.

No. MC 143922, filed October 31, 1977. Applicant: HOLTZMAN DELIVERY SERVICE, INC., 1340 Schulte Road, St. Louis, Mo. 63141. Applicant's representative: David C. Drury, 111 South Meramec, Suite 506, Clayton, Mo. 63105. Authority is sought to operate as a *contract carrier*, over irregular routes, in the transportation of *new and used furniture, appliances and parts thereof*, between the warehouse facilities of Wickes Corp., located in Maryland Heights, Mo., and points in Bond, Calhoun, Fayette, Greene, Jefferson, Jersey, Madison, Macoupin, Marion, Montgomery, Perry, Randolph, St. Clair, and Washington Counties, Ill., under a continuing contract or contracts with Wickes Furniture Division of the Wickes Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Clayton or St. Louis, Mo.

No. MC 144003, filed November 3, 1977. Applicant: TIEDT TRUCKING CO., a corporation, R.R. 5, Lemont and Bluff Roads, Lemont, Ill. 60439. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete products*, (1) from the facilities of Chicago Pre-cast Products, Division of Condux International, Inc., located at or near Naperville, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin, (2) from the facilities of Janesville Concrete Products, Division of Condux International, Inc., located at or near Janesville, Wis., to points in Illinois, Indiana, Iowa, and Michigan, under a continuing contract or contracts in (1) and (2) above with Chicago Pre-cast Products, Division of Condux International, Inc., and (3) from the facilities of Material Service Corp., located at or near Lockport, Ill., to points in Indiana, Iowa, Michigan, and Wisconsin, under a continuing contract or contracts with Material Service Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 144011 (Clarification), filed November 14, 1977, published in the FEDERAL REGISTER issue of January 12, 1978, and republished, this issue. Applicant: HALL SYSTEMS, INC., 212 South 10th Street, Birmingham, Ala. 35233. Applicant's representative: Robert D. Hunter, 1700 First Alabama Bank Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, 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 Brimingham 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 Brimingham 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 Brimingham 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 Birmingham, Ala., New Orleans, La. or Meridian, Miss. The purpose of this republication is to clarify number assigned to this applicant.

No. MC 144020 (Sub-No. 1), filed December 5, 1977. Applicant: LANE TRUCKING INC., 12642 O Street, Omaha, Nebr. 68137. Applicant's representative: Marshall D. Becker, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except hides and commodities in bulk) as described in Appendix I, Sections A and C of Descriptions in Motor Carrier Certificates, 61 MCC at 273: From Davenport, Dubuque, Cedar Rapids, Ottumwa, Marshalltown, Iowa Falls, Waterloo, Estherville, Des Moines, Fort Dodge, Sioux City, Cherokee, Denison, Glenwood, Perry, Storm Lake, and Columbus Junction, Iowa, Omaha, Fremont, Crete, Madison, Lyons, Schuyler, and Dakota City, Nebr., Minneapolis, St. Paul, Austin, Albert Lea, and Worthington, Minn., Huron, Mitchell, and Sioux Falls, S. Dak., Kansas City, Arkansas City, Great Bend, and Garden City, Kans., St. Louis and Marshall, Mo., to Merced, Stanislaus, San Joaquin, Alameda, San Francisco, Santa Clara, Yolo, Los Angeles, San Mateo, Sacramento, and Fresno Counties, Calif., under a continuing contract, or contracts, with Pacific Provisions, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr. or San Francisco, Calif.

PASSENGERS

No. MC 143851, filed October 14, 1977. Applicant: JAMES SULESKI, 11 Harwood Road, Marlton, N.J. 08053. Applicant's representative: James Suleski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *passengers*, having a prior or subsequent movement by air and such individuals associated in the movement of such passengers in specialized equipment, in special operations between John F. Kennedy Airport, Jamaica, N.Y., LaGuardia Airport, Queens, N.Y., Teterboro Airport, Teterboro, N.J., Newark International Airport, Newark, N.J., Philadelphia International Airport, Philadelphia, Pa., Bader Field, Atlantic City, N.J., Pomona Airport, Pomona, N.J., and Atlantic and Cape May Counties, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either, Atlantic City, N.J. or Philadelphia, Pa.

No. MC 143998 (Correction), filed November 8, 1977, published in the FEDERAL REGISTER issue of December 30, 1977 as MC 144011, and republished, as corrected, this issue. Applicant: CLIFFORD T. GLENN, d.b.a. TALLY-HO CHARTER SERVICE, 1501 North Stanton, No. 6, El Paso, Tex. 79902. Applicant's representative: Clifford T. Glenn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *passengers, and their baggage* in same vehicle with passengers, in special and charter party operations, beginning and ending in El Paso, Tex., and extending to points in New Mexico, Arizona, and points on and east of U.S. Highway 15 in Utah, and points on and west of U.S. Highways 25 and 90 in Wyoming, and points on and west of U.S. Highway 25 in Colorado. Limited to twelve passengers including chauffeur in limousines.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either El Paso, Tex., or Albuquerque, N. Mex. The purpose of this correction is to show correct number assigned as MC 143998.

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-12720. Authority sought to reopen the proceeding for amendment of the original application to seek authority for the merger of H. M. WITMYER, INC., 15 South Wolf Street, Manheim, Pa., into CENTRAL TRANSFER CO., 1080 Springfield Road, Union, N.J., for ownership, management, and operation, and for control by P. A. Albanese, of Union, N.J., of the operating rights and properties of H. M. Witmyer, Inc., through the merger. Applicant's attorney: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier* over regular routes between Manheim, Pa., and Philadelphia, Pa., serving the intermediate points of Lititz and Lancaster, Pa., and *truck casters, machinery and parts, leather belting and leather*, as a *common carrier* over irregular routes between Manheim and Lancaster, Pa., on the one hand, and, on the other, Camden, N.J. Central Transfer Co., is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. By order entered November 5, 1976, the Commission granted the original application by which Central Transfer Co. sought control of H. M. Witmyer, Inc. By order entered September 16, 1977, the Commission granted the requested reopening, permitted amendment of the application, and granted authority for the merger of H. M. Witmyer, Inc., into Central Transfer Co., for ownership, management, and operation, and for control by P. A. Albanese of the operating rights and properties of H. M. Witmyer, Inc., through the merger, subject to publication in the FEDERAL REGISTER of notice of filing of the amendment seeking merger.

No. MC-F-13443. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, Ohio, 45802, of a portion of the operating rights of Eastern Express, Inc., 1450 Wabash Avenue, Terre Haute, Ind., 47808, and for acquisition by L. Eugene Duff, also of Broadway and Vine Streets, Lima, Ohio, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006, and Roland Rice, 501 Perpetual Building, 1111 E Street N.W., Washington, D.C. 20004. Operating rights sought to be transferred: (1) That portion of Certificate No. MC-106943, authorizing the transportation of: *general commodities*, with the usual exceptions, as a *common carrier* over regular routes, (a) serving to and from points in Marion County, Ind., as intermediate or off-route points in connection with carrier's regular route operations to or from Indianapolis, Ind., (b) between Huntington, Ind., and Fort Wayne, Ind., serving no points, but serving the off-route point of Marion, Ind.: From Huntington over U.S. Highway 24 to Fort Wayne, and return over the same route, with restrictions; (c) between Indianapolis, Ind., and Huntington, Ind., serving the intermediate point of Marion, Ind.: From Indianapolis over Indiana Highway 37 to Huntington, and return over the same route, with restrictions; (d) between Indianapolia, Ind., and Cincinnati, Ohio, serving no intermediate points: From Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route. (2) That portion of Certificate No. 106943 (Sub-No. 51) authorizing the transportation of general commodities, except those of unusual value, Class A and B explosives other than small-arms ammunition, livestock, household goods as defined by the Commission, and liquids in bulk in tank trucks, between Indianapolis, Ind., and Cincinnati, Ohio, serving no intermediate points. From Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio. Application has been filed for temporary authority under Section 210a(b).

