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federal register

MONDAY, FEBRUARY 6, 1978

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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

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

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

federal register

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW/HCFA—Acceptance of Indian Health Service facilities as Medicaid providers 64345; 12-23-77

ICC—Content of tariffs and embargoes; amendment to regulations 972; 1-5-78

NCUA—Share Draft Program; requirements by Federal Credit Unions 61977; 12-8-77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

CUMULATIVE LIST OF PARTS AFFECTED DURING FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

rules and regulations

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NW-2-AD; Amdt. 39-3131]

PART 39—AIRWORTHINESS DIRECTIVES

Bell 47 Series, Modified in Accordance With STC SH357SW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive to establish inspection times and criteria, as well as terminating action, for those Bell 47 helicopters equipped with a Simplex spray system installed in accordance with STC SH357SW.

The effect of this airworthiness directive is to preclude failure of the spray hopper upper attach fitting allowing the spray hopper to drop outboard onto the skid.

EFFECTIVE DATE: March 6, 1978.

The initial compliance time is prior to the next 25 hours of flight after the effective date of this airworthiness directive.

Simplex Modification No. E201 specified in this directive may be obtained upon request from Simplex Manufacturing Co., 5224 Northwest 42nd Avenue, Portland, Oreg. 97218.

FOR FURTHER INFORMATION CONTACT:

Francis LaBrash, Modification Group, ANW-219, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2528.

SUPPLEMENTARY INFORMATION: On July 2, 1977, a Bell 47D-1, equipped with a Simplex spray system, STC SH357SW had a failure of the spray hopper upper attach bracket which allowed the hopper to fall down onto the skid. This lateral over balance caused the helicopter to crash. The manufacturer of the spray system has designed a plug type repair which, when accomplished, will preclude further failures.

DRAFTING INFORMATION

The principal authors of this document are Francis LaBrash, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BELL 47 SERIES AS MODIFIED BY STC SH357SW. To preclude failure of the hopper upper support bracket, accomplish the following:

Within the next 25 hours flight time and at each 25 flight hours thereafter, inspect the hopper upper support bracket (P/N B630224) for cracks and/or deformation. If cracks and/or deformation are found, replace or repair. Inspections may be discontinued upon installation of Simplex Modification No. E201 (See Fig. 1), or equivalent modification or repair approved by an FAA Maintenance Inspector.

The manufacturer's repair, identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(A)(1).

All persons affected by this directive who have not already received the repair documents from the manufacturer, may obtain copies upon request to Simplex Manufacturing Co., 5224 Northeast 42nd Avenue, Portland, Oreg. 97218. This repair document may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective March 6, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423) and sec. 6(c) of the 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 Seattle, Wash., on January 23, 1978.

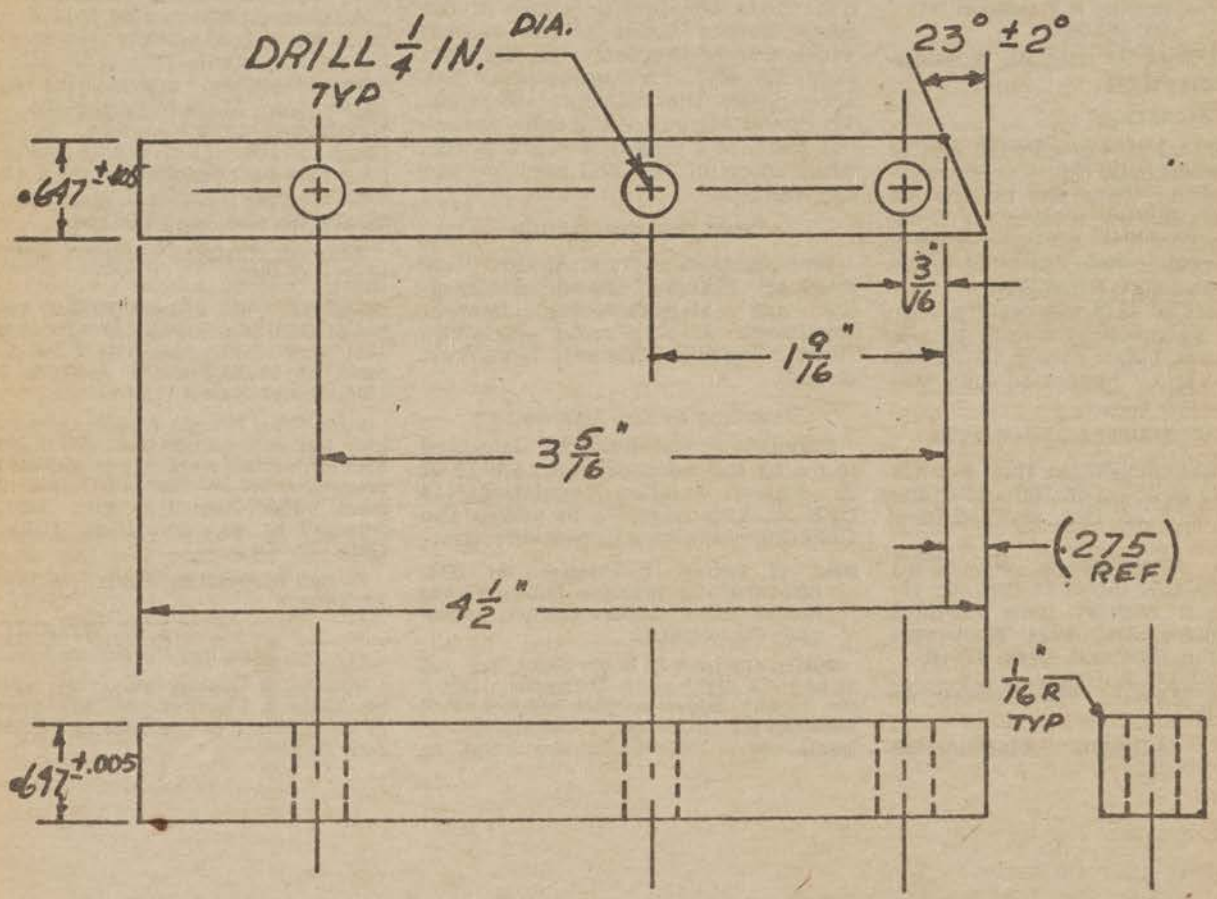
C. B. WALK, Jr.,
Director, Northwest Region.

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

SIMPLEX MANUFACTURING CO.
5224 NE - 42ND AVE
PORTLAND, OREGON 97218
TELEPHONE (503) 281-0039 / TELEX 360-936

DRAWING E-201 FULL SCALE

MATERIAL: MILD STEEL



NOTE: INSERT THIS PART INTO THE SQUARE TUBING, PART NO. B630224

FIG. 1

[FR Doc. 78-2759 Filed 2-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-20]

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

Alteration of Bangor, Maine, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the description of the Bangor, Maine, 700-foot transition area to provide more controlled airspace for aircraft being radar vectored to a final approach.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803; telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: On November 25, 1977, the Federal Aviation Administration published a notice proposing to enlarge the Bangor, Maine, 700-foot transition area to allow lowering certain minimum radar vectoring altitudes and to enhance control of traffic being radar vectored to a final approach. Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator the description of the Bangor, Maine, 700-foot transition area in Subpart G of § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective 0901 G.m.t., March 23, 1978, to read as follows:

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at: latitude 45°09'50" N., longitude 68°35'30" W., to latitude 45°04'40" N., longitude 68°20'40" W., to latitude 44°59'00" N., longitude 68°30'00" W., to latitude 44°52'45" N., longitude 68°36'45" W., to latitude 44°43'30" N., longitude 68°18'10" W., to latitude 44°37'40" N., longitude 68°21'40" W., to latitude 44°27'30" N., longitude 68°36'50" W., to latitude 44°36'25" N., longitude 68°49'45" W., to latitude 44°40'50" N., longitude 69°03'25" W., to latitude 44°54'45" N., longitude 69°02'45" W., to latitude 44°57'50" N., longitude 68°57'20" W., to latitude 44°59'45" N., longitude 68°47'50" W., to the point of beginning; excluding that portion which coincides with the Bar Harbor, Maine, 700 foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

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

Issued in Burlington, Mass., on January 9, 1978.

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

[FR Doc. 78-3109 Filed 2-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-13]

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

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Delta, Utah, 1,200-foot transition area. This action is necessary to provide controlled airspace for the new NDB-A and NDB-B approach procedures to Michael Airfield, Dugway Proving Ground, Utah.

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

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 7, 1977, the FAA published for comment a Notice of Proposed Rulemaking (NPRM) to alter the Delta, Utah, 1,200-foot transition area (42 FR 57971). No objections were received in response to this notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) redefines the 1,200-foot transition area at Delta, Utah.

The present 1,200-foot transition area was found to be inadequate to contain the transition route for the NDB-A and NDB-B approach procedure to Michael Army Airfield, Dugway Proving Ground, Utah.

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

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

By amending subpart G, section 71.181 so as to alter the following transition area to read:

DELTA, UTAH

" " ", and that airspace extending upward from 1,200 feet above the surface within 9 miles southeast and 13.5 miles northwest of the Delta VORTAC 203° and 023° radials, extending from 12 miles northeast to 25.5 miles southwest of the VORTAC; and that airspace within 5 miles northeast and 5 miles southwest of the Delta VORTAC 326° radial extending from the VORTAC to the southeast boundary of restricted area R-6402.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), 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 Aurora, Colo., on January 11, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc. 78-3111 Filed 2-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-26]

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

Change in Effective Hours of Hartford, Conn., Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the description of the Hartford Control Zone to reflect that the control zone is now effective 24 hours daily, as published

by Notices to Airmen (NOTAM). The control zone was formerly in effect from 0700 to 2300 local time daily.

EFFECTIVE DATE: February 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: The purpose of this rule is to amend the description of the Hartford Control Zone in § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to reflect that the control zone is effective 24 hours daily, by deleting any reference to specific times of operation in the description.

This action conforms with the airport traffic control tower hours of operation which now provides weather observations on a 24 hour basis.

Since this change merely reflects the current hours of operation, it has no adverse affect on any person and notice and public procedure hereon is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) is hereby amended to change the effective hours of the Hartford, Conn., control zone from 0700 to 2300 hours daily to 24 hours daily by deleting, in its entirety, the last sentence of the description of the Hartford, Conn., Control Zone.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

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

Issued in Burlington, Mass., on January 23, 1978.

ALBERT E. HOUCK,
Acting Director,
New England Region.

[FR Doc. 78-3108 Filed 2-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-14]

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

Designation of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a 700 foot and a 1,200 foot transition area at Roosevelt, Utah. This action is necessary to provide controlled airspace for the new VOR-B and RNAV Runway 25 instrument approach procedures at Roosevelt Municipal Airport, Roosevelt, Utah.

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

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On December 22, 1977, the FAA published for comment a proposal to designate a 700 foot and a 1,200 foot transition area at Roosevelt, Utah (42 FR 64128). The only comment received expressed no objection.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) designates a 700 foot and a 1,200 foot transition area at Roosevelt, Utah.

This action is necessary to provide controlled airspace to contain the new VOR-B and RNAV Runway 25 instrument approach procedures at Roosevelt Municipal Airport, Roosevelt, Utah.

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

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

By amending Subpart G 71.181 by designating the following transition areas:

ROOSEVELT, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roosevelt Municipal Airport, Roosevelt, Utah (latitude 40°16'33" N., longitude 110°03'02" W.) and within 2 miles either side of the Myton, Utah, VORTAC 023° radial extending from the 5-mile radius of the airport to the Myton VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°52'04.7" N., longitude 110°15'10.2" W., to latitude 40°27'47.3" N., longitude 110°15'58.9" W., to latitude 40°19'20.4" N., longitude 109°33'14.8" W., to latitude 40°03'58.4" N., longitude 109°41'25.5" W., to latitude 40°04'04.3" N., longitude 109°44'49.1" W., to latitude 39°52'27.4" N., longitude 109°44'33.3" W., to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1345(a)); sec. 6(c), 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 Aurora, Colo., on January 11, 1978.

M. M. MARTIN,
Director, Rocky
Mountain Region.

[FR Doc. 78-3110 Filed 2-3-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-16]

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

Establishment of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Gillette, Wyo. This establishment is necessary to protect the published instrument approach at Gillette-Campbell County Airport, Gillette, Wyo. The prerequisites for the establishment of a control zone, communications capability and weather reporting, have now been met.

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

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures, and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 25, 1977, the FAA published, for comment, a proposal to establish a control zone at Gillette, Wyo. (42 FR 60159). The only comments received expressed no objections.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) establishes a control zone at Gillette, Wyo.

Gillette, Wyo. has recently acquired communications capabilities supporting the establishment of a control zone to protect the VOR runway 15 standard instrument approach procedure.

DRAFTING INFORMATION

The principal authors of this document are Mr. Dave Laschinger, Operations, Procedures, and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

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

By amending Subpart F, 71.171 so as to establish the following control zone:

GILLETTE, WYO.

"Within a 5-mile radius of the Gillette-Campbell County Airport (latitude 44°20'52" N., longitude 105°32'34" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), 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 Aurora, Colo., on January 11, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc. 78-3107 Filed 2-3-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3-71)

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5-74)

Final Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Final rules.

SUMMARY: In this document the Commission issues final rules amending the Standards for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) and 7 through 14 (FF 5-74) and rules and regulations under those standards affected by the amendments. The amendments delete requirements for residual flame time (RFT) in FF 3-71 and revise the method of testing trim in both FF 3-71 and FF 5-74. The Commission issues these amendments to reduce the necessity for the use of chemical flame retardants on fiber and fabric used in children's sleepwear as a result of the recent national concern over the addition of the chemical tris (2,3 dibromopropyl) phosphate (TRIS), a potential carcinogen, to children's sleepwear fabrics and garments. In addition, the Commission issues these amendments because after considering the proposal, the oral and written comments and other relevant matter it believes the provisions deleted and revised are not needed to protect the public adequately against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. The Commission is not amending FF 3-71 to delete requirements for garments under size 1.

EFFECTIVE DATE: The amendments shall take effect February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

H. Elizabeth Jones, Directorate of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6617.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 26, 1977, by publication of a notice in the FEDERAL REGISTER (42 FR 56568), the Commission proposed amendments to the Standards for the Flammability of Children's Sleepwear for Sizes 0 through 6X (FF 3-71) (16 CFR Part 1615) and Sizes 7 through 14 (FF 5-74) (16 CFR Part 1616). These standards were issued as a result of deaths and burn injuries to children from fires involving sleepwear. The standards require that children's sleepwear in sizes 0-6X and 7-14 and fabric intended for such sleepwear meet certain flammability test requirements. The proposed amendments would have deleted the requirement for residual flame time testing and criteria in FF 3-71, exempted garments in sizes below size one from FF 3-71, and revised the method of testing trim in both FF 3-71 and FF 5-74.

Although the standards do not require that chemicals be added to garments or fabric to meet the standards, some manufacturers have added chemical flame retardants to some fibers or fabrics to ensure that sleepwear garments produced from these fibers or fabrics consistently comply with the standards. Because of recent national concerns over the addition of the chemical TRIS, a potential carcinogen, and Fyrol FR-2 to children's sleepwear garments and fabrics, the Commission expedited a previously planned but not started review of the standards for the flammability of children's sleepwear. The Commission's review led to the proposed amendments to the sleepwear standards which the Commission believed would reduce the need for adding chemical flame retardants to a number of fabrics and fibers used in children's sleepwear while generally maintaining the level of protection against fire afforded by these standards.

In seeking ways to reduce the need for the use of chemical flame retardants in children's sleepwear, the Commission does not mean to imply that chemical flame retardants as a general class are not safe. However, the issue of whether any chemical is or can be a carcinogen or a mutagen concerns a rapidly changing and developing area of technology. Chemicals that are assumed to be safe one day, may be shown later to be suspect as new and more sophisticated test methodologies are developed. The Commission believes that it is desirable and beneficial to take any action it can to reduce the need to add chemicals to children's sleepwear for purposes of flame retardancy if that action does not unduly reduce the level of safety afforded by the sleepwear standards. Such action could also make available to consumers a wider selection of fabric for children's sleepwear at a lower average cost.

The amendments were not proposed solely to reduce the need for adding chemical flame retardants to material used in children's sleepwear. In determining to propose the amendments, the Commission also considered other factors such as injury data pertinent

to the provisions of the standards that are affected by the amendments, the potential for injury if the standards are amended as proposed, the desirability of increasing consumer choice as to the types of fabric used in children's sleepwear garments, and the possibility of reducing the average cost of children's sleepwear garments. The Commission in balancing all of the factors considered, preliminarily determined that issuance of the proposed amendments would not result in an unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage and that the proposed amendments were reasonable and appropriate.

The Commission proposed an amendment to delete the requirements for residual flame time (RFT) from FF 3-71. That requirement, which does not appear in FF 5-74, addresses the situation where flaming material from a burning garment melts and falls or drips (melt drip) onto another portion of the garment or a different garment or textile item, and causes it to ignite; or falls on the individual wearing the garment, resulting in a burn. A requirement for residual flame time was not included in FF 5-74 on the basis that older children are better able than younger children to protect themselves in case of a garment ignition. The Commission proposed to delete this requirement from FF 3-71 because it expected that the deletion would not substantially affect the safety level now provided by the standard, would decrease the need for adding chemical flame retardants to a number of fibers and fabrics to comply with the standard and would increase consumer choice by making more types of fabrics available. The amendment would primarily affect man-made fibers, such as nylon and polyester, and would allow a number of fabrics produced from these fibers to pass the standard without the addition of chemical flame retardants.

Trim is currently tested under both FF 3-71 and FF 5-74 in a vertical mode, which is the most stringent test position. The purpose of the trim test is to determine the flammability hazard associated with fabric/trim combinations to be used in children's sleepwear.