NOTE.—MC-14314 (Sub-No. 26) is a directly related matter.

No. MC-F-13463. Authority sought for purchase by THE LAKE SHORE MOTOR FREIGHT CO., 1200 South State Street, Girard, Ohio, 44420 of the operating rights of Olson Express, Inc., Ronald H. Gordon, Receiver, 309 Broadway Building, Lorain, Ohio, 44052, and for acquisition by Howard J. O'Malley, Jr., of 1200 South State Street, Girard, Ohio, 44420, John J. O'Malley of 2620 Thorntree Drive, Pittsburgh, Pa., and Lucille A. O'Linn of 30301 Windsor Drive, Bay Village, Ohio, of control of such rights through the purchase. Attorneys for transferor: Michael Spurlock and Paul Berry, Esquire, 275 East State Street, Columbus, Ohio, 43215. Transferee's attorneys: John P. Tynan and A. David Millner, Esquire, c/o Bowes, Millner, Rodgers, Liberstein, & Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006. Operating rights sought to be transferred: Under a Certificate of Registration in Docket No. MC-99038, authorizing the transportation of property from and to Lorain County, Ohio, also household goods, office furniture and fixtures to and from any point in Lorain County, Ohio, or within the State of Ohio. Vendee is authorized to operate as a motor *common carrier* in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-13569 (Sub-Nos.-34 and 35) is a directly related matter.

No. MC-F-13473. Authority sought for purchase by CENTRAL TRANSPORT, INC., P.O. Box 7007, Uwharrie Road, High Point, N.C., 27264, of a portion of the operating rights of Spector Freight System, Inc., 1050 Kingery Highway, Bensenville, Ill., 60106, and for acquisition by A. L. Honbarrier, P.O. Box 7007, Uwharrie Road, High Point, N.C., 27264, of control of such rights through the transaction. Applicants' representatives: Earlie O. Jones, director, traffic and sales, P.O. Box 7007, High Point, N.C., 27264; E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C., 20001; and Jack Goodman, Axelrod, Goodman, Steiner & Bazelon, 39 South LaSalle Street, Chicago, Ill., 60603. Operating rights sought to be acquired: *Chemicals*, in bulk, over irregular routes, from Jersey City, N.J. to Charlotte, N.C. (portion of MC-69116). Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—MC-118831 (Sub-No. 155) is a directly related matter.

No. MC-F-13476. Authority sought for purchase by COLONIAL TRANSPORTATION, INC., 38 May Avenue, Brockton, Mass., 02401 of the operating rights of Superior Motor Transportation Co., Inc., 69 Proctor Street, Boston, Mass., 02119, and for acquisition by Richard Bodel, 38 Hillcrest Drive, Pembroke, Mass., 02359 and John A. Buckley, 38 May Avenue,

Brockton, Mass., 02401 of control of such rights through the purchase. Transferee's attorney: Frank J. Weiner, 15 Court Square, Boston, Mass, 02108. Transferors attorney: Kenneth B. Williams, 84 State Street, Boston, Mass., 02109. Operating rights sought to be purchased: (I) *General commodities* (with exceptions), as a *common carrier*, over (A) regular routes, between (1) Boston, Mass. and Providence, R.I.; (2) Boston, Mass. and Worcester, Mass.; and (3) Boston, Mass. and Lynn, Mass.; (B) irregular routes between (1) Boston, Mass. and points in Massachusetts within 10 miles of Lowell, on the one hand, and, on the other, Boston, Mass. and points and places in Massachusetts within 12 miles of Boston; and, (II) *specific commodities*, over irregular routes, as more fully described in Certificates of Public Convenience and Necessity Nos. MC-2123 and MC-2123 (Sub-No. 3). Vendee is authorized to operate as a common carrier in Massachusetts pursuant to Certificate of Registration No. MC-120799 (Sub-No. 1). Application has been filed for temporary authority under Section 210a(b). A directly related application seeking conversion of vendee's certificate of registration to a certificate of public convenience and necessity is being simultaneously filed. Application has been filed for temporary authority under Section 210a(b).

NOTE.—MC-120799 (Sub-No. 2) is a directly related matter.

No. MC-F-13477. Authority sought for purchase by ARLEDGE TRANSFER, INC., 1100 Arnold Drive, West Burlington, Iowa, 52632, of the operating rights and property of Eugene C. Warren, d.b.a. Warren Trucking Co., Box 1144, Keokuk, Iowa 52632, and for acquisition by James G. Arledge, 2330 Mason Road, Burlington, Iowa 52601, and Arnold G. Arledge, 1426 Pine Street, Burlington, Iowa 52601, of control of such rights through the purchase. Applicants' representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa, 50309. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over irregular routes between Elvaston, Ill., on the one hand, and, on the other, points in Illinois, Iowa, and Missouri within 85 miles of Elvaston, Ill., as set forth in Certificate MC-141139. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, and Missouri. Application has been filed for temporary authority under section 210a(b).

NOTE.—If a hearing is required, applicant requests assignment at Chicago, Ill. Application states Transferee intends to join Transferor's irregular route authority with Transferee's present regular route authority.

No. MC-F-13481. Authority sought for purchase by MORGAN TRUCKING CO., 1201 E. 5th Street, P.O. Box 714, Muscatine, Iowa, 52761, of the operating rights and property of Glen R. Dusenberry, an individual, 1414 Grandview Ave., Muscatine, Iowa 52761, and for acquisition by Donald L. Morgan, 1201 E. Fifth Street, Muscatine, Iowa 52761, of control of such rights through the purchase. Applicants' attorney: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Operating rights sought to be transferred: *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), as a *common carrier* over irregular routes from Columbus Junction and Waterloo, Iowa, to points in Illinois, with restrictions; from the facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to Chicago, Ill., with restrictions; from Columbus Junction and Waterloo, Iowa, to points in Missouri. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii) including the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13486. Authority sought for purchase by WITTE TRANSPORTATION CO., P.O. Box 43564, St. Paul, Minn., 55164, of a portion of the operating rights of Scott's Transportation Service, Inc., P.O. Box 1136, Cedar Rapids, Iowa 52406, and for acquisition by Space Center, Inc., 444 Lafayette Road, St. Paul, Minn. 55101, of control of such rights through the transaction. Transferee's attorney: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102; Transferor's attorney: James R. Madler, 120 West Madison, Chicago, Ill. 60602. Operating rights sought to be purchased: *General commodities*, with exceptions as a *common carrier*, over irregular routes, between points in Iowa and Illinois within 25 miles of Rock Island, Ill., including Rock Island, Ill.; *General commodities*, with exceptions as a common carrier over irregular routes, from Iowa City, Iowa, to points within 25 miles of Iowa City, except those located on or north of U.S. Highway 30; General commodities, with exceptions as a common carrier, over irregular and regular routes, from Chicago, Illinois to Iowa City, Iowa, serving intermediate and off route points in Cook County, Ill.: From Chicago over irregular routes to Bristol, Ill., thence over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 6, and thence over U.S. Highway 6 to Iowa City, and return over the same route; as more fully described in Certificate No. MC-115554. Vendee is authorized to operate as a common carrier in the states of Minnesota, Wisconsin, Iowa, and Missouri under authority contained in Certificate No. MC-8964 and subs thereunder. Approval of the transaction will not result in dual operations, splitting of operating authority, or duplicating authority. Application has 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 1647 (Sub-No. 7), filed December 28, 1977. Applicant: READDING VAN AND STORAGE CO., a corporation, 1846 N.W. Boulevard, Vineland, N.J. 08360. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of: *Household Goods* as defined by the Commission, Between points in New Jersey, Delaware, and New York City, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, Massachusetts, Rhode Island, Connecticut, Georgia, North Carolina, South Carolina, Ohio, West Virginia, Florida, and the District of Columbia.