The proposed amendments to the trim testing requirements of both standards would provide a revised procedure for testing trim that is placed in a horizontal configuration on garments. Such trim would be tested in a horizontal position rather than a vertical position. The Commission proposed the amendments because mannequin and other laboratory tests indicate that when trim is used in a horizontal mode on the garment, testing in a horizontal rather than a vertical configuration is more representative of the burning exhibited by the garment. The Commission, therefore, concluded that trim used in a horizontal position on sleepwear garments should be tested in that position and that the revision of the trim testing requirement should increase consumer choice as to the amount and type of trim available on garments.

The Commission proposed the amendment to exempt sizes below one from FF 3-71 because burn injury data associated with garments in those sizes available at the time of proposal indicated that the safety level now provided by the standard would not be substantially reduced, the exemption would permit the use of more nonchemically treated fabrics, would increase consumer choice as to the types of fabrics available for use in those garments, and could result in reduced average retail prices for children's sleepwear garments in these sizes. The Commission in proposing the amendment also stated that it was considering requiring that noncomplying sleepwear in sizes below one be labeled to state that it does not comply with FF 3-71 and specifically asked for comment on this issue.

In addition, the Commission proposed that the three amendments be effective immediately and sought comment on this issue.

Comments on Proposal

Section 4(d) of the Flammable Fabrics Act (15 U.S.C. 1193(d)) requires that, in addition to providing an opportunity for making written submissions on a proposed amendment to a standard, the Commission shall provide interested persons with an opportunity for the oral presentation of data, views, or arguments. Oral presentations of behalf of 15 persons or organizations, on the proposed amendments, were heard by the Commission on November 16, 1977. In addition, 141 written comments were received by the end of the comment period on November 26, 1977, and more than 100 comments were filed after the end of the comment period. The late comments have been considered to the extent practicable.

The significant issues raised by the oral and written comments are discussed below.

Residual Flame Time

Comments concerning the proposed amedment to delete the requirement for RFT in FF 3-71 were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile and apparel industry, representatives of the medical profession, retailers, trade associations and consumers. A large majority of these comments supported the proposed amendment.

When a fabric made of a thermoplastic man-made fiber, such as nylon or polyester, is subjected to a flame, the material frequently ignites and/or melts. This material may fall away as a drop (melt drip) or as a section of fabric and may continue to burn. Residual flame time is defined in FF 3-71 as the time the flaming drip or fabric fragment continues to burn on the base of the test cabinet after the ignition source has been removed from the test specimen. Any individual specimen that exhibits an RFT of more than 10 seconds fails the test criteria in FF 3-71.

Those commenters supporting the amendment to FF 3-71 to delete the requirement for RFT generally did so on the grounds that the amendment would reduce the need for the use of chemical flame retardants on children's sleepwear and would not substantially affect the level of safety now provided by the standard. Those persons supporting the amendment also stated that it would increase consumer choice by making more fabrics available for use in sleepwear garments and would lower on the average manufacturing costs and thereby garment prices.

Those commenters opposing the amendment to FF 3-71 to delete the requirement for RFT did so for a number of reasons. Several of these commenters stated that when FF 3—71 was originally issued by the Department of Commerce in 1971, the provision for RFT was included in order to give the greatest possible protection to small children because they cannot protect themselves. These commenters argued that flaming melt drip is a hazard in that it can cause severe localized burns, and flaming melt drip can burn parts of the body that are not adjacent to the burning sections of the garment. In addition, they stated that flaming melt drip can serve as an ignition source for other fabrics or materials. They further contended that no new data or facts have been developed since FF 3-71 was originally issued that justify eliminating the requirement for RFT and that the elimination of RFT will lower the safety level now provided by the standard. These commenters also argued that elimination of RFT could result in the use of fibers in children's sleepwear garments that have particularly bad flaming melt drip characteristics.

Manufacturers of fibers referred to, by them, as inherently flame resistant argued that there are sufficient quantities of these fibers available to meet the demand for fabrics that comply with the RFT requirements of FF 3-71. They contended that elimination of the RFT requirement is not necessary to reduce the use of chemical flame retardants in children's sleepwear because inherently flame resis-

tant fibers are available in sufficient quantities. Thus, they contended there is no need for a trade-off in safety because there is no necessity for using chemical flame retardants. Further they contended that elimination of the RFT requirement would decrease consumer choice by driving out of the market the more expensive inherently flame resistant fibers.

The Commission recognizes that the provision for RFT was included in FF 3-71 to address the phenomenon of "flaming melt drip" whereby material from a burning garment made of manmade fibers could melt and fall or drip onto another portion of the garment, onto a different garment or textile item causing it to ignite, or on the individual wearing the garment, resulting in a burn. The Commission recognizes that flaming as well as nonflaming melt drip has the potential to cause injury.

Very little injury data is available which focuses on flaming and nonflaming melt-drip. Data in the Flammable Fabrics Accident Case and Testing System (FFACTS) as of July 1975, when the system became inactive, shows 4,172 cases of which 714 involved sleepwear. Of the sleepwear cases, 312 involved children through the age of 12. In 12 of these cases it was reported that the sleepwear garment melted or dripped. In two of these cases it was stated that the melted fabric adhered to the skin of the victims, which contributed to or caused the burn injury. The garment in one of the two cases was chemically flame retarded. In two other cases, it was stated that the garment melted, adhering to the clothing worn underneath, but did not appear to contribute to the victim's injuries. In the eight remaining cases, the relationship of melt-drip to the injury was not specified.

Physicians treating children in burn centers in Boston, Mass. and Galveston, Tex., while acknowledging the potential for melt drip to cause burn injury stated in their comments on the proposal that they did not consider melt drip to be a significant factor in injury severity.

The lack of reported injury cases resulting from melt drip cannot necessarily be attributed to the RFT requirements in FF 3-71 as suggested by several commenters. The requirement does not eliminate flaming melt drip but rather limits the flame to 10 seconds. Thus, the RFT requirement does not eliminate the potential for injury from either non-flaming drips or molten polymer, both of which would result in burns on contact with the skin. Moreover, there is also a lack of reported injuries resulting from melt-drip in garments subject to FF 5-74, which has no requirement for RFT. Elimination of the RFT provision as in FF 3-71 is not expected to increase the number or severity of these injuries.

One industry commenter submitted to the Commission a number of questionnaire sheets filled out by attorneys handling clothing burn cases. The responses on a number of the questionnaires indicated that the garment involved in the litigation melted and dripped and that the melt drip aggravated the injury. In addition a number of the responses on the questionnaires stated that cotton garments melted and dripped thus aggravating the injury even though cotton garments from a technological standpoint cannot melt and drip. None of the responses to the questions were supported by any technical data.

Other data submitted to the Commission in response to the proposed amendments supported the conclusion that injuries caused by melt drip are not particularly severe and, therefore, do not present an unreasonable risk. In experiments conducted on anesthetized shaved rats and pigs, it was shown that the extent of the injury due to both flaming and non-burning melt drip was limited. In the experiments conducted on the shaved rats, the size of the injury never exceeded ½ to ¾ square inches and the severity did not exceed second degree burns. In the experiments with the pig skin, the area and severity of the burn were similarly limited.

These studies indicate that when a melt drip injury occurs, it is usually a localized second degree burn. Such burns, while causing painful localized trauma at the time of the burn, are not likely to cause long lasting physical and psychological damage.

An importer of inherently flame resistant fiber submitted a film to the Commission, purportedly demonstrating the hazard posed by melt drip. This film was designed to demonstrate the resistance of fabrics and garments produced from the inherently flame resistant fiber to both large and small ignition sources. The film accomplishes the purpose. Part of the film demonstrated the effect of a large sustained flaming ignition source on selected fabrics, including one sample of polyester. The polyester fabric shrank from the flame, melted and dripped. This is to be expected with the large, sustained ignition source used. The phenomenon depicted in the film however, has little relationship to the sleepwear fires being addressed by the standards, where the ignition source is usually a small flame such as that from a match or lighter, and of short duration.

In determining whether it is reasonable to delete the RFT provision in FF 3-71 addressing flaming melt drip, the Commission considers factors in addition to the reduction of hazard. It also considers such factors as manufacturing costs, retail prices, garment performance, consumer choice, and the supply of fabric that does not require the addition of a chemical flame retardant.

The Commission believes, on the basis of information provided in the comments and other available information, that amending FF 3-71 to delete the RFT requirement would result in an increase in the amount of untreated polyester and nylon fabric that could be used in garments subject to that standard. When the children's sleepwear standard was first promulgated, some polyester and nylon fabrics were found to occasionally fail the RFT requirement. This problem was overcome by treatment of these fabrics with chemical flame retardants. Elimination of the RFT requirement will permit many of these polyester and nylon fabrics to comply with the standard, without chemical flame retardant treatment.

Suppliers of inherently flame resistant fibers and yarn indicated that there are adequate quantities of inherently flame resistant material available to supply the children's sleepwear market with fabric that complies with FF 3-71. They therefore argue that no garments need be produced that have chemical flame retardants added. It is the Commission's view, however, that while inherently flame resistant fabric may indeed be available in adequate quantities to supply the children's sleepwear market, elimination of the RFT provision will allow the use of additional nonchemical flame retardant treated fabrics in children's sleepwear in those sizes subject to FF 3-71. It is the Commission's view, at this time, that any action it can take that would further reduce the necessity for adding flame retardant chemicals to children's sleepwear while, at the same time, making the widest possible selection of fabrics available without substantially affecting the level of safety afforded by the sleepwear standards, is desirable and beneficial. In this connection, the Commission notes that even fabric referred to in the trade as "inherently flame resistant" may have chemicals added for the purpose of flame retardancy at some stage of production of the fiber.

In considering whether to amend FF 3-71 to delete requirements for RFT, the Commission has also considered the potential effect of this action on the cost of sleepwear garments. Data before the Commission indicates that elimination of the RFT provision will allow garment manufacturers to use lower priced (untreated) fabric in their manufacturing process. This could result in lower average retail prices for children's sleepwear than would be the case without the amendment. While cost reduction alone is not, in the Commission's view, an adequate

reason to eliminate the RFT requirement in the standard, it is one of the factors considered by the Commission.

Several suppliers of inherently flame resistant fibers have expressed the opinion that if the RFT requirement is deleted, inherently flame resistant fibers will not be competitive with untreated polyester fibers because they will cost more and, therefore, will no longer be used in children's sleepwear. It appears to the Commission, on the basis of data submitted in the comments and other available information, that the share of the children's sleepwear market a fiber obtains and holds does not depend on the price of the fiber alone. Inherently flame resistant fibers have found their way into the children's sleepwear market during the last several years, even though their prices have been in the upper end of the prevailing price range for this market. Thus, anticipated price changes as a result of the elimination of RFT from FF 3-71 do not appear to be sufficient cause to exclude any fiber from the sleepwear market.

On the basis of the limited injury data available which can be directly attributed to melt drip, the relative low severity of such injuries, the likelihood of increasing the selection while reducing average retail prices of fabrics and garments that will be available to consumers if the requirements for RFT are deleted, and the likely availability of additional types of fabrics that can meet the requirements of FF 3-71 without the addition of chemical flame retardants, the Commission determines that the RFT requirement in FF 3-71 is not needed for the standard to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury or significant property damage. Accordingly, the Commission amends FF 3-71 to delete the requirement for residual flame time as set forth below. The Commission will monitor the results of this amendment to determine its effect on sleepwear burn injuries. If burn injury or other information is found indicating a reduction in the safety level of the standard as a result of elimination of the RFT requirement, the Commission will reevaluate this amendment and after evaluating the factors discussed above consider further amendment of FF 3-71 regarding RFT.

Section 1615.4(a) of the FF 3-71 concerning the test chamber provides that a piece of asbestos paper be used to catch any melt drip and that this paper be changed after each specimen which drips has been tested. In view of the Commission's decision to delete the requirement for RFT which addresses melt drip, this procedure is no longer necessary and therefore has been eliminated from the Standard.

Deletion of Coverage for Sleepwear in Sizes Below Size One

Comments concerning the proposal to amend FF 3-71 to exempt coverage of sleepwear in sizes below size one were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile and apparel industry, representatives of the medical profession, retailers, trade associations and consumers.

The Commission, on the basis of the oral and written comments, data compiled by the Commission staff concerning burn injuries involving children under 12 months of age, and other relevant material, voted 2-1 against issuing this proposed amendment.

The Consumer Product Safety Act provides that the Commission shall consist of 5 Commissioners and that 3 Commissioners constitute a quorum for transaction of business. There are currently 2 vacancies on the Commission. The internal voting procedure of the Commission presently requires that the Commission may not take action on a matter if there is a dissenting vote, although the Commission may act if two Commissioners vote to do so and one Commissioner abstains. Because the Commission voted 2 to 1 on the question of issuing the amendment exempting sleepwear garments in sizes less than one, no action can be taken to issue or withdraw the amendment at this time. This amendment may be further considered when additional Commissioners join the Commission.

Trim Testing

Comments concerning the proposed amendment to revise the method for testing trim in FF 3-71 and FF 5-74 were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile industry, representatives of the medical profession, retailers, trade associations and consumers. A large majority of these comments supported the proposed amendment.

The proposed amendment would allow manufacturers who are producing sleepwear garments with the garment trim in a horizontal configuration to test that trim for flammability in a horizontal mode on the test specimen, rather than in the more severe vertical configuration on the test specimen.

Those persons supporting the amendment to FF 3-71 and FF 5-74 to modify the method of testing trim did so generally on the grounds that the amendments would reduce the need for the use of chemical flame retardants in trim used on sleepwear and would not substantially affect the level of safety now provided by the standards. They also stated that the standards as modified would continue to address hazards presented by burning trim as it occurs in real life situations, and would increase consumer choice in garment design and fabric availability.

Those persons who opposed the proposed amendment did so generally on the basis that the amendment would decrease the level of safety now provided to consumers. Several commenters stated that the change was not necessary because inherently flame resistant fibers were available for trim that would comply with the standards when tested in a vertical test mode.

It is the view of the Commission that testing trim in a horizontal configuration rather than in a vertical configuration is more representative of the burning characteristics of trim used on sleepwear garments in a horizontal mode. The Commission on the basis of laboratory tests, conducted by Clemson University on behalf of a garment manufacturer believes that the level of safety afforded by the standards will not be affected by this amendment. In those tests nightgowns were constructed from fabric commonly used to make children's sleepwear. These nightgowns were trimmed with lace produced from nylon, polyester and cotton, and self fabric ruffle.

The garments were then burned to determine the effect of the trim on the flammability of the garments. Based on these tests, the flammability hazard for trim used in a horizontal configuration was judged to be small, much less than that of trim in a vertical configuration. Therefore, testing of trim in a horizontal configuration on the test specimen, where the trim is used horizontally on the sleepwear garment and in a vertical configuration on the test specimen when the trim is to be used vertically on the sleepwear garment appears to provide a better assessment of the flammability hazard involved than does the current procedure in the standard which requires all trim to be tested in a vertical configuration. Further, testing in this manner is expected to have a minimal effect on the level of safety provided by the standards.

While inherently flame resistant fibers may be available for use in trim, the amendment will result in an increase in the amount and type of trim available for use on sleepwear garments. It should also reduce the need for chemical flame retardant treatment of trim. This issue is discussed in more detail under the heading "Residual Flame Time" above.

In view of the foregoing, the Commission concludes that FF 3-71 and FF 5-74 should be amended by revising the trim test procedures to allow testing of trim in a horizontal configu-

ration on a test specimen where the trim is to be used horizontally on the sleepwear garments. The Commission also concludes that a vertical test method for trim used on sleepwear garments in a horizontal position is not necessary to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or injury.

As in the case of the RFT and sizes below one amendments, the results of the trim test modification will be monitored to determine the effect of the amendment on sleepwear injuries. If burn injuries or other information are found indicating a reduction in the safety level of the standards as a result of the test modification, the Commission will reevaluate this amendment and after analyzing the factors discussed above, consider further amendment of FF 3-71 and FF 5-7 regarding trim testing.

Effective Date

Comments concerning when the proposed amendments should be effective if issued by the Commission were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile industry, representatives of the medical profession, retailers, and trade associations. In all but a few of the comments, it was recommended that the amendments be effective immediately after promulgation of the amendment. One commenter suggested that the amendments be effective three months after they are issued in order to allow industry to adapt to the amendments and to allow existing inventories of fabrics to be depleted. Another commenter suggested that the amendments be effective one year after promulgation in order to permit the industry to adapt to the amendments.

As discussed above, the Commission has determined that the provisions of the sleepwear standards affected by the amendments are not needed to adequately protect the public against an unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. This determination is based in part on the expectation that the amendments are likely to result in the availability of additional types of fabrics for use in sleepwear garments that can meet the requirements of the standards without the addition of chemical flame retardants, and a possible decrease in the average cost of children's sleepwear, while maintaining the level of safety now provided by the standard.

In view of the foregoing, the Commission finds that it is in the public interest that the amendments be made effective upon their publication in the Federal Register. Therefore, on or after that date any sleepwear garment, no matter when manufactured or introduced into commerce, that complies with the standard as amended may be sold. Moreover, since the amendments relieve restrictions, or in the case of sizes below one, grant an exemption, the Commission finds, in accordance with 5 U.S.C. 553(d), that it is not necessary to delay the effective date of the amendments in order for the textile industry to adapt to them.

Environmental Considerations

In proposing the amendments to FF 3-71 and FF 5-74 the Commission concluded that the proposed amendments are expected to reduce the use of chemical flame retardants, and that this reduction should in general have beneficial impacts on the enviroments. The Commission received no comments on this issue and reaffirms the conclusion made in the proposal.

Other Comments

The Commission received a number of comments involving issues not directly related to the proposed amendments. These comments involve matters such as flammability standards in general and revisions to the sampling plan included in the standard. The Commission will consider these comments in the context of its fire-burn program and will take any action on the issues raised it considers appropriate.

Conclusion and Issuance

The Commission has considered the published proposal, the oral and written responses to the proposal and other relevant material. Based on its analysis as discussed above, the Commission amends the Standards for the Flammability of Children's Sleepwear, FF 3-71 and FF 5-74, to delete the requirement in FF 3-71 for residual flame time and to revise the method of testing trim in both FF 3-71 and FF 5-74.

Therefore, pursuant to provisions of the Flammable Fabrics Act as amended (Pub. L. 90-189, see 4(a), 4(b), 81 Stat. 569; U.S.C. 1193(a)(b), 1201, and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b), 16 CFR 1615 and 1616 are amended as follows:

1. Section 1615.1 is amended as shown below:

Sections 1615.1 (e) is amended and (g) is reserved to read as follows:

§ 1615.1 Definitions.

* * * * *

(e) "Test Criteria" means the maximum char length which a sample or specimen may exhibit in order to pass an individual test.

* * * * *

(g) [Reserved].

§ 1615.3 [Amended]

2. Section 1615.3(a) is amended and (b) (3) is deleted as shown below:

(a) *Summary of Test Method.* Five conditioned specimens, 8.9 x 25.4 cm. (3.5 x 10 in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edge for a specified time under controlled conditions. The char length is measured.

(b) * * *

(3) [Deleted].

§ 1615.4 [Amended]

3. Section 1615.4(a) is amended as follows:

(a) *Apparatus—(1) Test Chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen holder is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in paragraph (c) of this section and perpendicular to the front of the cabinet. The front of the cabinet shall be a close fitting door with a glass insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Nos. 1 to 7.

4. Section 1615.4(b) (2) is amended as follows:

(b) * * *

(1) * * *

(2) Different colors or different print patterns of the same fabric may be included in a single Fabric or Garment Production Unit, provided such colors or print patterns demonstrate char lengths that are not significantly different from each other as determined by previous testing of at least three samples from each color or print pattern to be included in the Unit.

5. Section 1615.4(c) (1) and (3) are amended as follows:

(c) * * *

(1) *Normal Sampling.* Select one Sample from the beginning of the first Fabric Piece (Piece) in the Unit and one Sample from the end of the last Piece in the Unit, or select a sample from each end of the Piece if the Unit is made up of only one Piece. Test the

two selected Samples. If both Samples meet all the Test Criteria of § 1615.3(b), accept the unit. If either or both of the Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If two or more of the individual specimens, from the 10 selected specimens fail, the 25.4 cm. (10 in.) char length, .3(b)(2), reject the Unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit.

(2) * * *

(3) *Tightened Sampling.* The level of sampling required for acceptance shall be increased when a Unit is rejected under the Normal Sampling plan. The Tightened Sampling shall be the same as Normal Sampling except that one additional Sample shall be selected and cut from a middle Piece in the Unit. If the Unit is made up of less than two pieces, the Unit shall be divided into at least two Pieces. The division shall be such that the Pieces produced by the division shall not be smaller than 100 linear yards or greater than 2,500 linear yards. If the unit is made up of two Pieces, the additional Sample shall be selected from the interior end of one of the Pieces. Test the three selected Samples. If all three selected Samples meet all the test criteria of § 1615.3(b), accept the unit. If one or more of the three selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If two or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), reject the unit. If only one individual specimen, of the 15 selected Specimens fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select five additional specimens from the same end of the same piece in which the failure occurred, all five to be taken in the fabric direction in which the Specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit. Tightened Sampling may be discontinued and Normal Sampling resumed after five consecutive Units have all been accepted using Tightened Sampling. If Tightened Sampling remains in effect for 15 consecutive units, production of the specific fabric in Tightened Sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

* * * * *

6. Section 1615.4(c)(4)(iv) is amended as shown below:

(c) * * *

(4) * * *

(iv) Select and cut a Sample from each end of each adjoining Piece beginning adjacent to the Piece which failed. Test the two Samples from the Piece. If both Samples meet all the test criteria of § 1615.3(b), the Piece is acceptable. If one or both of the two selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), the Piece is unacceptable. If two or more of the individual Specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length § 1615.3(b)(2), the Piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, the Piece is acceptable. If this additional Sample fails any part of the test criteria, the Piece is unacceptable.

* * * * *

7. Section 1615.4(c)(4)(vi) is amended as shown below:

(c) * * *

(4) * * *

(vi) Alternatively, individual Pieces from a rejected Unit containing three or more Pieces may be tested and accepted or rejected on a Piece-by-Piece basis according to the following plan, after removing the Piece or Pieces, the failure of which resulted in Unit rejection. Select four Samples (two from each end) from the Piece. Test the four selected Samples. If all four Samples meet all the Test Criteria of § 1615.3(b), accept the Piece. If one or more of the Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the Piece. If two or more of the individual Specimens from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(1), reject the Piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select two additional Samples from the same end of the Piece in which the failure occurred. If these additional two Samples meet all the Test Criteria of § 1615.3(b), accept the Piece. If one or both of the two additional Samples fail any part of the Test Criteria, reject the Piece.

* * * * *

8. Section 1615.4(d)(2)(i) is amended as shown below:

(d) * * *

(2) * * *

(i) *Seams.* Make three Samples (15 specimens) using the longest seam type and three Samples using each other seam type 10 inches or longer that is to be included in the garment. Prior to testing, assign each specimen to one of the three Samples. Test each set of three Samples and accept or reject each seam design in accordance with the following plan:

(A) If all three Samples meet all the test criteria of § 1615.3(b), accept the seam design. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the seam design. If three or more of the individual Specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), accept the seam design.

(B) If two of the individual specimens from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select three more Samples (15 specimens) and retest. If all three additional Samples meet all the test criteria of § 1615.3(b) accept the seam design. If one or more of the three additional Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the seam design. If two or more of the individual specimens from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2) reject the seam design. If only one of the individual specimens from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length § 1615.3(b)(2) accept the seam design.

* * * * *

9. Section 1615.4(d)(2)(ii) (A) and (B) are revised as shown below:

(d) * * *

(2) — * * *

(ii) *Trim* (A)(*1*) Make three samples (15 specimens) from each type of trim to be included in the garment. For trim used only in a horizontal configuration on the garment, specimens shall be prepared by sewing or attaching the trim horizontally to the bottom edge of an appropriate section of untrimmed fabric. Sleeve and neckline trim may not be tested in this manner. Where more than one row of trim is used on the garment, specimens shall be prepared with the same configuration (same number of rows and spacing between rows up to the limit of the specimen size) as the garment.

(*2*) For trim used in other than a horizontal configuration, specimens shall be prepared by sewing or attach-

ing the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen.

(3) For either configuration, the sewing or attachment shall be made in the manner in which the trim is attached in the garment.

(B)(1) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seamtype. Trim used in the horizontal configuration shall be sewn or fastened the entire width (smaller dimension) of the specimen. Trim used in other than the horizontal configuration shall be sewn or fastened the entire length (longer dimension) of the specimen.

(2) Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design. A type of trim and design accepted when tested in a vertical configuration may be used in a horizontal configuration without further testing.

10. Section 1615.4(d)(3)(i)(A) is amended as shown below:

(d) * * *

(3) * * *

(i)(A) From each Unit select at random sufficient garments and cut three Samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three Samples. All specimens cut from a single garment must be included in the same Sample. Test the three selected Samples. If all three Samples meet all the test criteria of § 1615.3(b), accept the Unit. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm (10 in.) char length, § 1615.3(b)(2), reject the Unit. If three of less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), accept the Unit.

* * * * *

11. Section 1615.4(d)(3)(i)(B)(3) is amended as shown below:

(d) * * *

(3) Test the three Samples. If all three Samples pass the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), and if three or less individual specimens fail by charring the entire specimen length, accept the Unit. If the Unit is not accepted in the above test, three Samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 x 63.3 cm. (8 in. x 25 in.) and must be selected from more than one area of the base fabric. Test the three prepared Samples. Accept or reject the Unit as described previously in this subsection.

12. Section 1615.4(g)(2)(i) is amended as shown below:

(g) * * *

(2) Specimen Burning and Evaluation. (i) One at a time, the mounted specimens shall be removed from the desiccator and suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the botton edge of the specimen for 3.0±0.2 seconds. Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

12. Section 1615.4(g)(3) is amended as shown below:

(g) * * *

(3) *Report.* Report the value of char length, in centimeters (inches), for each specimen, as well as the average char length for each set of five specimens.

Subpart B—Rules and Regulations

Section 1615.31 is amended as shown below:

13. Section 1615.31(e)(1)(iii) is amended as shown below:

(e) * * *

(1) * * *

(iii) Test results and details of all tests performed, both prototype and production, including char lengths of each specimen tested, average char length of the samples required to be tested, details of the sampling procedure employed, name and signature of persons conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the standard or authorized alternate sampling plan.

14. Section 1616.4(c)(2)(ii) (A) and (B) are revised as shown below:

§ 1616.4 Sampling and Acceptance Procedures.

* * * * *

(c) * * *

(2) * * *

(ii) Trim (A) Make three samples (15 specimens) from each type of trim to be included in the garment. For trim used only in a horizontal configuration on the garment, specimens shall be prepared by sewing or attaching the trim horizontally to the bottom edge of an appropriate section of untrimmed fabric. Sleeve and necking trim may not be tested in this manner. Where more than one row of trim is used on the garment, specimens shall be prepared with the same configuration (same number of rows and spacing between rows up to the limit of the specimen size) as the garment. For trim used in other than a horizontal configuration, specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. For either configuration, the sewing or attachment shall be made in the manner in which the trim is attached in the garment.

(B) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seamtype. Trim used in the horizontal configuration shall be sewn or fastened the entire width (smaller dimension) of the specimen. Trim used in other than the horizontal configuration shall be sewn or fastened the entire length (longer dimension) of the specimen. Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design. A type of trim and design accepted when tested in a vertical configuration, may be used in a horizontal configuration without further testing.

* * * * *

(Sec. 4(a), 4(b) (15 U.S.C. 1193(a), 1193(b)), 81 Stat. 569; sec. 30(d), (15 U.S.C. 2079(b)), 86 Stat. 1231.)

Effective date: February 6, 1978.

Dated: February 2, 1978.

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

[FR Doc. 78-2339 Filed 2-3-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 78-46]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Entry of Antiques

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

ACTION: Final rule.

SUMMARY: Under the Tariff Schedules of the United States, ethnographic objects and other antiques may be imported free of Customs duty. However, an additional duty, besides regular duties which may be applicable, is assessed on ethnographic

objects and other antiques imported for sale and later found not to be authentic in respect to the antiquity claimed as a basis for free entry. This rule amends the Customs Regulations to reflect the current rate of this additional duty.

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5727.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Ethnographic objects (objects relating to a specific culture) made in traditional aboriginal styles at least 50 years before entry and other antiques made prior to 100 years before entry generally may be imported into the United States free of Customs duties under item 766.20 or item 766.25, Tariff Schedules of the United States (TSUS). However, if the importer of an ethnographic object or other antique imported for sale claims free entry under item 766.20 or item 766.25, TSUS, and the article later is found not to be an authentic antique, the article is subject to a special duty under item 766.30, TSUS, in addition to any other duty imposed by the TSUS. The purpose of this additional duty is to deter false claims for free entry.

Before the modifications of certain duty rates by Presidential Proclamation No. 3822, published in the FEDERAL REGISTER on December 16, 1967 (32 FR 19002), as a result of the Kennedy Round of tariff negotiations, the rate of additional duty assessed under item 766.30, TSUS, was 25 percent ad valorem (that is, 25 percent of the dutiable value) regardless of the country from which imported. Paragraphs (h) and (i) of § 10.53 of the Customs Regulations (19 CFR 10.53 (h) and (i)) and footnote 50 to Part 10 (footnote 50 to 19 CFR Part 10) reflect this rate. However, Presidential Proclamation No. 3822 modified this rate by stages so that, effective January 1, 1972, the additional rate assessed under item 766.30, TSUS, is 12.5 percent ad valorem for articles imported from all countries other than the Communist countries listed in General Headnote 3(e), TSUS. The additional rate under item 766.30, TSUS, for articles from Communist countries remains 25 percent ad valorem.

It is necessary, therefore, to amend paragraphs (h) and (i) of § 10.53 and footnote 50 to Part 10 to reflect the modification of the rate applicable to countries other than Communist countries from 25 percent to 12.5 percent ad valorem.

Because these amendments merely conform the Customs Regulations to the current additional column 1 rate of duty under item 766.30, TSUS, notice and public procedure thereon are unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Norman W. King, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and style.

AMENDMENTS TO THE REGULATIONS

Paragraphs (h) and (i) of § 10.53 and footnote 50 to Part 10 of the Customs Regulations (19 CFR 10.53 (h), (i); and footnote 50 to 19 CFR Part 10) are amended as follows:

§ 10.53 [Amended.]

(1) Paragraphs (h) and (i) of § 10.53 are amended by substituting "12.5 percent or 25 percent, as appropriate" for "25 percent".

(2) Footnote 50 to Part 10 is amended to read to follows:

"[50] Any article imported for sale and claimed to be classifiable under item 766.20 or item 766.25, and thereafter determined to be not authentic in respect to the antiquity claimed as a basis for classification thereunder * * * a [column 1] duty of 12.5 percent ad val. * * * [or] a [column 2] duty of 25 percent ad val. in addition to any other duty imposed on such article under these schedules." (Item 766.30, Tariff Schedules of the United States.)

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: January 25, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc. 78-3120 Filed 2-3-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

Subchapter B—Personnel; Military and Civilian

[DOD Directive 1304.19]

Part 65—NOMINATION OF CHAPLAINS FOR THE ARMED FORCES

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes Department of Defense policy regarding minimum education and ecclesiastical endorsement requirements for appointment in the chaplaincy of the Armed Forces.

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Samuel G. Powell, Chaplain, Colonel USAF, Executive Director, Armed Forces Chaplains Board, OASD(MRA&L), The Pentagon, Washington, D.C. 20301, telephone, 202-697-9015.

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

Dated: February 1, 1978.

Accordingly Part 65 reads as follows:

Sec.
65.1 Reissuance and purpose.
65.2 Applicability.
65.3 Policy.

AUTHORITY: The provisions of this Part 65 issued under sec. 3293, 5576, and 8293 of 10 U.S. Code and Executive Order 11390.

§ 65.1 Reissuance and purpose.

This Part establishes minimum education and ecclesiastical endorsement requirements for appointment in the chaplaincy of the Armed Forces.

§ 65.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense and the Military Departments.

§ 65.3 Policy

(a) It is Department of Defense policy that the following education requirements for chaplain appointments be met. The applicant shall:

(1) Possess 120 semester hours undergraduate credits (or the equivalent) from a college or university listed in Part 3 of the Higher Education, Education Directory (hereafter referred to as the "Directory") published by the Department of Health, Education, and Welfare; or

(2) Have completed 120 semester hours credit or the equivalent at a school not listed in the Directory, but from which course credits could be transferred to a listed school; and

(3) Possess a Master of Divinity or an equivalent theological degree, or have completed the equivalent of 3 resident years of graduate level study in theology or related subjects, leading to ordination and ecclesiastical endorsement which qualify the applicant to perform professional functions as a chaplain. All educational requirements must be fulfilled in a theological school listed in the Official Catholic

Directory or the Association of Theological Schools, or a graduate school of religion which is a component part of a college or university listed in the Directory as accredited on the graduate theological level by a regional accrediting agency or association listed in the Directory; or

(4) Have completed 3 resident years of graduate level study in theology or related subjects or a graduate theological degree at a nonlisted, graduate theological school, if the applicant presents a statement from an institution meeting the requirements specified in paragraph § 65.3a. (1) indicating that the work would be transferred to that institution.

(b) *Ecclesiastical Endorsement of Chaplains.* As a prerequisite to appointment as a chaplain, an applicant must receive endorsement from an ecclesiastical endorsing agency recognized by the Armed Forces Chaplains Board. In granting ecclesiastical endorsement, ecclesiastical endorsing agents are requested to use DD Form 2088.[1] Additional copies of this form may be obtained from the Executive Director, Armed Forces Chaplains Board. This endorsement shall certify that the applicant is:

(1) A fully ordained or qualified priest, rabbi, or minister of religion;

(2) Actively engaged in a denominationally approved religious vocation; and

(3) Recommended as being qualified spiritually, morally, intellectually, and emotionally to represent the applicant's religious body in the chaplaincy of the Armed Forces.

[FR Doc. 78-3138 Filed 2-3-78; 8:45 am]

[3510-03]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 252—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES

Amendment of Operating Requirements To Cover Nonsubsidized Service in U.S. Foreign Commerce

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Interim rule.

SUMMARY: By this action, the regulations governing the operation of U.S.-flag bulk vessels receiving operating-differential subsidy (ODS) which are engaged in carrying bulk cargo in essential service are amended to cover any nonsubsidized operation in the U.S. foreign commerce which is authorized by the Maritime Subsidy Board. The amendment has become necessary because certain bulk operators holding ODS agreements (ODSA) have recently received authorization to engage in nonsubsidized voyages for the purpose of carrying liquid bulk cargoes for the Strategic Petroleum Reserve (SPR) program of the United States, in accordance with such regulations as may be established by the United States. However, the present regulations do not encompass nonsubsidized voyages. To correct this situation, the amendment establishes the conditions for the termination and recommencement of ODS before and after any voyage of a subsidized bulk vessel which is not performed under subsidy, whether the vessel is carrying an SPR cargo or any other liquid or dry bulk cargo.

EFFECTIVE DATE: February 6, 1978.

COMMENT DATE: On or before March 8, 1978.