NOTE.—This is a gateway elimination application and is a matter directly related to FC-76849, published in the FEDERAL REGISTER issue of February 22, 1977. If a hearing is deemed necessary, applicant requests it be held at Vineland, N.J.

No. MC 13569 (Sub-No. 34), filed December 15, 1977. Applicant: THE

LAKE SHORE MOTOR FREIGHT CO., a corporation, 1200 South State Street, Girard, Ohio 44420. Applicant's attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, (except those of unusual value, Classes A & B explosives, and household goods), between Lorain, Ohio, on the one hand, and, on the other, points in Ohio, *household goods, office furniture and fixtures*, between points in Lorain County, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—This application is directly related to MC-F-13463, The Lake Shore Motor Freight Co.—Purchase—Olson Express, Inc., published in a previous section of this FEDERAL REGISTER issue, and is for the purpose of converting the Certificates of Registration of Olson to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 13569 (Sub-No. 35), filed December 15, 1977. Applicant: THE LAKE SHORE MOTOR FREIGHT CO., a corporation, 1200 South State Street, Girard, Ohio 44420. Applicant's attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, (except those of unusual value, Classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Ohio, on the one hand, and, on the other, points and places in Ohio, that part of New York, south of U.S. Highway 104 and west of U.S. Highway 11, that part of Pennsylvania west of a line beginning at the Pennsylvania-New York State Line and extending along U.S. Highway 11 to Pittston, Pa., thence along U.S. Highway 309 to Hazleton, Pa., thence along Pennsylvania Highway 29 to Tamaqua, Pa., thence along U.S. Highway 209 to Pottsville, Pa., thence along U.S. Highway 122 to Oxford, Pa., and thence along U.S. Highway 1 to the Pennsylvania-Maryland State Line, and those in that part of West Virginia west of U.S. Highway 19 and north of U.S. Highway 60, including points and places on the indicated portions of the highways specified; and points in Essex, Union, Bergen, Passaic, Hudson and Middlesex Counties, N.J.

NOTE.—This application is directly related to MC-F-13463, The Lake Shore Motor Freight Co.—Purchase—Olson Express, Inc., published in a previous section of this FEDERAL REGISTER issue. The Lake Shore Motor Freight Co., holds authority to transport general commodities, with the usual exceptions, over irregular routes in Certificate MC-13569 and Sub 11 thereto. The purpose of this GATEWAY ELIMINATION application is to provide for tacking of the authority sought to be acquired in MC-F-13463 with that presently held under Certificate MC-13569 and Subs. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 14314 (Sub-No. 26), filed November 29, 1977. Applicant: DUFF TRUCKLINE, INC., Broadway and Vine Street, Lima, Ohio 45802. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, (except Class A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving to and from points in Marion County, Ind., as intermediate or off-route points in connection with carrier's regular route operations to or from Indianapolis, Ind. between Huntington, Ind., and Fort Wayne, Ind., serving no points, but serving the off-route point of Marion, Ind.: from Huntington over U.S. Highway 24 to Fort Wayne, and return over the same route. Between Indianapolis, Ind., and Huntington, Ind., serving the intermediate point of Marion, Ind.: from Indianapolis over Indiana Highway 37 to Huntington, and return over the same route. Alternate routes for operating convenience only: between Indianapolis, Ind., and Cincinnati, Ohio, serving no intermediate points: from Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route. (2) *General commodities*, (except those of unusual value, Class A and B explosives other than small-arms ammunition, livestock, household goods as defined by the Commission, and liquids in bulk in tank trucks), between Indianapolis, Ind., and Cincinnati, Ohio, serving no intermediate points, from Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route.

NOTE.—This application is directly related to MC-F-13443 Duff Truck Line, Inc.—Purchase portion—Eastern Express, Inc., published in a previous section of this FEDERAL REGISTER issue. The purpose of this filing is to eliminate certain restrictions contained in the authority of Eastern Express, Inc., sought to be purchased by applicant. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 63837 (Sub-No. 6), filed September 9, 1977. Applicant: DIGGINS & ROSE, INC. 3 Sagamore Park Road, Hudson, N.H. 03051. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) between points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia; and (2) between Auburn and Lewiston, Me. on the one hand, and, on the other, points in Maine, New Hampshire, and Massachusetts and ports of entry on the United State-Canada boundary line at or near Caanan, Norton, Derby Line and Troy, Vt.

NOTE.—This application is directly related to transfer application simultaneously filed in Docket No. MC-FC-77457. The purpose of this application is to tack transferor's and Transferee's certificates and eliminate the gateway of 25 miles of Boston, Mass.

No. MC 118831 (Sub-No. 155), filed December 29, 1977. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, N.C. 27264. Applicant's representative: Earlie O. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, over irregular routes, from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia (except Kanowha County), and Wisconsin; and (2) *dry chemicals*, in bulk, over irregular routes from Jersey City, N.J., to points in Iowa, Kansas, Louisiana, Minnesota, Oklahoma, and Texas.

NOTE.—This application is directly related to the application filed by Central Transport, Incorporated in MC-F-13473 to purchase a portion of the operating rights to Spector Freight System, Inc. Applicant seeks to eliminate the gateways at Charlotte, N.C.; Lanette, Ala., and Robertson County, Tenn. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 120799 (Sub-No. 2), filed December 28, 1977. Applicant: COLONIAL TRANSPORTATION, INC., 38 May Avenue, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and those commodities requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity This matter is directly related to a Section 5(2) finance proceeding in Docket No. MC-F-13476 published in a previous section of this FEDERAL REGISTER issue. If a hearing is

deemed necessary, applicant requests that it be held at Boston, Mass.

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 1074 (Deviation No. 11), ALLEGHENY FREIGHT LINES, INC., P.O. Box 2080, Winchester, Va. 22601, filed January 13, 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 Cincinnati, Ohio, over Interstate Highway 71 North to junction Interstate Highway 270 East, thence over Interstate Highway 270 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 79, thence over Interstate Highway 79 to Morgantown, W. Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 50 to junction Interstate Highway 79, thence over Interstate Highway 79 to Morgantown, W. Va., and return over the same route.

No. MC 2202 (Deviation No. 165), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed January 11, 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 Pryor, Okla., over Oklahoma Highway 20 to Claremore, Okla., 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 Pryor, Okla., over U.S. Highway 69 to junction U.S. Highway 66, thence over U.S. Highway 66 to Claremore, Okla., and return over the same route.

No. MC 109533 (Deviation No. 15), OVERNITE TRANSPORTATION CO., P.O. Box 1216, Richmond, Va. 23209, filed January 11, 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 Hagerstown, Md., over Interstate Highway 81 to junction Interstate Highway 64, thence over Interstate Highway 64 to Lexington, Va., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hagerstown, Md., over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction U.S. Highway 29 thence over U.S. Highway 29 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 11, thence over U.S. Highway 11 to Lexington, Va., and return over the same route.