ADDRESSES: Send comments to: James S. Dawson, Secretary, Maritime Subsidy Board/Maritime Administration, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Stephen C. Orosz or Robert C. Smith, Maritime Administration, Washington, D.C. 20230, 202-377-4758.

SUPPLEMENTARY INFORMATION: Existing regulations governing operating-differential subsidy (ODS) for bulk cargo vessels engaged in worldwide services appear in 46 CFR Part 252. However, recent authorizations by the Maritime Subsidy Board permitting nonsubsidized operation in the U.S. foreign commerce by bulk operators holding ODS agreements have made the amendment of Part 252 necessary because these regulations do not encompass the operation of subsidized bulk cargo vessels on nonsubsidized voyages for which the Maritime Subsidy Board has given prior authorization.

By action of August 17, 1977, the Maritime Subsidy Board authorized the Berger Group of subsidized bulk companies and Moore-McCormack Bulk Transport, Inc. (Mormac) to engage in the carriage of liquid bulk cargo specifically to meet the requirements of the U.S. Strategic Petroleum Reserve program (SPR), in accordance with such regulations as may be established by the United States. Payment of ODS, however, was not authorized for the operation of a vessel during the period of time such vessel engaged in the carriage of that portion of SPR cargoes reserved for U.S.-flag ships. By subsequent actions of September 21 and October 26, 1977, the Board also authorized Zapata Products Tankers, Inc., and Chestnut Shipping Co., respectively, to engage in the SPR trade subject to the same provisions applicable to the Berger Group and Mormac.

This amendment, however, is not restricted to the specific situation regarding the operation of subsidized bulk cargo vessels in the SPR trade. Instead, a general provision has been provided by the use of the broad phrase "period of nonsubsidized service in the U.S. foreign commerce" to describe any voyage of a subsidized bulk vessel that is not performed under subsidy, whether carrying liquid or dry bulk cargo.

The purpose of this amendment is merely to establish the criteria for determining when ODS terminates and recommences for vessels engaged in nonsubsidized voyages in the U.S. foreign commerce. It does not, nor is it intended to, grant general permission to subsidized bulk operators to engage in such service. In accordance with the ODSA's, this can only be done by order of the Maritime Subsidy Board.

Pursuant to this amendment, an unsubsidized voyage of a subsidized bulk cargo vessel, whether made in the SPR trade or other service in U.S. foreign trade, commences upon the termination of the last subsidized period of operation. Consequently, subsidy will not be payable during the time the bulk vessel is positioning itself to load for the succeding nonsubsidized voyage. This requirement will place the subsidized vessel on a more equal basis with nonsubsidized vessels in bidding for SPR cargoes.

The amendment further specifies that the unsubsidized operating period runs from the day of final discharge of cargo on the last subsidized voyage (modified to accommodate a following subsidized period of reduced crew, idleness or lay-up) to the day of final discharge of nonsubsidized cargo. A copy of the nonsubsidized voyage report is required to be submitted to the Maritime Administration in the same manner as specified in § 252.24(a).

For the purpose of meeting the requirement of minimum operation of 335 days each year as set forth in § 252.20(a) and the requirement of essential service and service in U.S. foreign commerce as set forth in § 252.21, it has been concluded that a nonsubsidized voyage will be considered in the same manner as a subsidized voyage.

Since the ODS program is a public grant program, rulemaking involving ODS is exempted from the requirements of 5 U.S.C. 553. However, to comport with the spirit of the rulemaking provisions in 5 U.S.C. 553, this amendment is being adopted in an interim form. This procedure was

[1] DD Form 2088 can be obtained by writing to the Executive Director, Armed Forces Chaplains Board, OASD(MRA&L), The Pentagon, Washington, D.C. 20301.

chosen instead of proposed rulemaking because the amendment of § 252.20 can be made effective immediately upon publication while still providing to interested parties the opportunity to comment. It has become necessary to establish immediately the conditions for the termination and recommencement of ODS for the vessels engaging in unsubsidized voyages because the SPR program is currently in operation and SPR voyages by ODS bulk operators have already been undertaken or are imminent.

Interested parties are encouraged to submit written comments, views, or data concerning this amendment. All such written submissions will be given full consideration and acted upon as if this action were a proposed rulemaking. However, this amendment shall remain in effect as a regulation until such time as further action is taken by this Agency.

Accordingly, 46 CFR Part 252 is amended by amending section 252.20 as follows:

1. The heading for § 252.20 is revised to read as set forth below, redesignate the present text of § 252.20 as paragraph (a), with the heading "(a) Subsidized voyages."; and redesignate the present paragraphs (a) and (b) as subparagraphs (1) and (2) respectively; paragraph (c) and subparagraphs (1), (2), (3), and (4) thereof as (3) and (i), (ii), (iii), and (iv), respectively; and paragraph (d) and subparagraphs (1), (2), and (3) thereof as (4) and (i), (ii), and (iii), respectively. A new paragraph (b) is added to read as set forth below.

§ 252.20 Subsidized and nonsubsidized voyages.

* * * * *

(b) *Nonsubsidized voyages in the U.S. foreign commerce.* (1) For any period of nonsubsidized service in the U.S. foreign commerce with respect to which the Board has granted prior authorization, a vessel shall go off subsidy after 2400 hours local time of the day of final discharge of cargo on the last subsidized voyage, or in the event the nonsubsidized voyage follows a subsidized period of reduced crew, idleness or lay-up, the vessel shall be deemed to be off subsidy at 0001 hours local time of the day following the day on which such period of reduced crew, idleness or lay-up terminates. The vessel shall continue in this nonsubsidized service until 2400 hours local time of the day of final discharge of the nonsubsidized cargo after which time the vessel will resume subsidized status. In the event the vessel makes consecutive nonsubsidized voyages during any such period of nonsubsidized service, it will remain in nonsubsidized status until completion of the final nonsubsidized voyage.

(2) For the purposes of meeting the requirements set forth in §§ 252.20(a) and 252.21, any such nonsubsidized voyage will be considered in the same manner as a subsidized voyage.

(3) Voyage reports shall be submitted upon the completion of each nonsubsidized voyage in the same manner as specified in § 252.24(a) and shall clearly indicate that the voyage is nonsubsidized.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

(Catalog of Federal Domestic Assistance No. 11.504—Operating-Differential Subsidies.)

Dated: January 31, 1978.

By order of the Maritime Administration/Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-3132 Filed 2-3-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-157; Amdt. No. 177-39]

PART 177—CARRIAGE BY PUBLIC HIGHWAY

Incorporation of the Federal Motor Carrier Safety Regulations by Reference

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to incorporate by reference the Federal Motor Carrier Safety Regulations under the authority of the Hazardous Materials Transportation Act (HMTA), 49 U.S.C. 1801, et seq. Except for certain recordkeeping requirements, the Motor Carrier Safety Regulations have previously been enforceable by criminal penalties only. This amendment is intended to authorize the use of civil penalty and other enforcement tools provided by the Hazardous Materials Transportation Act.

DATE: This amendment is effective on February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

In the legal office: Gerald M. Tierney, Attorney, Chief Counsel's Office, Federal Highway Administration, Room 4217, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0346. In the program office: David B. Goodman, Hazardous Materials Specialist, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, Room 3404, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1700.

SUPPLEMENTARY INFORMATION: This amendment is consistent with the policy of reissuing regulations formerly issued under the Explosives and Other Dangerous Articles Act (EODAA) (18 U.S.C. 831-34) so that regulations will be effective under the new HMTA. Such reissuance is performed pursuant to the direction in the HMTA to bring all rules and regulations into conformity with the purposes and provisions of that Act as soon as practicable, Pub. L. 93-633, section 114(b)(2). The Federal Motor Carrier Safety Regulations (FMCSR) are currently applicable to carriers of hazardous materials pursuant to 49 CFR 397.2 which is issued jointly under the Interstate Commerce Act (ICA), 49 U.S.C. 304, and the EODAA, 18 U.S.C. 831-835. The effect of this amendment is merely to make civil penalties and other enforcement tools of the HMTA applicable to those hazardous materials carriers already subject to Parts 390-397. Because this amendment merely reissues, under new authority, regulations already in effect, notice and comment are unnecessary. For the same reason, this amendment is effective upon publication.

As the FMCSR are being incorporated by reference, the intent, scope of application and preemptive effects of the FMCSR, as reissued under the HMTA, are unchanged. The Department does not intend for this action to alter the categories of persons subject to the FMCSR, to alter the substance of those regulations, or to preempt State or local law not preempted by the FMCSR before incorporation into Part 177. However, §§ 397.3 and 397.9 are not being reissued under the HMTA at this time. Reissuance of both sections is being deferred pending further review, and in the meantime both sections will continue, as in the past, to be enforceable with criminal penalties provided by the statutes under which they were originally promulgated.

Primary drafters of this document are Gerald M. Tierney, Chief Counsel's Office, Federal Highway Administration, and David B. Goodman, Vehicle Requirements Branch, Bureau of Motor Carrier Safety.

The issuance of this regulation does not constitute a major action requiring an inflationary impact evaluation or an environmental impact statement, nor will it impose additional costs or burdens on Federal, State, or local governments.

In view of the foregoing, Part 177 of Title 49, Code of Federal Regulations, is amended as follows:

1. In the Table of Sections, an entry for § 177.804 is added to read:

Sec.

* * * * *

177.804 Compliance with Federal Motor Carrier Safety Regulations.

* * * * *

2. A new § 177.804 is added to read:

§ 177.804 Compliance with Federal Motor Carrier Safety Regulations.

Motor carriers and other persons subject to this Part shall comply with 49 CFR Parts 390 through 397 (excluding §§ 397.3 and 397.9) to the extent those rules apply.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

Issued in Washington, D.C., on January 31, 1978.

L. D. SANTMAN,
Acting Director, Materials Transportation Bureau.

[FR Doc. 78-3152 Filed 2-3-78; 8:45 am]

[4910-59]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-03; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY STATEMENT: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the Rubber Manufacturers Association (RMA) to permit the production of tires with the specified designations.

EFFECTIVE DATE: March 8, 1978, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifying procedures by which routine additions could be made effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed. The RMA petitioned for this addition to the tire tables to permit production of tires with the specified designations. This request is granted.

Accordingly, Appendix A of 49 CFR 571.109 is amended subject to the 30 day provision indicated above, as specified below.

The principal authors of this document are John A. Diehl, Office of Vehicle Safety Standards, and Roger Tilton, Office of Chief Counsel.

§ 571.109 [Appendix Amended]

In Table I-GG, the following new tire size designation and corresponding values are added.

In Table I-HH the following new tire size designation and corresponding values are added.

In Table I-JJ, the following new tire size designations and corresponding values are added.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 27, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

TABLE I—GG

Tire load rating, test rims, minimum size factors and section widths for "P/80" series ISO type tires

Tire size[1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section[2] width (mm)
	120	140	160	180	200	220	240	260	280			
165/80R15	380	410	440	465	490	515	540	560	580	4½	797	165

TABLE I—HH

Tire load rating, test rims, minimum size factors and section widths for "P/75" series ISO type tires

Tire size[1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section[2] width (mm)
	120	140	160	180	200	220	240	260	280			
P175/75R14	375	405	435	460	485	510	530	550	575	5	782	177

TABLE I—JJ

Tire load rating, test rims, minimum size factors and section widths for "P/70" series ISO type tires

Tire size[1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section[2] width (mm)
	120	140	160	180	200	220	240	260	280			
P225/70R14	510	550	590	625	660	690	725	755	780	6	879	223
P235/70R14	550	595	635	675	710	745	780	810	840	6½	904	235
P2345/70R14	595	640	685	725	765	805	840	875	905	7	930	248
P235/70R15	575	625	665	705	745	780	815	850	880	6½	929	235
P255/70R15	665	715	765	815	860	900	940	980	1015	7	976	255

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

[FR Doc. 78-3115 Filed 2-3-78; 8:45 am]

[4910-59]

[Docket No. 78-03; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY STATEMENT: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the Michelin Tire Corp. to permit the production of tires with the specified designations.

EFFECTIVE DATE: March 8, 1978, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1717.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifying procedure by which routine additions could be made effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed. The Michelin Tire Corp. petitioned for this addition to the tire tables to permit production of tires with the specified designations. This request is granted.

The principal authors of this document are John A. Diehl, Crash Avoidance Division, and Robert M. Churella, Office of Chief Counsel.

Accordingly, Appendix A of 49 CFR 571.109 is amended subject to the 30 day provision indicated above, as specified below:

§ 571.109 [Appendix Amended]

The Appendix is amended by adding: (1) A new Table I-NN, as follows:

TABLE I—NN

Tire load ratings, test rims, minimum size factors, and section widths for all millimetric "60 series" radial ply tires (TRX rim)

Tire size[1] designation	Maximum tire loads, (pounds) at various cold inflation pressures (psi)													Test rim width (mm)	Minimum size factor (mm)	Section width[2] (mm)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
195/60R390	840	900	950	1000	1050	1100	1150	1190	1240	1280	1320	1360	1400	150	811	200

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to the "R".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

(2) A new Table I-OO, as follows:

TABLE I—OO

Tire load rating, test rims, minimum size factors and section widths for all millimetric "P/60" series ISO type tires (TRX rim)

Tire size[1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section[2] width (mm)
	120	140	160	180	200	220	240	260	280			
P205/60R390	400	435	470	500	530	560	590	620	650	150	830	208

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

(3) A new Table I—PP, as follows:

TABLE I—PP

Tire load ratings, test rims, minimum size factors, and section widths for all millimetric "65 series" radial play tires (TRX rim)

Tire size[1] designation	Maximum tire loads, (pounds) at various cold inflation pressures (psi)													Test rim width (mm)	Minimum size factor (mm)	Section width[2] (mm)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
180/65R365	700	750	795	840	885	925	960	995	1030	1065	1100	1135	1165	135	771	184
180/65R390	725	775	820	865	905	945	985	1025	1065	1100	1135	1170	1205	135	796	184
190/65R390	815	870	925	975	1020	1070	1115	1155	1200	1240	1280	1320	1355	150	822	197

[1] The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to the "R."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 27, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator for Rulemaking.

[FR Doc. 78-3116 Filed 2-3-78; 8:45 am]

[4110-35]

Title 42—Public Welfare

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAM

Reimbursement on a Reasonable Cost Related Basis for Skilled Nursing and Intermediate Care Facility Services; Supplemental Statement of Basis and Purpose of Regulations

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

ACTION: Notice.

SUMMARY: The following statement of basis and purpose is published in conformity with the order entered on December 7, 1977 in *American Health Care Assn.* v. *Califano*, U.S.D.C. D.C., Civ. No. 77-0250. This statement supplements and clarifies parts of the preamble which accompanied final regulations published at 41 FEDERAL REGISTER 27300-27308, July 1, 1976, with respect to opportunities for profit which States may afford providers of skilled nursing facility [SNF] and intermediate care facility [ICF] services under title XIX of the Social Security Act (Medicaid).

FOR FURTHER INFORMATION, CONTACT:

Milton Dezube, 202-245-8821.

SUPPLEMENTARY INFORMATION: Section 249(a) of Pub. L. 92-603, the Social Security Amendments of 1972, amended title XIX of the Social Security Act by adding section 1902(a)(13)(E). That section requires that State Medicaid plans provide:

> * * * effective July 1, 1976, for payment of the skilled nursing facility and intermediate care facility services provided under the plan on a reasonable cost related basis, as determined in accordance with the methods and standards which shall be developed by the State on the basis of cost-finding methods approved and verified by the Secretary.

On April 13, 1976, the Department published a Notice of Proposed Rulemaking implementing section 249(a). (41 FR 15560.) Interested parties were given 45 days to submit any comments, suggestions, or objections pertaining to the proposed amendments. After these comments received were fully analyzed, final implementing regulations were published on July 1, 1976, together with a statement of basis and purpose. (41 FR 27300.)

NOTE.—These regulations were originally published by the Social and Rehabilitation Service and codified at 45 CFR 250.30 (a)(3) and (b)(6). Since title XIX is now administered by the Health Care Financing Administration, the regulations have been recodified at 42 CFR 450.30 (a)(3) and (b)(6). See 42 FR 52826, September 30, 1977.

On February 10, 1977, the American Health Care Association filed suit in the Federal District Court for the District of Columbia, alleging that these regulations unlawfully restricted the opportunities for profit which States could afford providers of SNF and ICF services under State Medicaid plans. The complaint alleged that (1) final regulations conflicted with the legislative history and, therefore, exceeded the Secretary's statutory authority; (2) the regulations violated the Administrative Procedure Act, in that the Notice of Proposed Rulemaking had not afforded adequate notice to interested parties of the position taken in the final regulations on permissible opportunities for profit; and (3) the preamble to the final regulations did not adequately explain the basis and purpose of the departures from the proposed regulations.

On December 7, the Court upheld the validity of the Department's regulations. The court found that the Secretary's limitations on opportunities for profit under the regulations were not in conflict with the statutory language or congressional intent; that the differences between the proposed regulations and the final regulations were insufficient to serve as a basis for invalidating the rulemaking procedures; and that the proposed regulations were sufficient to put affected persons on notice that the rulemaking procedure would impact upon their interests.

However, the Court also found that the statement of basis and purpose accompanying the final regulations did not provide enough guidance to enable interested parties to comply with the requirements of the regulations with respect to opportunities for profit. The Court therefore directed the Secretary, within 60 days, to issue a statement of basis and purpose which would advise interested parties of the intended operation of the regulations on this point.

The following statement of basis and purpose is published pursuant to the Court's order. This statement supplements and clarifies, but does not supersede, the original preamble published with the final regulations on July 1, 1976. The only issue raised in the lawsuit concerned the treatment under the regulations of profit in State plans for SNF and ICF reimbursement; consequently this statement is limited to points bearing on this subject.

LEGISLATIVE HISTORY

The legislative history of section 249(a) of Pub. L. 92-603 is sparse. The

only contemporaneous legislative discussions of sections 249(a) are the brief reports of the Senate Committee on Finance, where section 249 originated (S. Rept. No. 92-1230 (92d Cong., 2d Sess.) Sept. 26, 1972, pp. 287-288) and the conference committee report (H. Rept. No. 92-1605 (Conference Rept.) (92d Cong. 2d Sess.) Oct. 14, 1972, pp. 56-57). In addition, some general guidance on the meaning of section 249(a) is afforded from its context in Pub. L. 92-603. (It should also be noted that, several years after the enactment of Pub. L. 92-603, Senator Talmadge, a member of the Senate Committee on Finance, made statements in the Congressional Record expressing his understanding of the Committee's intention at the time it wrote section 249(a). (Cong. Rec., June 20, 1975, pp. 20029-20030; Cong. Rec., Mar. 25, 1976, pp. S4194-S4195.) In our view, Senator Talmadge's comments are consistent with the Department's implementation of section 249(a).)

This legislative history provides the following guidance on the meaning of the requirement that payment for SNF and ICF services under title XIX be on a reasonable cost related basis:

1. *An individual facility's reasonable cost related payment rate may (although it need not) be set in a manner that affords an opportunity for profit.* The legislative history indicates three ways in which the State may set payment rates which afford an opportunity for profit.

First, States may include a return on net invested equity in the payment rates for proprietary (for-profit) providers. The Senate Finance Committee and Conference Reports explain that States are to be free to use the title XVIII (Medicare) principles of reimbursement, which treat as an allowable cost a return on proprietary providers' net invested equity.

Second, States may set payment rates prospectively without retrospective adjustment, allowing providers who hold their costs below the payment rate to keep the difference as a profit. The Senate Finance Committee Report states that "States would be free to provide for retroactive adjustments on rates or costs to the extent necessary to prevent 'windfalls' or unjustifiably low payment." This statement necessarily implies that States are also to be free to set payment rates prospectively without retrospective adjustment.

Third, the Senate Finance Committee Report declares that States may set payment rates on a class basis. Any class payment rate affords providers an opportunity to profit by holding their costs below the class rate.

2. *"Reasonable cost related" payment rates must, at a minimum, be high enough to cover the allowable costs of an efficiently and economically operated facility.* The Senate Finance Committee Report expresses dissatisfaction with the arbitrary rate setting systems in use in some States at the time section 249 (a) was written, in part because under those systems some facilities were paid too little to support the quality of care that Medicaid patients are expected to need and receive. It follows that "reasonable cost related" payment rates must be be no lower than the amount adequate to cover in full the costs of providing the minimum care required under applicable federal and state law and standards of participation. Thus the cost to an efficiently and economically operated facility of meeting these Federal and State standards represents a "floor" on reasonable cost related payment rates.

3. *It is appropriate to set a ceiling on "reasonable cost related" payment rates.* The Senate Finance Committee Report, at the same time it noted that some providers were being paid too little, also expressed concern that other providers were being paid too much. Moreover, many other specific provisions, and much of the legislative history, of Pub. L. 92-603 evidence Congress great concern with the need to control the escalating costs of the Medicaid program by encouraging efficiency and economy. (See, e.g., sections 221-224 and 232 of Pub. L. 92-603; H. Rept. 92-231 (92d Cong., 1st Sess.), May 26, 1971, pp. 78-85, 100-101; S. Rept. 92-1230 (92d Cong., 2d Sess.), Sept. 26, 1972, pp. 184-190, 224-226.) Like the floor on acceptable payment rates, the ceiling may not be arbitrary, but must be reasonable cost related.

4. *States should be allowed greater flexibility to experiment in developing methods of determining reasonable cost related payment rates.* The Senate Finance Committee Report made clear that, while States were to have discretion to use some or all of the Medicare principles of cost finding or rate setting, they were not to be required to do so, but were to be free to develop or adopt other methods which could be less cumbersome and less expensive.

The Regulatory Scheme

Ceilings and Floors on Reasonable Cost Related Payment Rates

On the basis of this legislative history, the Department's regulations provide a minimal framework within which States are free to develop their own reasonable cost related rate setting methods.

As was discussed in the preamble to the final regulations, there is no single acceptable method for determining reasonable cost, but rather a variety of acceptable methods; it follows from this that there is a spectrum of figures within an acceptable range, any of which is a reasonable cost related payment rate. Under the Department's regulations, States may use a wide variety of rate-setting methods. States may set payment rates prospectively or retrospectively, on a class or facility-by-facility basis. (A payment rate set prospectively is a rate set for an accounting period entirely on the basis of cost reports of provider facilities and other cost data for earlier accounting periods, and on economic forecasts available before the beginning of the accounting period for which the rate is paid. A payment rate set or adjusted retrospectively is a rate set or adjusted for an accounting period on the basis of the cost reports of provider facilities and other cost data for the accounting period for which the rate is paid.) The Department has limited its role in determining how reasonable cost related payment rates are to be set to stating a few basic principles to which States must adhere in setting payment rates, including the principles which must be applied in determining the maximum and minimum rates which satisfy the requirement of being reasonable cost related.

The minimum reasonable cost related rate is the rate which the State reasonably finds (or, in the case of a prospectively determined rate, the level which the State reasonably expects) to be adequate to reimburse in full the allowable cost of a provider facility that is economically and efficiently operated. Thus, a provider facility's payment rate may not be lower than the level the State finds or expects to be adequate to reimburse the costs of that facility (where payment rates are set on a facility-by-facility basis) or of some provider in the class (where payment rates are set on a class basis) if that facility were operated as efficiently and economically as possible.

The maximum reasonable cost related rate in a prospective rate-setting system is the highest costs the individual provider (where rates are set on a facility-by-facility basis) or the highest cost provider in the class (where rates are set on a class basis) can reasonably be expected to incur, and which would be found reasonable if incurred. The maximum reasonable cost related rate in a retrospective rate-setting system is the amount which would be determined using the Medicare principles of provider reimbursement. In addition, all payment rates, whether set prospectively or retrospectively, are subject to any general payment limits established by the Secretary under sections 1861(v) and 1866 of the Social Security Act, as amended by section 223 of Pub. L. 92-603, and under implementing regulations at 42 CFR 405.460-405.461.

An approvable State title XIX plan for reimbursement of long term care

facility services must provide for a method of determining payment rates which assures that all participating providers' payment rates will fall somewhere between the maximum and minimum reasonable cost related rates.

Retention of the Medicare Ceiling on Payment Rates Set Retrospectively

Prior to promulgation of the regulations implementing section 249(a), the Department's regulations had provided that payment rates to long term care facilities not exceed rates that would be determined using the Medicare principles of reimbursement under Part A of title XVIII (former 45 CFR 250.30(b)(3) (ii) and (iii)). The basic principle of reimbursement under Part A of title XVIII is that the amount paid to any provider is the lesser of reasonable cost or customary charges (or, in the case of services provided free of charge or at a nominal charge, fair compensation as determined by the Secretary). The Department's regulations had permitted the Medicare ceiling to be calculated either on a facility-by-facility basis, or on a Statewide average.

The final regulations implementing section 249(a) discontinued use of the Medicare ceiling on payment rates set prospectively without retrospective adjustment. As the preamble indicated, this decision was based on the conclusion that the inherent cost-containment potential of prospective rate-setting made the Medicare ceiling unnecessary.

However, the Medicare ceiling was retained for retrospective rate-setting systems, since these systems do not have the incentives for efficiency and economy inherent in prospective systems. The regulations permit States to determine conformity with the Medicare ceiling requirement by any of three alternative methods. Thus, the requirement is deemed met if (1) the ceiling limitation is met on a facility-by-facility basis; or (2) if the State's payments do not exceed amounts which would have been determined under Medicare in 90 percent of a random sample of all facilities participating in Medicaid; or (3) if the average payments to all facilities within a class do not exceed amounts which would have been determined under Medicare.

Methods of Setting Reasonable Cost Related Payment Rates Which Afford Opportunity for Profit

In accordance with the legislative history discussed above, the preamble to the final regulations indicated three general approaches that may be used by States to afford providers the opportunity for profit under the regulations: Payment of a return on proprietary providers' net invested equity, use of class rates, and use of prospective rates.

The preamble to the final regulations did not attempt to specify how States could use variants of these three approaches to afford an opportunity for profit. The Department chose to give the States flexibility to develop new rate-setting methods within the general requirements of the regulations, beyond those already known to or reviewed by the Department.

However, many States have been confused by the lack of guidance in this area. In addition, the Secretary and the Administrator of HCFA have learned that some Department Officials have not correctly interpreted the statute and regulations with respect to the opportunities for profit that may be afforded providers. Therefore, a list of approvable rate-setting methods which afford an opportunity for profit is set forth in this Notice in order to clarify the Department's policy. These rate-setting methods include all the methods of which the Department is presently aware which afford providers an opportunity for profit and which are approvable under the statute and implementing regulations. However, it is possible that States will yet develop other rate-setting methods affording an opportunity for profit which are not specified here but which would also be approvable.

Return on Net Invested Equity of Proprietary Providers

The State plan may provide that a return on proprietary providers' net equity will be treated as an allowable cost. The State may set the rate of return on net equity at the level it calculates is necessary to attract and maintain adequate investment of capital in the nursing home industry.

Since section 249(a) permits States to adopt, wholly or in part, the Medicare principles of cost finding and reimbursement, and since the Medicare principles treat a specified return on proprietary providers' net invested equity as an allowable cost, the Department concludes that States should be able to include a similar return as an item of allowable cost under these regulations. The Medicare provisions (42 U.S.C. 1395x(v)(1)(B) and 42 CFR 405.429(a)) permit this treatment on the rationale that a rate of return equivalent to that guaranteed on alternative investments is an economic cost of procuring the investment of private capital in health care facilities. But the Medicare principles do not permit such a return to be treated as an allowable cost item for non-profit or governmental providers, because the latter two groups do not base their decision to invest in a health care facility on a comparison of the economic return they can expect from various uses of their capital. Therefore, as the preamble to these final regulations pointed out, a return on net invested equity would not be an appropriate element in the calculation of the reimbursement rate for non-profit and governmental providers.

Prospective Rates and Class Rates

While return on net invested equity may be included in the payment rates only of for-profit providers, States may use two other approaches, separately or in combination, to afford an opportunity for profit to non-profit as well as to for-profit providers.

First, the State can group providers in classes for purposes of determining payment rates. Any provider which can hold its costs below its payment rate may be allowed to keep the difference. Second, the State may set payment rates prospectively (on either a class or a facility-by-facility basis). Any provider which can hold its costs below the prospectively set rate will in effect profit by the difference. These rate-setting methods have the advantage of operating as an incentive to efficiency and economy, since providers will profit in inverse ratio to their costs. For example, if a prospective class rate is set at $20/patient day, a provider which keeps its costs down to $15/patient day makes a greater profit than one which keeps its costs down to $19/patient day.

Below are listed all the approvable variants on prospective and class rate-setting systems of which the Department is presently aware. (In order to be approvable, the rate-setting methods described below must assure that all payment rates, and all ceilings and floors on payment rates, do not exceed the Federal upper and lower limits on reasonable cost related payment rates discussed above.):

(a) The State plan may provide that reasonable cost related payment rates will be set prospectively on a facility-by-facility basis.

(b) The State plan may provide that reasonable cost related payment rates will be set prospectively on a class basis.

(c) The State plan may provide that ceilings and floors on reasonable cost related payment rates will be set prospectively on a class basis, and that within those ceilings and floors payment rates will be set prospectively for all facilities in the class on a facility-by-facility basis. For each facility in the class whose projected costs for allowable cost items fall below the ceiling so established, the State may set a prospective rate at some point between the ceiling and the individual facility's projected costs. (Or, as a variant on this method, the State may set payment rates between projected actual costs and the class ceiling only

for facilities which have historically kept their costs more than some specified amount or percentage below the class ceiling rate.)

(d) The State plan may provide that reasonable cost related payment rates will be set retrospectively on a class basis.

(e) The State plan may provide that ceilings and floors on reasonable cost related payment rates will be set retrospectively on a class basis, and that within those ceilings and floors reasonable cost related payment rates will be set retrospectively for all facilities in the class on a facility-by-facility basis. For each facility in the class whose actual costs for the rate period fall below the ceiling so established, the State may set a payment rate at some point between the ceiling and the individual facility's actual costs. (Or, as a variant on this method, the State may set payment rates between actual costs and the class ceiling only for facilities which have kept their costs more than some specified amount or percentage below the class ceiling rate.)

The foregoing has been published pursuant to the court's order of December 7, 1977, in *American Health Care Assn.* v. *Califano.* That order does not require a republication of 42 CFR 450.30 (a)(3) and (b)(6).

Dated: January 27, 1978.

ROBERT A. DERZON,
Administrator, Health Care Financing Administration.

Approved: February 1, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-3255 Filed 2-3-78; 9:06 am]

proposed rules

[3410-05]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1438]

1978 CROP GUM NAVAL STORES LOAN PROGRAM

Proposed Rule

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to advise that the Commodity Credit Corporation proposes to make determinations and issue regulations concerning a loan program for the 1978-crop gum naval stores, which is authorized by the Agricultural Act of 1949, as amended.

The loan program is intended to stabilize market prices and to protect producers, processors, and consumers. The program will enable producers to obtain price support of 1978-crop gum naval stores. Written comments are invited from interested persons.

DATE: Written comments must be received on or before March 8, 1978, in order to be sure of consideration.

ADDRESS: Producer Associations Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Roger A. P. Cooley, ASCS, 202-447-7405.

SUPPLEMENTARY INFORMATION: The Secretary is granted the authority under Title III ("Other Nonbasic Agricultural Commodities"), Sec. 301. of the Agricultural Act of 1949, as amended, to make available a loan and/or purchase program "to producers for any nonbasic commodity not designated in Title II at a level not in excess of 90 per centum of the parity price for the commodity * * *." Sec. 302 provides that "price support shall, insofar as feasible, be made available to producers of any storable nonbasic agricultural commodity for which such a loan program is in effect and who are complying with such program.

Sec. 401 of the Act requires that the Secretary, in determining whether there shall be a program, consider: (1) The supply of the commodity in relation to the demand therefore, (2) the price levels at which other commodities are being supported, (3) availability of funds, (4) perishability and storability of the commodity, (5) importance of the commodity to agriculture and the national economy, (6) ability to dispose of stocks acquired through a support operation, and (7) the ability and willingness of producers to help keep supplies in line with demand.

PROPOSED RULE

In view of the interest shown by producers, the Secretary has under consideration a loan program for the 1978 crop of gum naval stores. The program would be a nonrecourse loan program as was in effect from 1938 through 1975. No purchase program is being considered for 1978-crop gum naval stores.

Before making any determination the Department will give consideration to comments, data, views, and recommendations submitted in writing, within the comment period, to the Director, Producer Associations Division.

All submissions received will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5750, South Building, 14th and Independence Avenue SW., Washington, D.C. (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 27, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-3150 Filed 2-3-78; 8:45 am]

[7590-01

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 19 and 20]

NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS, INSPECTIONS; STANDARDS FOR PROTECTION AGAINST RADIATION

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its standards for protection against radiation. The amendments would require licensees to control the total occupational radiation dose of individuals. Implementing changes would require licensees: (a) To obtain from more highly exposed individuals, information on dose during a current calendar quarter from sources outside of the licensee's control; (b) to furnish prompt estimates of dose, at the request of the individual, upon termination of work; and (c) to keep appropriate records. In many cases, licensees operating within the basic radiation dose limits permit workers to receive up to 1.25 rems per calendar quarter without obtaining information of prior occupational dose. It would be possible for more than one licensee to employ an individual in a calendar quarter. The individual could receive doses within the basic quarterly limit during each employment, and exceed the quarterly limit in total during multiple employments. The proposed amendments are designed to minimize the possibility of overexposure of short-term workers, sometimes called "transient workers," and other individuals who may be employed by, or work in the restricted areas of more than one licensee within a single calendar quarter, and individuals who may work for more than one licensee at a time (moonlighters).

DATES: Comment period expires April 7, 1978.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter S. Cool, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-6920.

SUPPLEMENTARY INFORMATION: The regulations in 10 CFR Part 20 requires that no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter, from radioactive material and other sources of radiation in the possession of the licensee, a dose in excess of the basic 1.25 rems per quarter whole body limit specified in § 20.101(a), or 10 percent of that dose as specified in § 20.104(a) if the individual is less than 18 years of age. Provision is made in § 20.101(b) that a licensee may permit an individual to receive up to 3 rems per quarter provided that the licensee determines the individual's occupa-

tional radiation dose history, and provided that the individual's accumulated occupational radiation dose to the whole body does not exceed the formula 5(N-18), where "N" equals the individual's age at his last birthday.

However, it would be possible for more than one licensee operating pursuant to § 20.101(a) to employ an individual in a calendar quarter. The individual could receive doses up to 1.25 rems during each employment without consideration of the dose received during prior employment, and exceed the basic 1.25 rems per quarter limit during the multiple employments.

Information obtained from Commission inspections and investigations and from reports on personnel monitoring filed on termination of employment or work assignment in licensed facilities by four categories of licensees pursuant to § 20.408, 10 CFR Part 20[1] indicate an increase in frequency of doses to transient workers at different licensed plants. The Commission is also aware of organized recruitment of personnel to work in licensed activities other than those of their primary employer (moonlighting), particularly during their vacations. Therefore, the Commission is considering amendments to its regulations that would require each licensee to control the total occupational dose to workers, including transient workers and moonlighters.

The proposed amendments to 10 CFR Part 20 that follow would amend § 20.1(b), the statement of purpose of Part 20, and § 20.101 to specifically require licensees to control the possession, use, and transfer of licensed material in such a manner that the total occupational dose of an individual does not exceed the appropriate limits. This would include contributions to the total from all sources of occupational dose, licensed and unlicensed, whether the sources are in the possession of the licensee or any other person.