Motor Carrier Intrastate 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 authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by special rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A. 57752, filed December 20, 1977. Applicant: ARVO LYLY & SONS, a copartnership, end of Old Hollow Tree Road, P.O. Box 483, Ukiah, Calif. 95482. Applicant's representative: Alvin A. Lyly (same address as applicant). Certificate of public convenience and necessity sought to operate freight service, as follows: Transportation of: *Iron and steel products and lumber and forest products*, (1) between the San Francisco territory as described in note A of appendix hereto, on the one hand, and all points in the counties of Del Norte, Humboldt, Mendocino, Shasta, Sonoma, and Tehama, on the other hand; (2) between the Los Angeles territory as described in note B of appendix hereto on the one hand, and all points in the counties of Del Norte, Humboldt, Mendocino, Shasta, Sonoma, and Tehama, on the other hand; (3) between all points in the counties of Humboldt and Del Norte, on the one hand, and all points in the counties of Shasta and Tehama, on the other hand. Such authority does not include the right to render service from, to or between intermediate points. Forest products, whether or not creosoted or otherwise chemically treated, viz.: Atmospheric water cooling towers, knocked down; and iron or steel fixtures for same, consisting of castings, tie rods, not exceeding 30 feet in length, and turnbuckles, weight of such fixtures not to exceed 10 percent of the total weight of shipments, bark, bee hives, knocked down, blocks, wooden paving, creosoted or uncreosoted, boards, particles, bolts, wooden, brackets, insulator (wooden), cants, wheel, wooden, in the rough, covers, guy wire, cross arms, wooden, with or without riveted ends, and with or without wooden pins attached, heading, honey box lumber, lath, lumber, pencil slats, pickets, piles, pins, insulator, pipe material, wooden, pipe, wooden, poles, plant, plain, cresosoted or stained, poles, telegraph and telephone, posts, sawdust, shakes, shavings, shingles, shin knees, shook, box and crate, silo material, wooden, and fixtures, stakes, plain creosoted or stained, staves, steps, pole (wooden), stock, battery separator, machined, viz.: grooved, farrowed, or corrugated, not treated with caustic soda, asphaltum, or other solution, tank material, wooden, and fixtures, ties, railroad, timbers, rough, timbers, mining, wedges, mine, woodpulp. San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County line meets the Pacific Ocean; thence easterly along said county line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollare Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to

the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B.—The Los Angeles territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the city of San Fernando); thence southeasterly along State Highway 118 to and including the city of Pasadena; thence easterly along Foothill Boulevard from the Intersection of Foothill Boulevard and Michilinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Royal Oaks Drive to Buena Vista Street; south on Buena Vista Street and due south on a prolongation thereof to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the city of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-2149 Filed 1-25-78; 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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[6351-01]

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., January 27, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-191-78 Filed 1-24-78; 3:24 pm]

[6355-01]

2

CONSUMER PRODUCT SAFETY COMMISSION.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

TIME AND DATE: February 1, 1978, 9:30 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

NOTICE OF PROCEEDING TO DEVELOP STANDARDS FOR CELLULOSE HOME INSULATION

At its November 10, 1977 Meeting, the Commission directed the staff to prepare a notice to initiate a proceeding to develop a mandatory safety standard for cellulose home insulation, in response to a petition from the Metropolitan Denver District Attorney's Office. In this briefing, the staff and Commission will discuss issues related to this possible proceeding.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-179-78 Filed 1-24-78; 9:07 am]

[6355-01]

3

CONSUMER PRODUCT SAFETY COMMISSION.

LOCATION: 3rd Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

TIME AND DATE: 10 a.m., February 2, 1978.

STATUS: Partly Open, Partly Closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public

1. *Recommendation to Accept Corrective Action Plan: Deere & Co. lawn tractors, ID 77-71.* The staff has recommended that the Commission accept the corrective action plan which Deere has implemented to deal with a possible brake hazard in certain lawn tractors it manufactures.

2. *Recommendation to Accept Corrective Action Plan: Caloric Corp. waist-high gas ranges, ID 77-83.* The staff has recommended that the Commission accept the corrective action plan which Caloric has implemented to deal with a possible gas leak hazard in certain gas ranges.

3. *Petition Seeking Labeling for Coal- and Wood-burning Stoves, AP 77-2.* The Commission will consider a petition in which Adam Paul Banner, Midland, Mich., has asked for a mandatory rule requiring manufacturers of coal- and wood-burning stoves to label these products with warnings on chimney clearance and chimney types.

4. *Unvented Gas-Fired Space Heaters.* In September 1977, the Commission published a finding that a standard for unvented gas-fired space heaters was not feasible, and that only a ban could sufficiently protect the public from the hazards of carbon monoxide poisoning or asphyxiation which these products present. At this meeting, the Commission will consider whether or not to issue such a ban.

B. Closed to the Public

5. *Requests for Authorization to Seek Consent Agreements: Cases No. 770210, No. 770069, and No. 770040.* The staff has recommended that the Commission authorize it to seek consent agreements in these three carpet cases under the Flammable Fabrics Act.

Agenda Approved January 19, 1978.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-178-78 Filed 1-24-78; 9:07 am]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 9:20 p.m. on January 19, 1978, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the deposit liabilities of The Drovers National Bank of Chicago, Chicago, Ill., which was closed by the Comptroller of the Currency as of the close of business on January 19, 1978; (2) approve a resulting application from Drovers Bank of Chicago, Chicago, Ill., for insurance and for consent to purchase assets of and assume the deposit liabilities of the closed bank; and (3) provide such financial assistance, pursuant to section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than 7 days' notice to the public; that no ear-

lier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(8) and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Dated: January 20, 1978.

For the Federal Deposit Insurace Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-180-78 Filed 1-24-78; 9:07 am]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that on January 20, 1978, Chairman George A. LeMaistre and Director John G. Heimann (Comptroller of the Currency) voted to add the following item to the agenda for the previously announced open meeting of the Corporation's Board of Directors scheduled for 3 p.m. on Wednesday, January 25, 1978:

Memorandum and resolution establishing procedures for the initiation of enforcement actions against certain insured banks which have not yet submitted, or were delinquent in submitting, reports required by the recent survey on bank stock loans, insider loans, and overdrafts.

In voting to add the item to the agenda, the Board determined that Corporation business required its consideration of the item on less than seven days' notice to the public and that no earlier notice of a change in the subject matter of the meeting was practicable.

Dated: January 23, 1978.

For the Federal Deposit Insurance Corporation.

ALAN R. MILLER,
Executive Secretary.

[S-181-78 Filed 1-24-78; 9:07 am]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Published January 20, 1978, 43 FR 3009).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 25, 1978, 10 a.m.

CHANGE IN MEETING: The following item has been added:

Item No., Docket No., and Company.

CP-6.—CP78-403, Texas Gas Transmission Corp., CP78-76, Transcontinental Gas Pipe Line Corp., CP78-86, Texas Eastern Transmission Corp.

LOIS D. CASHELL,
Acting Secretary.

[S-183-78 Filed 1-24-78 11:15 am]

[6740-02]

7

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: January 31, 1978, 11:30 a.m.

PLACE: 825 North Capitol Street, Hearing Room A.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Docket No. CI75-45, Tenneco Oil Co.
Docket No. EA78-1, Motor Gasoline. Decontrol and Transition Regulation.

CONTACT PERSON FOR MORE INFORMATION:

Lois D. Cashell, Acting Secretary, telephone 202-275-4166.

[S-189-78; Filed 1-24-78; 2:02 p.m.]

[6730-01]

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: February 1, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public;

1. Agreement No. 7680-36: Modification of the American West African Freight Conference to establish intermodal authority.

2. Agreement No. 10285: Establishment of rate agreement between the Straits/New York Conference and four mini-landbridge carriers.

3. Agreement No. 10064-2: Application for extension for two years of a cooperative working arrangement in the United States Gulf-Colombia trade between Lykes Bros. Steamship Co. and Flota Mercante Grancolombiana S.A.

4. Special Docket No. 530: *EME Norlett AB* v. *Sea-Land Service, Inc.*—Consideration of initial decision.

5. Docket No. 74-8: *European Trade Specialists, Inc.* v. *Prudential-Grace Lines, Inc. and The Hipage Co., Inc.*—Determination on hearing of oral argument.

Portion closed to the public:

1. Docket No. 74-8: *European Trade Specialists, Inc. and Kunzle & Tazin* v. *Prudential-Grace Lines, Inc. and The Hipage Company, Inc.*—Consideration of Complainant's motion to set aside the initial decision on remand.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-182-78 Filed 1-24-78; 9:07 am]

[6750-01]

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, January 31, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10:00 a.m., on Tuesday, January 31, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information 202-523-3830, recorded message: 202-523-3806.

[S-192-78 Filed 1-24-78; 3:53 pm]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATES: 10 a.m., Tuesday, January 31, and Wednesday, February 1, 1978.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Consideration of proposed trade regulation rule concerning proprietary vocational and home study schools and proposed May 15, 1975, 40 FR 21048, Proposed 16 CFR, Part 438.

(It is possible that this item will be deleted from Wednesday's open meeting agenda if the Commission completes discussion of the item at Tuesday's open meeting.)

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830, recorded message, 202-523-3806.

[S-193-78 Filed 1-24-78; 3:53 pm]

[6770-01]

11

[F.C.S.C. Meeting Notice No. 17-77]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date, time, and subject matter

Wednesday, February 1, 1978, at 10:30 a.m., routine business.
Wednesday, February 8, 1978, at 10:30 a.m., routine business.
Wednesday, February 15, 1978, at 10:30 a.m., routine business.
Wednesday, February 22, 1978, at 10:30 a.m., routine business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, telephone 202-653-6156.

Dated at Washington, D.C., on January 19, 1978.

FRANCIS T. MASTERSON,
Executive Director.

[S 186 78 Filed 1 24 78; 11:15 am]

[7030-01]

12

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., February 1, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

PORTION OF THE MEETING OPEN TO THE PUBLIC: Docket 229, Navajo, second quarter fiscal year 1978 financial plan.

PORTION OF THE MEETING CLOSED TO THE PUBLIC: Personnel.

NOTE.—Commission business required consideration of a status report to Congress at its meeting of January 18, 1978, as an additional agenda item, by vote of the three commissioners present. No earlier notice was possible.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-187-78 Filed 1-24-78; 11:26 am]

[4910-58]

13

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, February 2, 1978 (NM-78-6).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed (exemption 10 of the Government in the Sunshine Act.)

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report.*—Johnson & Johnson, Inc., Grumman Gulfstream II (N500J), Hot Springs, Va., September 26, 1976.
2. *Marine Accident Report.*—Tank Barge B-924, Fire and Explosion With Loss of Life, Greenville, Miss., November 13, 1975.
3. *Discussion.*—Proposed En Banc Hearing on Derailments and Carriage of Hazardous Materials.
4. *Discussion.*—Railroad Recommendation Closeouts (Recommendations R-76-42 and R-76-43 to Massachusetts Bay Transportation Authority and to Port Authority Trans-Hudson Corp).
5. *Discussion.*—Communications with Accident Investigation Parties.
6. *Opinion and Order.—Administrator* v. *Frankel*, Docket SE-3573; Disposition of Respondent's Appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-190-78 Filed 1-24-78 3:24 p.m.]

[7590-01]

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Monday, January 23 and Tuesday, January 24, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Tuesday, January 24: 1:30 p.m.: Discussion of notification of Congress with regard to international safeguards matters. Approximately 1 hour. Closed—Exemption 1.

Rescheduled from January 23, 1978. Replaces "Briefing by Department of State Representatives on Export Matters" which is cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: January 23, 1978.

WALTER MAGEE,
Office of the Secretary.

[S-184-78 Filed 1-24-78; 11:15 am]

[3210-01]

15

OVERSEAS PRIVATE INVESTMENT CORPORATION.

TIME AND DATE: Meeting of the OPIC Board of Directors: Tuesday, January 31, 1978, at 9 a.m. (closed portion) and 10:30 a.m. (open portion).

PLACE: Offices of the Corporation, 7th floor board room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 10:30 a.m., will be closed to the public. The open portion of the meeting will start at 10:30 a.m.

MATTERS TO BE CONSIDERED:

(Closed to the Public: 9 a.m. to 10:30 a.m.)

1. Personnel matters.
2. Joint venture (Central America).
3. Claims report.
4. Information reports.
5. Reinsurance proposal.

FURTHER MATTERS TO BE CONSIDERED:

(Open to the Public; 10:30 a.m.)

1. Approval of minutes of previous meeting.
2. Confirmation of scheduled board meetings.
3. Country eligibility: OPIC programs.
4. Environmental policy.
5. Financial statement.
6. Information reports.

CONTACT PERSON FOR INFORMATION:

Information with regard to this meeting may be obtained from the Secretary of the Corporation at 202-632-1839.

ELIZABETH A. BURTON,
Corporate Secretary.

[S-188-78 Filed 1-24-78; 2:02 p.m.]

[4410-01]

16

PAROLE COMMISSION.

TIME AND DATE: Wednesday, January 25, 1978, 2:30 p.m.

PLACE: Room 338, 320 First Street NW., Washington, D.C.

STATUS: Closed.

CHANGES IN THE MEETING: By majority vote on January 23, 1978, the Commission determined pursuant to 5 U.S.C. § 552b(e)(2) (A) and (B) and § 16.204(c) (1) and (2) that the following item be added to the agenda of the above meeting.

Ratification of the Chairman's action in preparing and forwarding the Commission's fiscal year 1979 Authorization Request pursuant to section 204 of Pub. L. 94-503.

The Commission further determined that Commission business requires that this agenda item be held on less than one week's notice and that no earlier announcement of the change is possible.

CONTACT PERSON FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117.

[S-185-78; Filed 1-24-78 11:15 am]

federal register

THURSDAY, JANUARY 26, 1978
PART II



THE PRESIDENT

■

UNITED STATES INTELLIGENCE ACTIVITIES

Executive Order 12036

presidential documents

[3195-01]

Title 3—The President

Executive Order 12036 • **January 24, 1978**

United States Intelligence Activities

By virtue of the authority vested in me by the Constitution and statutes of the United States of America including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the organization and control of United States foreign intelligence activities, it is hereby ordered as follows:

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SECTION 1

Direction, Duties and Responsibilities With Respect to the National Intelligence Effort*

1-1. *National Security Council.*

1-101. *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for, and direction to the conduct of all national foreign intelligence and counterintelligence activities.

1-102. *Committees.* The NSC Policy Review Committee and Special Coordination Committee, in accordance with procedures established by the Assistant to the President for National Security Affairs, shall assist in carrying out the NSC's responsibilities in the foreign intelligence field.

1-2. *NSC Policy Review Committee.*

1-201. *Membership.* The NSC Policy Review Committee (PRC), when carrying out responsibilities assigned in this Order, shall be chaired by the Director of Central Intelligence and composed of the Vice President, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Assistant to the President for National Security Affairs, and the Chairman of the Joint Chiefs of Staff, or their designees, and other senior officials, as appropriate.

1-202. *Duties.* The PRC shall:

(a) Establish requirements and priorities for national foreign intelligence;

(b) Review the National Foreign Intelligence Program and budget proposals and report to the President as to whether the resource allocations for intelligence capabilities are responsive to the intelligence requirements of the members of the NSC.

(c) Conduct periodic reviews of national foreign intelligence products, evaluate the quality of the intelligence product, develop policy guidance to ensure quality intelligence and to meet changing intelligence requirements; and

(d) Submit an annual report on its activities to the NSC.

1-203. *Appeals.* Recommendations of the PRC on intelligence matters may be appealed to the President or the NSC by any member of PRC.

1-3. *NSC Special Coordination Committee.*

1-301. *Membership.* The NSC Special Coordination Committee (SCC) is chaired by the Assistant to the President for National Security Affairs and its membership includes the statutory members of the NSC and other senior officials, as appropriate.

1-302. *Special Activities.* The SCC shall consider and submit to the President a policy recommendation, including all dissents, on each special activity. When meeting for this purpose, the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence.

1-303. *Sensitive Foreign Intelligence Collection Operations.* Under standards established by the President, proposals for sensitive foreign intelligence collection operations shall be reported to the Chairman by the Director of Central Intelligence for appropriate review and approval. When meeting for the purpose of reviewing proposals for sensitive foreign intelligence collection operations,

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*Certain technical terms are defined in Section 4-2.

the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Assistant to the President for National Security Affairs, the Director of Central Intelligence, and such other members designated by the Chairman to ensure proper consideration of these operations.