The proposed amendments to § 20.102(a) would have the effect of requiring licensees to obtain information on prior occupational dose of workers during the calendar quarter in which they are first hired or brought in to work in a restricted area. The proposed amendment would require licensees to obtain from any individual who enters the licensee's restricted area under such circumstances that the individual receives or is likely to receive a dose in excess of 25 percent of the applicable dose limits in §§ 20.101(a) and 20.104, information on the nature and amount of occupational dose that the individual already may have received during the current calendar quarter from radioactive material and sources of radiation possessed or controlled by other persons. Licensees would be required to maintain records of such information.

Unless doses are estimated and the information promptly provided, the individual worker would be unable to supply dose estimates to a subsequent employer, as would be required by the proposed § 20.102(a). Therefore, the proposed addition of § 19.13(e), 10 CFR Part 19, would require licensees to provide written dose estimates at the request of individuals terminating employment with the licensee in work involving radiation dose. These reports would be given to individuals, employed by other persons, who are terminating work assignments in the licensee's restricted areas, also upon request. The reports would cover the specifically identified final quarter or fraction thereof, and would either: (1) State that the radiation dose was reasonably estimated to be less than 25 percent of applicable limits in §§ 20.101(a) and 20.104(a), or (2) provide an estimate of the dose. The estimate would be provided to the worker at the time of termination, so that the worker would have the information prior to entry into the restricted area of another licensee. The finally determined dose would continue to be made available to the worker in accordance with existing regulations (§ 19.13).

A worker may choose to provide a prospective employer-licensee with copies of written statements of estimated dose that would be provided by a previous employer-licensee pursuant to proposed § 19.13(e), as one method of satisfying the requirement of proposed § 20.102(a). However, the hiring licensee would not be required to obtain copies of such written estimates of dose, or to verify the occupational dose information provided by a worker by contacting previous employers or licensees in whose restricted areas the individual worked. Further, enforcement action will not be taken against a licensee solely because an individual worker withholds or falsifies information. The effectiveness of the proposed system to limit the total occupational dose of transient and moonlighting workers is, therefore, dependent on the responsiveness of the workers as well as the licensees.

The licensee would not be required by the proposed amendments to determine the dose received by the individual prior to the calendar quarter during which the individual is hired or brought into a restricted area to work. However, determination of such accumulated dose on Form NRC-4, "Occupational External Radiation Exposure History," pursuant to § 20.102(b), would continue to be required before permitting an individual to receive an occupational radiation dose in excess of the limits in § 20.101(a), pursuant to § 20.101(b).

The proposed amendments would have the effect of requiring licensees to have the capability of prompt estimation of dose to terminating workers, particularly short-term workers. This could be done in several ways, i.e., by providing personnel monitoring devices, such as pocket dosimeters, capable of prompt read-out of dose over the anticipated range, or by estimating the dose from survey data and associated occupancy times.

The proposed amendments also would have the effect of requiring continued knowledge of occupational doses received by an individual worker from sources outside of the licensee's control. This could be accomplished by a variety of licensee-employee agreements or conditions of employment, such as agreement by an individual worker to report promptly to the licensee any occupational dose received outside of the licensee's control.

In proposing these amendments, the Commission notes that a large percentage of licensees would not be affected by the proposed requirement to obtain information on prior or concurrent occupational doses because they do not experience doses in excess of 25 percent of the limits in § 20.101(a). Many of the licensees who do, and who utilize transient workers to perform tasks involving relatively high radiation doses, already obtain the occupational dose history of each individual pursuant to §§ 20.101(b) and 20.102(b). A large majority of these licensees already use self-reading pocket dosimeters and other devices that permit prompt assessment of doses, in addition to film badges or thermoluminescence dosimeters, in conjunction with work permits and other administrative measures, to assess and control doses in a timely manner.

It has also come to the Commission's attention that the wording of § 20.101(b) may be interpreted to permit an individual, whose accumulated dose to the whole body has been determined (Form NRC-4), to receive an additional occupational dose up to 3 rems during any calendar quarter from sources in the licensee's possession or control, if such a dose remains within the provisions of the 5(N-18) formula, regardless of any occupational dose received during the calendar quarter from sources which are not in the possession or control of the licensee. In order to assure that no worker receives more than 3 rems per quarter, amendments to § 20.101(b) are being proposed to specify that the total occupational dose to the whole body may exceed 1.25 rems during a calendar quarter provided that the total occupational dose to the whole body does not exceed 3 rems during the cal-

[1] The four categories of licensees are specified in § 20.407(a), and are the categories considered to have the greatest potential for significant occupational radiation dose.

endar quarter. The existing provisions that the accumulated occupational dose shall not exceed the 5(N-18) formula, and that the licensee has determined the individual's accumulated occupational dose on Form NRC-4, remain unchanged. Note the basic specification in § 20.1(c), that licensees should, in addition to complying with the requirements set forth in 10 CFR Part 20, "make every reasonable effort to maintain radiation exposures, * * * as low as is reasonably achievable."

The proposed amendments are not intended to effect the employability of a worker in calendar quarters following the one in which the individual received an (accidental or inadvertent) overexposure. The licensee would be subject to appropriate citation and enforcement action. However, dismissal or removal of the worker from all activities involving potential exposure in subsequent calendar quarters is not required by Commission regulations. The dose limits recommended by standards-setting groups such as the National Council on Radiation Protection and Measurements, International Commission on Radiological Protection, and the Federal Radiation Council (now the Environmental Protection Agency), and implemented in the NRC regulations, are not intended to mark clearly a difference between conditions that are "safe" or "unsafe." Consideration of the linear dose/effect concept indicates that the risks associated with additional dose at low dose rates would be no greater than those associated with comparable dose received before an occupational overexposure. The possible loss of employment by an individual is not considered to be warranted by the small risk involved in additional dose within the limits in § 20.101. The regulations do require that in determining the accumulated dose of any individual under § 20.101(b), previous over-exposures must be included.

Further, the proposed amendments are not intended to change in any respect the Commission's regulations regarding levels of radiation in unrestricted areas, releases of radioactive materials in effluents to unrestricted areas, or to alter the Commission's emphasis on the concept of maintaining exposures to radiation, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 19 and 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by April 7, 1978. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. A new paragraph (e) is added to § 19.13, 10 CFR Part 19, to read as follows:

§ 19.13 Notifications and reports to individuals.

* * * * *

(e) At the request of a worker who is terminating employment with the licensee in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's facility, each licensee shall provide to each such worker, or to the worker's designee, a written report regarding that worker's radiation dose during the specifically identified terminating calendar quarter or fraction thereof, either: (1) Stating that the dose was reasonably estimated to be less than 25 percent of the applicable limits in §§ 20.101(a) and 20.104(a), or (2) providing an estimate of that dose at termination.

2. Paragraph 20.1(b) of 10 CFR Part 20 is revised to read as follows:

§ 20.1 Purpose.

* * * * *

(b) The use of radioactive material or other sources of radiation not licensed by the Commission is not subject to the regulations in this part. However, it is the purpose of the regulations in this part to control the possession, use, and transfer of licensed material by any licensee in such a manner that the total occupational exposure of an individual (including occupational exposures to licensed and unlicensed radioactive material and to other unlicensed sources of radiation, whether in the possession of the licensee or any other person) does not exceed the standards of radiation protection prescribed in the regulations in this part.

* * * * *

3. In § 20.3(a), 10 CFR Part 20, a new paragraph (19) is added to read as follows:

§ 20.3 Definitions.

(a) As used in this part.

* * * * *

(19) "Termination" means the end of employment with the licensee or the end of a work assignment in the licensee's restricted areas, without expection or specific scheduling of reentry into the licensee's restricted areas during the remainder of the terminating calendar quarter.

4. The section heading, prefatory language of paragraph (a), prefatory language of paragraph (b), and paragraph (b)(1) in § 20.101 are amended to read as follows:

§ 20.101 Radiation dose limits for individuals in restricted areas.

(a) In accordance with the provisions of § 20.102(a), and except as provided in paragraph (b) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from radioactive material and other sources of radiation a total occupational dose in excess of the limits specified in the following table:

* * * * *

(b) A licensee may permit an individual in a restricted area to receive a total occupational dose to the whole body greater than that permitted under paragraph (a) of this section, provided:

(a) During any calendar quarter the total occupational dose to the whole body shall not exceed 3 rems; and

* * * * *

5. Section 20.102, 10 CFR Part 20, is amended to delete existing paragraph (a), to add a new paragraph (a), and to amend paragraph (b), to read as follows:

§ 20.102 Determination of prior occupational dose.

(a) Each licensee shall require any individual, prior to first entry into a restricted area under such circumstances that the individual will receive or is likely to receive a dose in excess of 25 percent of the applicable limits specified in § 20.101(a) and § 20.104(a), to disclose in a written, signed statement, as appropriate: (1) That the individual had no prior occupational dose during the current calendar quarter, (2) that the individual was reasonably estimated to have received occupational doses less than 25 percent of the applicable limits specified in § 20.101(a) and § 20.104(a) during the current calendar quarter from radioactive material and sources of radiation possessed or controlled by other persons, or (3) the nature and amount of any occupational dose which the individual may have received during the current calendar quarter from such

sources. Each licensee shall maintain records of such statements until the Commission authorizes their disposition.

(b) Befoe permitting, pursuant to § 20.101(b), any individual in a restricted area to receive a radiation dose in excess of the limits specified in § 20.101(a), each licensee shall:

* * * * *

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-3063 Filed 2-3-78; 8:45 am]

[1505-01]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36, and 91]

[Docket No. 15376; Reference Notice No. 77-23]

PROPOSED NOISE AND SONIC BOOM REQUIREMENTS FOR CIVIL SUPERSONIC AIRPLANES

Public Hearing and Extension of Comment Period

Correction

In FR Doc. 77-35601, appearing on page 62400 in the issue of Monday, December 12, 1977, on page 62401, in the middle column, the 1st full paragraph, the date in the last sentence should read, "December 31, 1977".

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-AEA-6]

CONTROL ZONE: CALDWELL, N.J.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to alter the Caldwell, N.J., control zone. This alteration will change the hours of operation of the Caldwell, N.J., control zone, from 0900-1700 to 0800-2200 local time. This change results from a change in the hours of operation of the air traffic control tower.

DATES: Comments must be received on or before March 15, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 202-995-3391. The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before March 15, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which described the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone over Essex County Airport, Caldwell, N.J.

DRAFTING INFORMATION

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

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Caldwell, N.J. control zone by deleting, "0900 to 1700" and by inserting "0800 to 2200" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Jamaica, N.Y., on January 26, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-3106 Filed 2-3-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-1]

CONTROL ZONE, TWENTYNINE PALMS, CALIF.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a control zone for the Expeditionary Air Field (EAF), Marine Corps Base, Twentynine Palms, Calif. This is necessary to provide controlled airspace at the Expeditionary Air Field, Marine Corps Base.

DATES: Comments must be received on or before March 10, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

The official docket may be examined at the following location:

Federal Aviation Administration, Office of the Regional Counsel, AWE-7, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administra-

tion, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261. All communications received on or before March 10, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261, or by calling 213-536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The Fas is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a control zone at the Expeditionary Air Field, Marine Corps Base, Twentynine Palms, Calif. The control zone will provide protected airspace for the High VOR/DME/TACAN RWY 28 approach procedure to the Expeditionary Air Field Airport.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing the following control zone:

TWENTYNINE PALMS, CALIF.

Within a 5-mile radius of the Expeditionary Air Field (EAF) Marine Corps Base (latitude 34°17'20" N., longitude 116°10'20" W.) and with 2 miles each side of the Twentynine Palms VORTAC 299° radial extending from the 5-mile radius zone to 13.5 miles west of the VORTAC. This control zone is effective from 0730 to 1630 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

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

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

Issued in Los Angeles, Calif., on January 24, 1978.

FRANK HAPPY,
Acting Director, Western Region.

[FR Doc. 78-3104 Filed 2-3-78; 8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 32]

REGULATION OF COMMODITY OPTION Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule change.

SUMMARY: The Commodity Futures Trading Commission is reassessing the merits of continuing to permit the offer and sale in the United States of commodity options to the general public. Despite implementation and enforcement of the Commission's interim commodity option regulations, 17 CFR Part 32 (1977), as amended 42 FR 61831 (December 6, 1977), fraudulent and other unlawful and unsound practices appear to pervade current forms of commodity option sales activity in the United States of which the Commission is aware. This sales activity involves so-called dealer options on physical commodities and foreign commodity options. Accordingly, the Commission is publishing for comment a proposed amendment to its regulations which would generally prohibit commodity option transactions until such time as the Commission determines that adequate protection to option customers can reasonably be assured. The effect of the proposed amendment would be to permit the offer and sale of commodity options during the suspension only to commercial interests for use in connection with their businesses under the provisions of the trade option exemption contained in section 32.4 of the interim regulations.

DATES: Public Hearing: 9 a.m., February 28, 1978. Written comments to be received on or before March 8, 1978. Proposed effective date: Not yet determined.

ADDRESS: Written comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, Attention: Secretariat. The public hearing will be held at the above address.

FOR FURTHER INFORMATION CONTACT:

Teresa J. Hermosillo or Mark N. Rae, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-5347 or 202-254-7588, respectively.

SUPPLEMENTARY INFORMATION: Under section 4c(a)(B) of the Commodity Exchange Act, Congress has prohibited option transactions in certain commodities.[1] With respect to all other commodities regulated under the Act, Congress has given the Commission broad power under section 4c(b) of the Act to decide whether to prohibit or to permit option transactions and, if permitted, under what terms and conditions.[2] Section 4c(b) provides in pertinent part that:

"No person shall offer to enter into, enter into, or confirm the execution of any [commodity option] transaction * * * contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe * * *."

Section 8a(5) of the Act broadly empowers the Commission "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of [the Act] * * *."[3]

Pursuant to its authority under the Act, the Commission adopted interim regulations governing the offer and sale of commodity options in the United States, 41 FR 51808 (November 24, 1976). So-called dealer options on physical commodities and options originating on or through the facilities of foreign boards of trade have been permitted to be offered and sold under the interim regulations. As to these options, the interim regulations prescribe certain registration, disclosure, book and recordkeeping, financial and other customer protection require-

[1] 7 U.S.C. 6c(a)(B) (Supp. V, 1975). These are basically agricultural commodities and are enumerated in section 2(a) of the Act.

[2] 7 U.S.C. 6c(b) (Supp. V, 1975).

[3] 7 U.S.C. 12a(5) (Supp. V, 1975).

ments.[4] Under section 32.2(b) of the interim regulations, the Commission has thus far prohibited commodity option transactions involving futures contracts traded on contract markets designated by the Commission. Although this prohibition continues, the Commission has proposed and is presently considering the terms and conditions under which these options may be traded. 42 FR 18246 (April 5, 1977); 42 FR 55538 (October 17, 1977).

The interim regulations were designed to enable legitimate enterprises to engage in the options business and at the same time to provide basic customer protection until a more comprehensive regulatory structure could be developed and implemented for all types of commodity option trading, including commodity options on United States exchanges. The Commission has emphasized repeatedly that its decision to permit commodity option transactions under the interim regulations was premised upon there being adequate safeguards for customers in order to minimize the risk of fraudulent and unsound practices.[5] Of course, the Commission has always understood that vigorous enforcement action would be required to assure the effectiveness of the regulatory scheme, and the Commission has instituted numerous enforcement actions as appropriate. It has become increasingly apparent to the Commission, however, that violations of the regulations have not been limited to a few firms and individuals. To the contrary, fraudulent and unsound practices appear to be pervasive, and repeated and systematic efforts to evade lawful requirements and to induce the public through high-pressure sales techniques to participate in transactions fraught with risks seem by far the rule rather than the exception.

In addition, it appears that dealer and foreign commodity options have been and are being sold almost exclusively as speculative instruments to members of the general public rather than as a device for hedging that commercial interests might find of value. Thus, there does not appear to have been any useful economic purpose being served by the offer and sale of these options. In response to testimony in hearings on the 1974 amendments to the Act, to the effect that commodity option transactions might prove to serve an economic purpose, and for that reason should not be prohibited, Congress vested the Commission with broad authority over commodity options rather than extend to all newly regulated commodities the continued prohibition of commodity options involving the previously regulated agricultural commodities.[6] Thus, the existence or absence of a useful economic purpose is of significance to the Commission in determining whether to permit or to forbid a form of commodity options trading. The Commission is also concerned that it has encountered great difficulty in verifying the details of option transactions effected for United States citizens by members of the London commodity exchanges, through which the vast majority of foreign commodity options originates.

As a result of its experience to date, the Commission proposes by rule to suspend the further offer and sale in the United States of commodity options until the Commission is satisfied that adequate customer protection can reasonably be assured.[7] For this purpose the suspension would encompass all interests subject to Commission regulation under section 4c(b) of the Act, whether the interest be described as an "option" or otherwise.[8] The Commission is concerned that the dangers to the public are now and may continue to be too great unless prompt action is taken. In this connection, the Commission points out that it may make the proposed suspension effective in fewer than 30 days from the date the amendment implementing the suspension is adopted.

Interested persons are invited to participate in this rulemaking proceeding by submitting comments in written form to the Commission at the above address. All comments received on or before March 8, 1978, will be considered; comments received after that date but before final action has been taken will also be considered if at all possible. The Commission is particularly interested in receiving comments on the following issues:

(1) The extent to which firms have not been and are not now in substantial compliance with the interim commodity option regulations. The type of suspected or proven violations of the Commission's regulations that have been and are being committed and with what frequency.

(2) Is there any alternative to a suspension of the further offer and sale of options that the Commission can implement promptly which could reasonably be expected to afford meaningful customer protection at this time?