1-304. *Counterintelligence.* The SCC shall develop policy with respect to the conduct of counterintelligence activities. When meeting for this purpose the members of the SCC shall include the Secretary of State, the Secretary of Defense, the Attorney General, the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Chairman of the Joint Chiefs of Staff, the Director of Central Intelligence, and the Director of the FBI. The SCC's counterintelligence functions shall include:

(a) Developing standards and doctrine for the counterintelligence activities of the United States;

(b) Resolving interagency differences concerning implementation of counterintelligence policy;

(c) Developing and monitoring guidelines consistent with this Order for the maintenance of central records of counterintelligence information;

(d) Submitting to the President an overall annual assessment of the relative threat to United States interests from intelligence and security services of foreign powers and from international terrorist activities, including an assessment of the effectiveness of the United States counterintelligence activities; and

(e) Approving counterintelligence activities which, under such standards as may be established by the President, require SCC approval.

1-305. *Required Membership.* The SCC shall discharge the responsibilities assigned by sections 1-302 through 1-304 only after consideration in a meeting at which all designated members are present or, in unusual circumstances when any such member is unavailable, when a designated representative of the member attends.

1-306. *Additional Duties.* The SCC shall also:

(a) Conduct an annual review of ongoing special activities and sensitive national foreign intelligence collection operations and report thereon to the NSC; and

(b) Carry out such other coordination and review activities as the President may direct.

1-307. *Appeals.* Any member of the SCC may appeal any decision to the President or the NSC.

1-4. *National Foreign Intelligence Board.*

1-401. *Establishment and Duties.* There is established a National Foreign Intelligence Board (NFIB) to advise the Director of Central Intelligence concerning:

(a) Production, review, and coordination of national foreign intelligence;

(b) The National Foreign Intelligence Program budget;

(c) Interagency exchanges of foreign intelligence information;

(d) Arrangements with foreign governments on intelligence matters;

(e) The protection of intelligence sources and methods;

(f) Activities of common concern; and

(g) Other matters referred to it by the Director of Central Intelligence.

1-402. *Membership.* The NFIB shall be chaired by the Director of Central Intelligence and shall include other appropriate officers of the CIA, the Office of the Director of Central Intelligence, the Department of State, the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of Energy, the Defense Intelligence Agency, the offices within the Department of Defense for reconnaissance programs, the National Security Agency and the FBI. A representative of the Assistant to the President for National Security Affairs may attend meetings of the NFIB as an observer.

1-403. *Restricted Membership and Observers.* When the NFIB meets for the purpose of section 1-401(a), it shall be composed solely of the senior intelligence officers of the designated agencies. The senior intelligence officers of the Army, Navy and Air Force may attend all meetings of the NFIB as observers.

1-5. *National Intelligence Tasking Center.*

1-501. *Establishment.* There is established a National Intelligence Tasking Center (NITC) under the direction, control and management of the Director of Central Intelligence for coordinating and tasking national foreign intelligence collection activities. The NITC shall be staffed jointly by civilian and military personnel including designated representatives of the chiefs of each of the Department of Defense intelligence organizations engaged in national foreign intelligence activities. Other agencies within the Intelligence Community may also designate representatives.

1-502. *Responsibilities.* The NITC shall be the central mechanism by which the Director of Central Intelligence:

(a) Translates national foreign intelligence requirements and priorities developed by the PRC into specific collection objectives and targets for the Intelligence Community;

(b) Assigns targets and objectives to national foreign intelligence collection organizations and systems;

(c) Ensures the timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensures the resulting intelligence flow is routed immediately to relevant components and commands;

(d) Provides advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means.

1-503. *Resolution of Conflicts.* The NITC shall have the authority to resolve conflicts of priority. Any PRC member may appeal such a resolution to the PRC; pending the PRC's decision, the tasking remains in effect.

1-504. *Transfer of Authority.* All responsibilities and authorities of the Director of Central Intelligence concerning the NITC shall be transferred to the Secretary of Defense upon the express direction of the President. To maintain readiness for such transfer, the Secretary of Defense shall, with advance agreement of the Director of Central Intelligence, assume temporarily during regular practice exercises all responsibilities and authorities of the Director of Central Intelligence concerning the NITC.

1-6. *The Director of Central Intelligence.*

1-601. *Duties.* The Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties specified elsewhere in this Order, shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibilities;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal spokesperson to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner;

(d) Develop, consistent with the requirements and priorities established by the PRC, such objectives and guidance for the Intelligence Community as will

enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(g) Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments;

(h) Conduct a program to protect against overclassification of foreign intelligence information;

(i) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

(j) Participate in the development of procedures required to be approved by the Attorney General governing the conduct of intelligence activities;

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) Provide appropriate intelligence to departments and agencies not within the Intelligence Community; and

(m) Establish appropriate committees or other advisory groups to assist in the execution of the foregoing responsibilities.

1-602. *National Foreign Intelligence Program Budget.* The Director of Central Intelligence shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President. Pursuant to this authority:

(a) The Director of Central Intelligence shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the NFIB and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

(d) The Director of Central Intelligence shall present and justify the National Foreign Intelligence Program budget to the Congress;

(e) The heads of the departments and agencies shall, in consultation with the Director of Central Intelligence, establish rates of obligation for appropriated funds;

(f) The Director of Central Intelligence shall have full and exclusive authority for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget, but shall do so only after consultation with the head of the department affected and appropriate consultation with the Congress;

(g) The departments and agencies may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

(h) The Director of Central Intelligence shall monitor National Foreign Intelligence Program implementation and may conduct program and performance audits and evaluations.

1-603. *Responsibility For National Foreign Intelligence.* The Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence and have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers.

1-604. *Protection of Sources, Methods and Procedures.* The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

(a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and

(b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

1-605. *Responsibility of Executive Branch Agencies.* The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for CIA activities.

1-606. *Access to CIA Intelligence.* The Director of Central Intelligence, shall, in accordance with law and relevant Attorney General procedures, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Office of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.

1-7. *Senior Officials of the Intelligence Community.* The senior officials of each of the agencies within the Intelligence Community shall:

1-701. Ensure that all activities of their agencies are carried out in accordance with applicable law;

1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;

1-703. Contribute in their areas of responsibility to the national foreign intelligence products;

1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;

1-706. Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General;

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence, the PRC and the SCC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

1-710. Protect intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and the NSC;

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. Execute programs to protect against overclassification of foreign intelligence;

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

1-714. Ensure that the Inspectors General and General Counsel of their agencies have access to any information necessary to perform their duties assigned by this Order.

1-8. *The Central Intelligence Agency.* All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations and directives, the CIA, under the direction of the NSC, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate counterintelligence activities conducted outside the United States by other agencies within the Intelligence Community;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI and subject to the approval of the Attorney General;

1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable;

1-808. Conduct special activities approved by the President and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC;

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information and personnel by appropriate means, including such investigations of applicants,

employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements.

1-813. Provide legal and legislative services and other administrative support to the Office of the Director of Central Intelligence.

1-9. *The Department of State.* The Secretary of State shall:

1-901. Overtly collect foreign political, sociological, economic, scientific, technical, political-military and associated biographic information;

1-902. Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

1-903. Disseminate, as appropriate, reports received from United States diplomatic and consular posts abroad;

1-904. Coordinate with the Director of Central Intelligence to ensure that national foreign intelligence activities are useful to and consistent with United States foreign policy;

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Mission in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. *The Department of the Treasury.* The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. *The Department of Defense.* The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the NITC;

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1103. Conduct programs and missions necessary to fulfill national and tactical foreign intelligence requirements;

1-1104. Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counterintelligence studies and reports;

1-1105. Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;

1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;

1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

1-1111. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide the Director of Central Intelligence all information necessary for this purpose;

1-1112. Protect the security of Department of Defense installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary; and

1-1113. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections 1-1101 through 1-1112 above.

1-12. *Intelligence Components Utilized by the Secretary of Defense.* In carrying out the responsibilities assigned in sections 1-1101 through 1-1113, the Secretary of Defense is authorized to utilize the following:

1-1201. *Defense Intelligence Agency*, whose responsibilities shall include:

(a) Production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(b) Provision of military intelligence for national foreign intelligence products;

(c) Coordination of all Department of Defense intelligence collection requirements for departmental needs;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. *National Security Agency* (NSA), whose responsibilities shall include:

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with tasking by the NITC;

(d) Processing of signals intelligence data for national foreign intelligence purposes consistent with standards for timeliness established by the Director of Central Intelligence;

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the NITC;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

(j) Protection of the security of its installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary; and

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations.

1-1203. *Offices for the collection of specialized intelligence through reconnaissance programs,* whose responsibilities shall include:

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking through the NITC; and

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. *The foreign intelligence and counterintelligence elements of the military services,* whose responsibilities shall include:

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plans and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be tasked by the NITC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(b) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

1-1205. *Other offices within the Department of Defense* appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of Sections 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.

1-13. *The Department of Energy.* The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting political, economic and technical information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. *The Federal Bureau of Investigation.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

1-15. *The Drug Enforcement Administration.* Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Administrator of DEA shall:

1-1501. Collect, produce and disseminate intelligence on the foreign and domestic aspects of narcotics production and trafficking in coordination with other agencies with responsibilities in these areas;

1-1502. Participate with the Department of State in the overt collection of general foreign political, economic and agricultural information relating to narcotics production and trafficking; and

1-1503. Coordinate with the Director of Central Intelligence to ensure that the foreign narcotics intelligence activities of DEA are consistent with other foreign intelligence programs.

SECTION 2

Restrictions on Intelligence Activities

2-1. *Adherence to Law.*

2-101. *Purpose.* Information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decision-making in the areas of national defense and foreign relations. The measures employed to acquire such information should be responsive to legitimate governmental needs and must be conducted in a manner that preserves and respects established concepts of privacy and civil liberties.

2-102. *Principles of Interpretation.* Sections 2-201 through 2-309 set forth limitations which, in addition to other applicable laws, are intended to achieve

the proper balance between protection of individual rights and acquisition of essential information. Those sections do not authorize any activity not authorized by sections 1-101 through 1-1503 and do not provide any exemption from any other law.

2-2. *Restrictions on Certain Collection Techniques.*

2-201. *General Provisions.*

(a) The activities described in Sections 2-202 through 2-208 shall be undertaken only as permitted by this Order and by procedures established by the head of the agency concerned and approved by the Attorney General. Those procedures shall protect constitutional rights and privacy, ensure that information is gathered by the least intrusive means possible, and limit use of such information to lawful governmental purposes.

(b) Activities described in sections 2-202 through 2-205 for which a warrant would be required if undertaken for law enforcement rather than intelligence purposes shall not be undertaken against a United States person without a judicial warrant, unless the President has authorized the type of activity involved and the Attorney General has both approved the particular activity and determined that there is probable cause to believe that the United States person is an agent of a foreign power.

2-202. *Electronic Surveillance.* The CIA may not engage in any electronic surveillance within the United States. No agency within the Intelligence Community shall engage in any electronic surveillance directed against a United States person abroad or designed to intercept a communication sent from, or intended for receipt within, the United States except as permitted by the procedures established pursuant to section 2-201. Training of personnel by agencies in the Intelligence Commnunity in the use of electronic communications equipment, testing by such agencies of such equipment, and the use of measures to determine the existence and capability of electronic surveillance equipment being used unlawfully shall not be prohibited and shall also be governed by such procedures. Such activities shall be limited in scope and duration to those necessary to carry out the training, testing or countermeasures purpose. No information derived from communications intercepted in the course of such training, testing or use of countermeasures may be retained or used for any other purpose.

2-203. *Television Cameras and Other Monitoring.* No agency within the Intelligence Community shall use any electronic or mechanical device surreptitiously and continuously to monitor any person within the United States, or any United States person abroad, except as permitted by the procedures established pursuant to Section 2-201.

2-204. *Physical Searches.* No agency within the Intelligence Community except the FBI may conduct any unconsented physical searches within the United States. All such searches conducted by the FBI, as well as all such searches conducted by any agency within the Intelligence Community outside the United States and directed against United States persons, shall be undertaken only as permitted by procedures established pursuant to Section 2-201.

2-205. *Mail Surveillance.* No agency within the Intelligence Community shall open mail or examine envelopes in United States postal channels, except in accordance with applicable statutes and regulations. No agency within the Intelligence Community shall open mail of a United States person abroad except as permitted by procedures established pursuant to Section 2-201.

2-206. *Physical Surveillance.* The FBI may conduct physical surveillance directed against United States persons or others only in the course of a lawful investigation. Other agencies within the Intelligence Community may not undertake any physical surveillance directed against a United States person unless:

(a) The surveillance is conducted outside the United States and the person being surveilled is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities, or engaging in narcotics production or trafficking;

(b) The surveillance is conducted solely for the purpose of identifying a person who is in contact with someone who is the subject of a foreign intelligence or counterintelligence investigation; or

(c) That person is being surveilled for the purpose of protecting foreign intelligence and counterintelligence sources and methods from unauthorized disclosure or is the subject of a lawful counterintelligence, personnel, physical or communications security investigation.

(d) No surveillance under paragraph (c) of this section may be conducted within the United States unless the person being surveilled is a present employee, intelligence agency contractor or employee of such a contractor, or is a military person employed by a non-intelligence element of a military service. Outside the United States such surveillance may also be conducted against a former employee, intelligence agency contractor or employee of a contractor or a civilian person employed by a non-intelligence element of an agency within the Intelligence Community. A person who is in contact with such a present or former employee or contractor may also be surveilled, but only to the extent necessary to identify that person.

2-207. *Undisclosed Participation in Domestic Organizations.* No employees may join, or otherwise participate in, any organization within the United States on behalf of any agency within the Intelligence Community without disclosing their intelligence affiliation to appropriate officials of the organization, except as permitted by procedures established pursuant to Section 2-201. Such procedures shall provide for disclosure of such affiliation in all cases unless the agency head or a designee approved by the Attorney General finds that non-disclosure is essential to achieving lawful purposes, and that finding is subject to review by the Attorney General. Those procedures shall further limit undisclosed participation to cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation;

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power; or

(c) The participation is strictly limited in its nature, scope and duration to that necessary for other lawful purposes relating to foreign intelligence and is a type of participation approved by the Attorney General and set forth in a public document. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members.

2-208. *Collection of Nonpublicly Available Information.* No agency within the Intelligence Community may collect, disseminate or store information concerning the activities of United States persons that is not available publicly, unless it does so with their consent or as permitted by procedures established pursuant to Section 2-201. Those procedures shall limit collection, storage or dissemination to the following types of information:

(a) Information concerning corporations or other commercial organizations or activities that constitutes foreign intelligence or counterintelligence;

(b) Information arising out of a lawful counterintelligence or personnel, physical or communications security investigation;

(c) Information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting, which is needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure;

(d) Information needed solely to identify individuals in contact with those persons described in paragraph (c) of this section or with someone who is the subject of a lawful foreign intelligence or counterintelligence investigation;

(e) Information concerning persons who are reasonably believed to be potential sources or contacts, but only for the purpose of determining the suitability or credibility of such persons;

(f) Information constituting foreign intelligence or counterintelligence gathered abroad or from electronic surveillance conducted in compliance with Section 2-202 or from cooperating sources in the United States;

(g) Information about a person who is reasonably believed to be acting on behalf of a foreign power, engaging in international terrorist activities or narcotics production or trafficking, or endangering the safety of a person protected by the United States Secret Service or the Department of State;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Information concerning United States persons abroad that is obtained in response to requests from the Department of State for support of its consular responsibilities relating to the welfare of those persons;

(j) Information collected, received, disseminated or stored by the FBI and necessary to fulfill its lawful investigative responsibilities; or

(k) Information concerning persons or activities that pose a clear threat to any facility or personnel of an agency within the Intelligence Community. Such information may be retained only by the agency threatened and, if appropriate, by the United States Secret Service and the FBI.