(3) What are the competitive implications or other arguably adverse effects of a suspension, including the effect on employees and existing customers of option firms.

(4) At its meeting on January 25, 1978, the Commission indicated that it intends to consider the following factors in deciding whether and when to lift the suspension: (a) the prospect for effective self-regulation should a Title III organization be established under section 17 of the Act, (b) the successful implementation of a pilot program for commodity option trading on United States exchanges, (c) whether protection to option customers can reasonably be assured if foreign commodity options are included as part of the Commission's proposed pilot program, and (d) the strengthening of the enforcement capability of the Commission. What other factors should the Commission consider in making this decision?

(5) What, if any, basis exists upon which the Commission might distinguish between dealer options and foreign commodity options in evaluating whether to impose a suspension?

(6) Is there any reason for the Commission to conclude that the abusive practices that it has detected in the offer and sale of dealer and foreign commodity options will disappear, or even be substantially reduced, should the Commission implement its proposed pilot program for commodity options trading on United States exchanges?

(7) What evidence exists of economic purpose or utility with respect to the participation by the general public or commercial interests in dealer and foreign commodity option transactions?

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[4] See 17 CFR Part 32. In *British American Commodity Options Corp.* v. *Bagley*, 552 F.2d 482 (2d Cir. 1977), cert. denied 46 U.S.L.W. 3306 (November 7, 1977), the Court of Appeals for the Second Circuit upheld the validity of the Commission's interim commodity option regulations.

[5] See 41 FR 44560, et seq. (October 8, 1976); 41 FR 51808, et seq. (November 24, 1976); 42 FR 18246, et seq. (April 5, 1977); 42 FR 55538, et seq. (October 17, 1977). On April 5, 1977, the Commission stated that in diciding whether to permit or forbid commodity option transactions it has a statutory duty to determine whether or not option trading is contrary to the public interest and that this determination involves, among other things, considerations of whether commodity options can be offered and sold consistent with adequate protection of option customers.

[6] See Hearings on H.R. 11955 before the House Committee on Agriculture, 93d Cong., 2d Sess., ser. 93-TT, at 37-38, 40-41, 133, 176-180, 199, 251, and 329 (1974).

[7] Should the Commission adopt this proposal, it intends to continue to permit the offer and sale of "trade options" under section 32.4 of the regulations. This provision applies to options offered by a person who has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, of a merchant handling, the commodity which is the subject of the option, or the products or by-products thereof, and that the producer, processor, commercial user, or merchant is offered or enters into the transaction solely for purposes related to its business as such.

[8] The Commission's authority encompasses—and the proposed suspension would encompass—"* * * any transaction * * * which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty' * * *."

(8) Any other factors the Commission should consider in evaluating its proposal.

In addition, the Commission has directed its staff not only to present its comments on the issues set forth above but also to prepare a report, with appropriate documentation, summarizing the Commission's experience to date in regulating options transactions and discussing the further issues set forth below. The staff's comments and report will be placed in the Commission's public file of this rulemaking proceeding.

(1) To what extent are option customers presently being afforded adequate protection against fraudulent and other unlawful and unsound business practices? What amount and percentage of option customers' funds have been lost or are presently at risk through the existence of these practices?

(2) From January 1, 1977, through December 31, 1977, what percentage of reparation complaints filed with the Commission and forwarded to respondents against whom the Commission has not instituted enforcement action have alleged violations of the interim option regulations? What types of violations have been charged and what dollar amount of damages is involved in these cases?

(3) To what extent have customers or other persons expressed the view either in the Commission's rulemaking proceedings to date, or otherwise, that they wish to and should be permitted to purchase options?

The Commission will also hold a public hearing on February 28, 1978, to receive oral presentations regarding its proposal. If necessary, the Commission will continue the hearing on succeeding days. Persons who wish to appear at the hearing should forward an outline of their proposed statement to Mrs. Jane Stuckey, Office of the Secretariat, at the above address in time for it to be received by February 23, 1978. Oral presentations will be limited to 15 minutes. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission may also direct members of the staff to appear at the hearing.

The Commission considers the record developed in connection with its earlier proceedings regarding commodity options* to be a part of the record upon which it will consider the present proposal. Those who commented on the earlier proposals are invited to advise the Commission to the extent any change of circumstances would modify the views they expressed earlier. Persons who wish to examine the rulemaking record developed thus far may inspect a copy at the Commission's offices in Washington, D.C.

A copy of this notice is being mailed to all persons registered with the Commission as futures commission merchants and to all persons whose application for such registration is pending.

AUTHORITY: Secs. 2(a)(1), 4c(b), 8a, Commodity Exchange Act (7 U.S.C. 2, 6c(b) and 12(a) (Supp. V, 1975).)

Issued in Washington, D.C. on February 2, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-3229 Filed 2-3-78; 8:45 am]

*The prior proposals and actions of the Commission are set forth at 40 FR 18187 (April 25, 1975); 40 FR 26504 (June 24, 1975); 40 FR 49360 (October 22, 1975); 41 FR 7774 (February 20, 1976); 41 FR 44560 (October 8, 1976); 41 FR 51808 (November 24, 1976); 42 FR 18246 (April 5, 1977); 42 FR 55538 (October 17, 1977); and 42 FR 61831 (December 6, 1977).

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 153]

ANTIDUMPING

Extension of Time for Comments Concerning Proposed Amendments to the Customs Regulations Relating to Merchandise From State-Controlled-Economy Countries

JANUARY 31, 1978.

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

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time permitted for the submission of comments in response to the recent proposal by the Customs Service to modify its procedures as they relate to investigations under the Antidumping Act, 1921, as amended, covering merchandise imported from state-controlled-economy countries. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before February 22, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Theodore Hume, Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-2941.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 9, 1978, the Customs Service published in the FEDERAL REGISTER (43 FR 1356), notice of proposed amendments to §§ 153.7 and 153.27 of the Customs Regulations (19 CFR 153.7, 153.27) relating to investigations under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et. seq.). These amendments would provide that when merchandise from a state-controlled-economy country is being compared with the constructed value of merchandise in a non-state-controlled-economy country or countries, adjustments may be made to reflect differences in economic factors between the state-controlled-economy country and a non-state-controlled-economy country. In addition, the requirements for a petition covering merchandise from a state-controlled-economy country to be in a satisfactory form were proposed to be modified.

Comments concerning these proposed amendments were to have been received on or before February 8, 1978. Several requests have been received to extend the period of time for the submission of comments. Therefore, Customs is extending the period of time to comment to February 22, 1978.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc. 78-3121 Filed 2-3-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1040]

[Docket No. 75N-0047]

SUNLAMP PRODUCTS

Performance Standard

Correction

In FR Doc. 77-36862 appearing on page 65189 in the issue of Friday, December 30, 1977 the following corrections are made:

On page 65190, in the second column, the 2nd complete paragraph, the 13th line reading "* * * intended for tanning or related effects * * *" should now read "* * * intended solely for the purposes other than * * *"

On page 65191 in the 1st paragraph under "LAMP BASE REQUIREMENT," the third word in the 12th line should read "designed."

On page 65192 the 5th and 6th lines in the 1st paragraph under "USER INSTRUCTION REQUIREMENTS" should read "* * * instructions would include the reproduction of the labels prescribed in § 1040.20 * * *". In the third column under § 1040.20(c)(5)(i) in the 6th and 8th lines the word "nonometers" should read "nanometers."

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 56]

[FRL-846-3]

REGIONAL CONSISTENCY

Clean Air

AGENCY: Environmental Protection Agency.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice announces that EPA will develop a regulation to provide for consistent implementation of the Clean Air Act (the Act) by the various EPA regional offices, as required by the 1977 Amendments to the Act. The Agency seeks written comments and invites all interested persons to participate in workshops that will be held to discuss publicly the development of this regulation.

DATES: Workshop meetings: February 17, 1978—Denver, Colo., March 17, 1978—Atlanta, Ga., April 14, 1978—Dallas, Tex., May 12, 1978—Boston, Mass.

ADDRESSES: To obtain information on workshop locations see Supplementary Information, below. Send comments to: Mr. Paul DeFalco, Jr., Regional Administrator, EPA, 215 Fremont Street, San Francisco, Calif. 94105, 415-556-2320.

FOR FURTHER INFORMATION CONCTACT:

Mr. Paul DeFalco, Jr., Regional Administrator, EPA, 215 Fremont Street, San Francisco, Calif. 94105, telephone no. 415-556-2320.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency intends to develop a regulation under section 301(a)(2) of the Clean Air Act, as amended. We invite your participation in our deliberations. A list of workshops which you may wish to attend is printed below.

Section 301(a)(2) of the Act requires the Administrator to promulgate regulations establishing procedures and policies to be followed by regional officers and employees (including Regional Administrators) to follow in carrying out any delegation of authority granted under section 301(a)(1). Specifically, those regulations are to be designed:

(A) To assure fairness and uniformity in the criteria, procedures, and policies applied by the various regions in implementing and enforcing the Act;

(B) To assure at least an adequate quality audit of each State's performance and adherence to the requirements of this Act in implementing and enforcing the Act, particularly in the review of new sources and in enforcement of the Act; and

(C) To provide a mechanism for identifying and standardizing inconsistent or varying criteria, procedures, and policies being employed by such officers and employees in implementing and enforcing the Act.

The Agency is interested in obtaining views and opinions of the general public, industry, State and local governments, public interest groups, and other Federal agencies on the implementation of this requirement for regional consistency. Open workshops will be held to discuss the development of these regulations.

Scheduled workshop meetings are:

PREPARATION OF WORK PLAN AND PRELIMINARY DISCUSSION OF SCOPE

February 17, 1978, 9 a.m.—Elm Room—6th Floor, EPA—Region VIII, 1860 Lincoln Street, Denver, Colo. 70203, Call 303-837-3895 for further information.

Please notify Mr. DeFalco by letter or phone call if you plan to attend this meeting.

REVIEW OF WORK IN PROGRESS

March 17, 1978—Atlanta, Ga., Call 404-881-4747 for time and location.

April 14, 1978—Dallas, Tex., Call 214-767-2600 for time and location.

May 12, 1978—Boston, Mass., Call 617-223-7210 for time and location.

In addition to these workshops, the Agency will hold a public hearing after the regulation is proposed and before it is finalized. Additional information on the date, time and place of the public hearing will be published at the time any regulation is issued as a proposal. Interested persons may also participate in this rulemaking by offering written comment.

Comments are specifically requested on the following areas of interest:

1. What problems have arisen in the implementation or enforcement of the Clean Air Act because policies, procedures or criteria were inconsistent from region to region?

2. In what air pollution control programs is Flexibility between regions or States desirable? In what areas is uniformity essential?

3. What types of program auditing might be used to help assure the accountability of EPA and State local air pollution control agencies?

4. What procedures could be used to identify and resolve inconsistent procedures and policies being used by Federal and State air pollution control agencies in implementing or enforcing the Clean Air Act?

In addition to comments on these specific questions, we would appreciate any other opinions or recommendations you may have for achieving regional consistency in the implementation and enforcement of the Act. Although this notice deals specifically with the implementation of the Act, we recognize that regional inconsistency may be a problem in the implementation or enforcement of other environmental laws. Therefore, we will appreciate any suggestions on the general issue of regional consistency. Comments or requests for additional information should be addressed to: Mr. Paul DeFalco, Jr., Regional Administrator, EPA, 215 Fremont Street, San Francisco, Calif. 94105. 415-556-2320.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator, EPA.

[FR Doc. 78-3101 Filed 2-3-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for Four Fishes; Extension of Comment Period and Notice of Public Hearing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period and notice of public hearing.

SUMMARY: The comment period on the Fish and Wildlife Service proposed Endangered status and Critical Habitat for four fishes is extended for 60 days. A public hearing will be held in Birmingham, Ala., to obtain additional information.

DATES: The comment period is extended for 60 days and will close on March 31, 1978. The public hearing will be held on March 15, 1978, from 9 a.m. to 3 p.m. and from 7 p.m. to 9 p.m.

ADDRESSES: Comments and information should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The public hearing will be held in the Cudworth Building Auditorium (also known as Engineering Building Auditorium) located at 1919-8th Avenue South at the University of Alabama in Birmingham, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate

Director; Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 29, 1977, the Fish and Wildlife Service published (42 FR 60765-60768) a proposal to determine Endangered status and Critical Habitat for the Cahaba shiner (*Notropis* sp.), spring pygmy sunfish (*Elassoma* sp.), goldline darter (*Percina aurolineata*), and pygmy sculpin (*Cottus pygmaeus*). Due to the public interest expressed in this proposal, the Service is extending the comment period and holding a public hearing.

The primary author of this document is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

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

Dated: January 30, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-3131 Filed 2-3-78; 8:45 am]

notices

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

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists will meet at 9 a.m., on February 23-24, 1978, at the Hilton Biloxi, 3580 West Beach Boulevard, Biloxi, Miss.

The purpose of this meeting will be to conduct a detailed review of regulations for Section 219.8—Forest Planning. A draft of section 219.8 will be available for review on February 22, 1978, at the office of the Director, Land Management Planning, Forest Service, Room 3204, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. A copy will also be available at the Hilton Biloxi after 7 p.m. on February 22, 1978.

Also on the agenda will be a discussion of the timber harvest scheduling issue.

The meeting will be open to the public. Persons who wish to attend and/or furnish written statements should notify Charles R. Hartgraves, Forest Service, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, area code 202-447-5933.

Dated: January 30, 1978,

CHESTER A. SHIELDS,
Acting Deputy Chief.

[FR Doc. 78-3140 Filed 2-3-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 30332; Agreement CAB 27114; Order 78-1-126]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating To Specific Commodity Rates

Issued under delegated authority January 30, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above CAB agreement number.

The agreement would add a new specific commodity rate, under a new commodity description as set forth below, reflecting a reduction from general cargo rates.

Agreement	Specific commodity item No.	Description and rate[1]
CAB: 27114.....	0987	Tropical Fish Food. 130c per kg.,[2] minimum weight 500 kgs. From Natal to Los Angeles.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires March 31, 1979.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 100 (Mail 203) 590, incorporated in Agreement CAB 27114, is adverse to the public interest or in violation of the act provided that approval is subject to the conditions ordered.

Accordingly, *it is ordered*, That: Agreement CAB 27114 be approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3153 Filed 2-3-78; 8:45 am]

[6320-01]

[Dockets 32061, 30387; Order 78-1-132]

ST. LOUIS/KANSAS CITY-SAN DIEGO ROUTE PROCEEDING; TRANS WORLD AIRLINES, INC.

Order Instituting Proceeding

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 31st day of January 1978.

On January 21, 1977, Trans World Airlines filed an application for an amendment of its certificates for Route 2 to add two new segments: Kansas City-San Diego and St. Louis-San Diego. Ten days later, a motion for hearing was filed together with supporting exhibits.

In support of its motion, TWA alleges generally that the two primary markets need improved service, that TWA can provide significant benefits for passengers traveling between San Diego and points east of Kansas City and St. Louis, and that the operations will be profitable. It contends that service in each market is deficient (a) because no carrier possesses nonstop authority between Kansas City and San Diego[1] and (b) because American Airlines provides only one-stop service between St. Louis and San Diego, despite holding unrestricted rights. With respect to the cities beyond St. Louis and Kansas City which TWA would serve (Indianapolis, Pittsburgh, and Philadelphia), it notes that Indianapolis receives no single-plane service and Pittsburgh receives such service only in the westbound direction. The San Diego-Philadelphia market receives two daily one-stop round trips, one by American and one by United; but this is insufficient according to TWA because half of the O&D passengers move on connections. TWA believes that it will succeed in developing these

[1] Continental Air Lines offers two daily one-stop round trips via the segment junction point Denver. United Air Lines also holds one-stop authority but provides no single-plane service. OAG, May 1, 1977.

markets, despite their modest size,[2] because of its strength at Kansas City and St. Louis, which are the key gateways for TWA's service to the East. It argues that on-line connecting passengers can be gathered at these two points to supplement the local traffic. TWA forecasts that 153,323 passengers will be carried over the San Diego-St. Louis/Kansas City segments in 1978, producing revenues of $20.9 million (net of self-diversion) and an operating profit of $4.6 million. Finally, TWA points out that San Diego traffic has been growing significantly faster than the national average and that, of the three major transcontinental carriers, TWA alone has no on-line access to it.

Answers in support of the motion were filed by St. Louis, the San Diego Convention and Visitors Bureau, the Indianapolis Airport Authority and the Pittsburgh Parties. These respondents generally agree that there is a need for improved single-plane service in these markets.

Answers were also filed by American Airlines, Continental Air Lines and Hughes Airwest. Airwest opposes hearing TWA's application now because several of TWA's proposed single-plane markets are also proposed as single-plane markets in the *Ohio/Indiana Points Nonstop Service Investigation*, Docket 21162, and the *Louisville Service Investigation*, Docket 29968. It argues that the service patterns resulting from these two proceedings should be known before additional, parallel service is considered. Continental adopts no position on the merits of TWA's motion but points out that TWA has a suit against the Board pending in federal court which involves the San Diego-Kansas City market and the *Additional Service to San Diego Case*, Docket 18104. TWA has claimed that the Board's refusal to consolidate the San Diego-Kansas City market into the *San Diego Case* violated the carrier's right to a comparative hearing. Continental believes that TWA's motion is designed to bolster its case in court and that this factor ought to be considered by the Board. Finally, in its answer American contends that TWA's motion should be denied because (1) service in the markets is not deficient, (2) TWA's proposal will actually produce an operating loss and a net economic loss after adjustments for understated self-diversion and overstated traffic growth, (3) the incumbents will suffer significant diversion, (4) TWA will probably not implement its proposal because it does not provide nonstop service in much larger markets, and (5) traffic is too low to justify a hearing under the proposed *Priorities of Hearing Standards* (PSDR-45).[3]

TWA filed a reply to American's answer[4] defending the reasonableness of its traffic forecast and diversion estimate and the economic viability of the proposed services. In addition, TWA argues that the hearing standards proposed in PSDR-45 cannot apply because the regulation has not been adopted and is the subject of intense dispute.