2-3. *Additional Restrictions and Limitations.*

2-301. *Tax Information.* No agency within the Intelligence Community shall examine tax returns or tax information except as permitted by applicable law.

2-302. *Restrictions on Experimentation.* No agency within the Intelligence Community shall sponsor, contract for, or conduct research on human subjects except in accordance with guidelines issued by the Department of Health, Education and Welfare. The subject's informed consent shall be documented as required by those guidelines.

2-303. *Restrictions on Contracting.* No agency within the Intelligence Community shall enter into a contract or arrangement for the provision of goods or services with private companies or institutions in the United States unless the agency sponsorship is known to the appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, intelligence agency sponsorship may be concealed where it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for authorized intelligence purposes.

2-304. *Restrictions on Personnel Assigned to Other Agencies.* An employee detailed to another agency within the federal government shall be responsible to the host agency and shall not report to the parent agency on the affairs of the host agency unless so directed by the host agency. The head of the host agency, and any successor, shall be informed of the employee's relationship with the parent agency.

2-305. *Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2-306. *Restrictions on Special Activities.* No component of the United States Government except an agency within the Intelligence Community may conduct any special activity. No such agency except the CIA (or the military services in wartime) may conduct any special activity unless the President determines, with

the SCC's advice, that another agency is more likely to achieve a particular objective.

2-307. *Restrictions on Indirect Participation in Prohibited Activities.* No agency of the Intelligence Community shall request or otherwise encourage, directly or indirectly, any person, organization, or government agency to undertake activities forbidden by this Order or by applicable law.

2-308. *Restrictions on Assistance to Law Enforcement Authorities.* Agencies within the Intelligence Community other than the FBI shall not, except as expressly authorized by law:

(a) Provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration (or its successor agencies) or to state or local police organizations of the United States; or

(b) Participate in or fund any law enforcement activity within the United States.

2-309. *Permissible Assistance to Law Enforcement Authorities.* The restrictions in Section 2-308 shall not preclude:

(a) Cooperation with appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of any agency within the Intelligence Community;

(b) Participation in law enforcement activities, in accordance with law and this Order, to investigate or prevent clandestine intelligence activities by foreign powers, international narcotics production and trafficking, or international terrorist activities; or

(c) Provision of specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be governed by procedures approved by the Attorney General.

2-310. *Permissible Dissemination and Storage of Information.* Nothing in Sections 2-201 through 2-309 of this Order shall prohibit:

(a) Dissemination to appropriate law enforcement agencies of information which indicates involvement in activities that may violate federal, state, local or foreign laws;

(b) Storage of information required by law to be retained;

(c) Dissemination of information covered by Section 2-208 (a)-(j) to agencies within the Intelligence Community or entities of cooperating foreign governments; or

(d) Lawful storage or dissemination of information solely for administrative purposes not related to intelligence or security.

SECTION 3

Oversight of Intelligence Organizations

3-1. *Intelligence Oversight Board.*

3-101. *Membership.* The President's Intelligence Oversight Board (IOB) shall function within the White House. The IOB shall have three members who shall be appointed by the President and who shall be from outside the government and be qualified on the basis of ability, knowledge, diversity of background and experience. No member shall have any personal interest in any contractual relationship with any agency within the Intelligence Community. One member shall be designated by the President as chairman.

3-102. *Duties.* The IOB shall:

(a) Review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence

activities that raise questions of legality or propriety, and consider written and oral reports referred under Section 3-201;

(b) Review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(c) Report periodically, at least quarterly, to the President on its findings; and report in a timely manner to the President any intelligence activities that raise serious questions of legality or propriety;

(d) Forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality; and

(e) Conduct such investigations of the intelligence activities of agencies within the Intelligence Community as the Board deems necessary to carry out its functions under this Order.

3-103. *Restriction on Staff.* No person who serves on the staff of the IOB shall have any contractual or employment relationship with any agency within the Intelligence Community.

3-2. *Inspectors General and General Counsel.* Inspectors General and General Counsel with responsibility for agencies within the Intelligence Community shall:

3-201. Transmit timely reports to the IOB concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

3-202. Promptly report to the IOB actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOB information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety; and

3-205. Report to the IOB any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOB which they believed raised questions of legality or propriety.

3-3. *Attorney General.* The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOB;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-303. Report to the IOB and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOB;

3-304. Inform the IOB of legal opinions affecting the operations of the Intelligence Community; and

3-305. Establish or approve procedures, as required by this Order, for the conduct of intelligence activities. Such procedures shall ensure compliance with law, protect constitutional rights and privacy, and ensure that any intelligence activity within the United States or directed against any United States person is conducted by the least intrusive means possible. The procedures shall also ensure that any use, dissemination and storage of information about United States persons acquired through intelligence activities is limited to that necessary to achieve lawful governmental purposes.

3-4. *Congressional Intelligence Committees.* Under such procedures as the President may establish and consistent with applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative

Branches and by law to protect sources and methods, the Director of Central Intelligence and heads of departments and agencies of the United States involved in intelligence activities shall:

3-401. Keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed concerning intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such department or agency. This requirement does not constitute a condition precedent to the implementation of such intelligence activities;

3-402. Provide any information or document in the possession, custody, or control of the department or agency or person paid by such department or agency, within the jurisdiction of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, upon the request of such committee; and

3-403. Report in a timely fashion to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate information relating to intelligence activities that are illegal or improper and corrective actions that are taken or planned.

SECTION 4

General Provisions

4-1. *Implementation.*

4-101. Except as provided in section 4-105 of this section, this Order shall supersede Executive Order 11905, "United States Foreign Intelligence Activities," dated February 18, 1976; Executive Order 11985, same subject, dated May 13, 1977; and Executive Order 11994, same subject, dated June 1, 1977.

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by section 2-201 for the activities of the FBI relating to foreign intelligence and counterintelligence.

4-105. Where intelligence activities under this Order are to be conducted pursuant to procedures approved or agreed to by the Attorney General, those activities may be conducted under terms and conditions of Executive Order 11905 and any procedures promulgated thereunder until such Attorney General procedures are established. Such Attorney General procedures shall be established as expeditiously as possible after the issuance of this Order.

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with Section 3-402.

4-107. Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are to applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

4-2. *Definitions.* For the purposes of this Order, the following terms shall have these meanings:

4-201. *Communications security* means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

4-202. *Counterintelligence* means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

4-203. *Electronic Surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter.

4-204. *Employee* means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. *Foreign Intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

4-206. *Intelligence* means foreign intelligence and counterintelligence.

4-207. *Intelligence Community* and *agency or agencies within the Intelligence Community* refer to the following organizations:

(a) The Central Intelligence Agency (CIA);

(b) The National Security Agency (NSA);

(c) The Defense Intelligence Agency;

(d) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(e) The Bureau of Intelligence and Research of the Department of State;

(f) The intelligence elements of the military services, the Federal Bureau of Investigation (FBI), the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration (DEA); and

(g) The staff elements of the Office of the Director of Central Intelligence.

4-208. *Intelligence product* means the estimates, memoranda and other reports produced from the analysis of available information.

4-209. *International terrorist activities* means any activity or activities which:

(a) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; *and*

(b) appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; *and*

(c) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum.

4-210. *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

(a) The programs of the CIA;

(b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of

Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Office of the Director of Central Intelligence.

(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

4-211. *Physical surveillance* means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. *Special activities* means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

4-213. *United States,* when used to describe a place, includes the territories of the United States.

4-214. *United States person* means a citizen of the United States, an alien lawfully admitted for permanent residence, an unincorporated association organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence, or a corporation incorporated in the United States.

Jimmy Carter

THE WHITE HOUSE,

January 24, 1978.

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