We have decided to grant TWA's motion and to institute the *St. Louis/Kansas City-San Diego Route Proceeding.*[5] The scope of the case will be limited to nonstop authority in each of the two San Diego markets and will not include new authority between St. Louis and Kansas City.

TWA did propose some reductions in normal first class and coach fares and a variety of discount fares in the markets it would serve. We solicit additional reduced fare offers from TWA as well as any other applicants and the incumbents. In accordance with the policy announced in our order instituting the *Chicago-Albany/Syracuse-Boston Competitive Service Investigation*, Order 77-12-50, December 9, 1977, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority and, if so, which carrier(s) should be selected.[6] Consequently, we expect this proceeding to include an examination of the need for and feasibility of new price/quality options and related issues as explained in Order 77-12-50. Traditional service benefits, including the benefits of first nonstop service and city-pair competition, remain important considerations which will be weighed with price and price/quality possibilities. As more fully set out in Order 77-12-50, the parties and the judge should also focus on whether any new authority should be permissive, and whether multiple awards should be made.

Accordingly, *it is ordered*, That:

1. The motion of Trans World Airlines for hearing in Docket 30387 be granted;

2. The *St. Louis/Kansas City-San Diego Route Proceeding* be instituted in Docket 32061 and set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. The issues in this proceeding shall include, but not be limited to, the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop air transportation over one or both of the following routes: (1) Between the terminal point San Diego, Calif., and the terminal point St. Louis, Mo.; and (2) between the terminal point San Diego, Calif., and the terminal point Kansas City, Mo.?

(b) If the resolution of (a) is affirmative, which applicant or applicants should be awarded authority?

(c) What terms, conditions or limitations, if any, should be imposed on any authority awarded?

4. Any authority awarded in this proceeding shall not be eligible for federal subsidy;

5. The application of Trans World Airlines in Docket 30387 be consolidated with this proceeding;

6. The petitions of the City of Kansas City, Mo., and the Greater Kansas City Chamber of Commerce, the City of Philadelphia and the Greater Philadelphia Chamber of Commerce, and the St. Louis Regional Commerce and Growth Association for leave to intervene be granted;

7. American Airlines, Continental Air Lines, United Air Lines, the St. Louis Airport Authority-City of St. Louis, the San Diego Convention and Visitors Bureau, the Indianapolis Airport Authority and the County of Allegheny, Pa., and the Pittsburgh Airport Advisory Committee be made parties to this proceeding;

8. The motion of Trans World Airlines for leave to file an otherwise unauthorized reply be granted;

9. Applications, motions to consolidate and petitions for reconsideration be filed within 21 days of the service date of this order and answers to these pleadings be filed 14 days thereafter; and

10. All applicants for authority in this proceeding shall file environmental evaluations pursuant to 14 CFR 312.12 within 30 days of the service date of this order.

This order shall be published in the FEDERAL REGISTER.

[2] True O&D plus interline connecting traffic for the five markets which would receive single-plane service was as follows for the year ended March 31, 1976:

San Diego-St. Louis	45,340
San Diego-Philadelphia	40,030
San Diego-Pittsburgh	21,450
San Diego-Kansas City	21,430
San Diego-Indianapolis	19,820

[3] PSDR-45 was issued on November 26, 1976, in Docket 30123 and a separate proposal was offered by Members Minetti and West on January 17, 1977. Essentially, the proposed rule would recodify the existing hearing priority standards contained in section 399.60 of the Regulations.

[4] The reply was accompanied by a motion for leave to file the otherwise unauthorized document. The motion is granted.

[5] The debate over whether or not PSDR-45 should apply is no longer relevant since the Board adopted a different method of determining hearing priorities, at least for the near future, at an open meeting on November 23, 1977.

[6] See also Order 78-1-20, January 6, 1978, and Order 77-12-141, December 28, 1977.

By the Civil Aeronautics Board.[1]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3154 Filed 2-3-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

SEMICONDUCTOR 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 Semiconductor Technical Advisory Committee will be held on Thursday, February 23, 1978, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

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

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

(1) Opening remarks by Rauer H. Meyer, Director, Office of Export Administration.

(2) Presentation of papers or comments by the public.

(3) Election of Chairman.

(4) Discussion of the future work program of the Committee.

EXECUTIVE SESSION

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

[1] All Members concurred.

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

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee 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, Room 3012, Industry and Trade Administration, 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 Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 31, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation.

[FR Doc. 78-3119 Filed 2-3-78; 8:45 am]

[3510-03]

Maritime Administration

GREAT LAKES AND ST. LAWRENCE SEAWAY

Study of Insurance Rates

In accordance with section 107(c) of Pub. L. 91-611, the Secretary of Commerce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, conducted a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the existing navigation season, and submitted a report to Congress June 30, 1972.

In accordance with section 12 of the Shipping Act, 1916, 46 U.S.C. 811, the Maritime Administration is making an inquiry to determine if: (a) Conclusions arrived at in "The Great Lakes and St. Lawrence Seaway Study of Insurance Rates," U.S. Department of Commerce, Maritime Administration, June 1972, remain valid; (b) there have been many instances where insurance rates, coverages or practices were an inhibiting factor in the extension of the navigating season on the Great Lakes or St. Lawrence Seaway systems.

All parties are invited to submit comments to the Director, Office of Marine Insurance, Room 3622, Maritime Administration, Washington, D.C. 20230.

All comments should be received by the close of business, April 1, 1978.

Dated: January 31, 1978.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-3123 Filed 2-3-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MID ATLANTIC FISHERY MANAGEMENT COUNCIL, SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

The Scientific and Statistical Committee of the Mid Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 24, 1978 at Stouffers, National Center Hotel, 2399 Jefferson-Davis Highway, Arlington, Va. 22202. The meeting starts at 10 a.m. on February 24 and will adjourn at about 4:30 p.m. on the same day.

Proposed Agenda: (1) Mackerel Management Plan; (2) Squid Management Plan; (3) Butterfish; and (4) Other Administrative Matters.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments,

contact Mr. John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. 19901, telephone 302-674-2331.

Dated: January 31, 1978.

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

[FR Doc. 78-3117 Filed 2-3-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER78-63]

CENTRAL TELEPHONE & UTILITIES CORP.

Order Granting Intervention and Conditionally Denying Motion To Reject Rate Filing

JANUARY 30, 1978.

On December 30, 1977, we issued an order conditionally accepting for filing and suspending proposed rate schedule, providing for hearing, and establishing procedures in the above-styled docket. In that order, we noted that on December 19, 1977, the Kansas Municipal Defense Group, composed of municipal wholesale customers, filed a motion to reject, protest, and petition to intervene. In our order of December 30, 1977, we conditionally accepted for filing Central Telephone & Utilities Corp.'s (Central) proposed rate increases and suspended their effect for the maximum 5-month period. At this time, we shall consider the substantive issues raised in the pleadings filed by Central's customers.

The Kansas Municipal Defense Group (MDG) moved that the filing should be rejected for failure to conform to section 35.13 of the Commission's rules and regulations. Section 35.13(b)(4)(iii) provides that the public utility shall file statements A through P,

> * * * together with related work papers based on estimates, for any 12 consecutive months beginning after the end of Period I, but no later than the date that the rates are proposed to become effective (Period II). Full explanations of the bases of each of the estimated figures shall be included, * * *

MDG states that one of the bases for Central's proposed rate increase is increased depreciation expense based on new depreciation rates which became effective on January 1, 1977, and were utilized in period II, 1978 estimates. MDG states that the depreciation study upon which the increases are predicated is not part of the company's filing. It further states that there is no testimony support in any fashion for the depreciation increases. In the absence of workpapers, submissions and full explanations to all items in the company's filing, MDG alleges that the municipals have been effectively denied a reasonable opportunity to evaluate and analyze Central's claims. MDG therefore states that they reserve their full rights to:

> All legitimate and proper issues arising from the Company's filings for all purposes of discover [sic], presentation of evidence, and complete or subsequent development by cross-examination and hearing, to include but not limited to, matters relating to the company's proffered cost of service presentation, fuel rate adjustment clause, rate design or scheme, contracts for service to all other customers, rate terms and conditions, and discrimination of rates vis-a-vis of the wholesale and/or retail customers or classes of the company.

The circumstances faced by the Commission in this proceeding are not without precedent. In *Municipal Light Boards of Reading and Wakefield, Mass.* v. *Federal Power Commission*,[1] intervenors filed a motion to reject a filing by the Boston Edison Co. with the FPC on the grounds, inter alia, that the filing failed to provide the required functional classification both as to accumulated depreciation and current depreciation expense. On April 29, 1970, the FPC issued an order denying the intervenors' motions to reject the filing, suspended the proposed rate increase, and set the issues presented for a hearing. After the intervenors' application for a rehearing was denied, review of the Commission's order was sought in the Court of Appeals. Affirming the Commission's order, the Court noted that a "rejection" of a filing is appropriate "where the filing is so deficient on its face that the agency may properly return it to the filing party without even awaiting a responsive filing by any other party in interest." It may be used by an agency "where the filing is so patently a nullity * * * that administrative efficiency and justice are furthered by obviating any docket at the threshold rather than opening a futile docket."[2] With regard to Boston Edison's failure to show accumulated depreciation provisions and depreciation expenses by functional classification, the Court noted that the purpose of the depreciation accounting provisions is to assure that the rate filing will provide the FPC with the

> * * * necessary information from which it can reach an informed and equitable decision as to the necessity for an investigation, hearing, and suspension, and to permit the Commission and parties in interest with meaningful opportunity to prepare for any proceeding.

The Court further noted that the filing rules at issue are "mere aids to the exercise of the agency's independent discretion, and in both language and purpose leave room for a doctrine of substantial or reasonable compliance."

Accordingly, the Court left intact the FPC's finding that the filing was sufficiently complete for the FPC to be able to decide whether or not to investigate and suspend the increased rate. Moreover, the Court noted that during the investigation and hearing on the filing, the intervenor would be able to obtain "more refined functionalized depreciation figures" than were obtainable from the initial filing.

The principles announced in the *Reading* case are similarly applicable in the case sub judice. Based on the data contained in the filing, and the information required for its determination regarding the need for suspension of the proposed rates, it is clear that the filing was not so deficient that it should be considered a nullity; and that the public interest would not be furthered by forcing Central to resubmit its filing for failure to achieve exact compliance with our regulations. As noted, supra, in MDG's motion, the municipals have reserved the right to employ discovery and cross-examination methods to obtain the required information regarding support for the proposed depreciation expense. To insure that intervenors have an opportunity to evaluate the support data which has not yet been supplied, we are conditioning our denial of the motion to reject on Central's filing of that data within thirty (30) days of the issuance of this order.

The petitioner has cited the Federal Power Commission's order, in *Mississippi River Transmission Corp.*[3] In that case, after a filing had been accepted, staff moved for summary disposition of the proposed depreciation rate increase. The issue presented was whether the company had made a prima facie case; and the FPC held that it had not. Here, contrastingly, the issue before the Commission is whether the filing substantially complies with the Commission's regulations. We hold that it does, subject to the condition set out; supra.

In its December 19, 1977, motion, MDG requested intervention in this proceeding. Also, on that date, Central Kansas Electric Cooperative, Inc. (CKEC), filed a petition to intervene and protest in this proceeding.

In protesting Central's currently proposed rate increases, MDG and CKEC challenge certain cost of service aspects of Central's filing. We find that the matters raised are properly the subject of a full evidentiary hearing, which we have previously ordered in this proceeding.

Based on the above, the Commission finds:

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[1] 450 F. 2d 1341 (D.C. Cir. 1971).

[2] Id., at 1346.

[3] Order granting motion for summary disposition and ordering refunds, Docket No. RP73-20, issued June 3, 1975.

(1) Good cause exists conditionally to deny the motion of the Kansas Municipal Defense Group to reject the proposed rate increases filed by Central Telephone & Utilities Co. on November 22, 1977.

(2) Good cause exists to grant interventions as described below.

The Commission orders: (A) Kansas Municipal Defense Group's motion to reject the proposed rate increase filed on November 22, 1977, by Central Telephone & Utilities Corp., is hereby denied; *Provided*, That Central Telephone & Utilities Corp. shall file, within thirty (30) days of the issuance of this order, the workpapers required by section 35.13(b)(4)(iii) of the Commission's regulations.

(B) The Kansas Municipal Defense Group and Central Kansas Electric Cooperative, Inc., are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation by MDG and CKEC shall be limited to matters affecting certain rights and interests concerning the filing which is involved in this above-docketed proceeding; and *Provided further*, That the admission of the MDG and CKEC shall not be construed as recognition by the Commission that the intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) 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. 78-3126 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

JANUARY 27, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on January 4, 1978, tendered for filing proposed changes in its FERC Gas Tariff Second Revised Volume No. 1, pursuant to its PGA clause for alternate rates to be effective February 1, 1978. The proposed rate increase would produce approximately $9.6 million annually in jurisdictional revenues. The rates, shown on Alternate Twenty-Ninth Revised Sheet Nos. 8 and 9, are being submitted for effectiveness February 1, 1978, in the event no action is taken on Consolidated Stipulation and Agreement filed November 28, 1977.

Consolidated states that through an oversight it neglected to include the Alternate sheets with the revised tariff sheets filed December 30, 1977, also for effectiveness February 1, 1978.

The pipeline supplier rates contained in the filing are the same rates included in the December 30, 1977 filing.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required.

Copies of this filing were served upon consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR sections 1.8 and 1.10). All such petitions or protests should be filed on or before February 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3068 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

JANUARY 27, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on December 30, 1977 tendered for filing proposed changes in its FERC Gas Tariff Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective February 1, 1978. The proposed rate increase would produce approximately $9.6 million annually in jurisdictional revenues.

Consolidated states that the filing reflects the rate changes of Texas Gas Transmission Corp. and Texas Eastern Transmission Corp. both filed for effectiveness February 1, 1978. Additionally, Consolidated has included the revised rates of Transcontinental Gas Pipe Line Corp. filed for effectiveness January 1, 1978 and not previously reflected in Consolidated's rates.

Consolidated has applied the current PGA adjustment to the rates filed in accordance with the Stipulation and Agreement filed on November 28, 1977, in Consolidated's rate proceedings now pending in Docket Nos. RP73-107, RP74-90, RP75-91, RP77-7, and RP77-140.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3069 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustments to Rates and Charges

JANUARY 27, 1978.

Take notice that on January 13, 1978, Eastern Shore Natural Gas Co. (Eastern Shore) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Substitute Third Substitute Forty-Fourth Revised Sheet No. 3A Superseding Second Substitute Forty-Fourth Revised. Sheet No. 3A
Third Revised Sheet No. 3B Superseding Second Revised Sheet No. 3B
Substitute Third Substitute Forty-Fourth Revised PGA-1

Eastern Shore states that these tariff sheets are intended to track increases in rates filed on December 30, 1977 by Transcontinental Gas Pipe Line Corporation (Transco).

Eastern Shore has also filed the following alternative sheets to its FERC Gas Tariff:

Alternate Substitute Third Substitute Forty-Fourth Revised Sheet No. 3A Superseding Second Substitute Forty-Fourth Revised Sheet No. 3A
Alternate Third Revised Sheet No. 3B Superseding Second Revised Sheet No. 3B
Alternate Substitute Third Substitute Forty-Fourth Revised PGA-1
Second Alternate Substitute Third Substitute Forty-Fourth Revised Sheet No. 3A Superseding Second Substitute Forty-Fourth Revised Sheet No. 3A

Second Alternate Third Revised Sheet No. 3B Superseding Second Revised Sheet No. 3B
Second Alternate Substitute Third Substitute Forty-Fourth Revised PGA-1

Eastern Shore states that these alternative sheets are filed to track alternate sheets filed by Transco on December 30, 1977.

Copies of this filing have been mailed to each of Eastern Shore's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3070 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-159]

EL PASO NATURAL GAS CO.

Application

JANUARY 27, 1978.

Take notice that on January 16, 1978, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP78-159 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, and the transportation and delivery, on a best efforts basis for a period extending through December 31, 1978, of up to 100,000 Mcf of natural gas per day in interstate commerce for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that Natural has entered into a limited-term agreement with Colorado Interstate Gas Co. (CIG) dated December 6, 1977, for the purchase of quantities of natural gas excess to CIG's requirements during calendar year 1978. It is stated that Natural anticipates purchasing excess quantities of natural gas up to 100,000 Mcf per day which gas would be purchased from CIG, near Green River, Wyo., commencing January 1, 1978, and continuing through December 31, 1978. It is further stated that pursuant to the terms and conditions of said gas purchase agreement between Natural and CIG, CIG would deliver those volumes of natural gas purchased by Natural to Northwest Pipeline Corp. (Northwest) who, in turn, would deliver such volumes to Applicant, for Natural's account, at an existing point of interconnection between the pipeline systems of Northwest and Applicant in La Plata County, Colo.

Pursuant to a letter agreement dated December 20, 1977, between Applicant and Natural, Applicant proposes to transport, on a best efforts basis, those quantities of gas, up to 100,000 Mcf per day, so received from Northwest for Natural's account and to deliver equivalent volumes on an Mcf basis to Natural at a proposed new point of interconnection between Applicant's pipeline system and that of Natural in Lea County, N. Mex. It is stated that in order to effectuate the deliveries of natural gas at the proposed new delivery point, Natural would construct at its own expense, own, operate and maintain the pipeline and measurement facilities necessary to connect its pipeline system with Applicant's pipeline system facilities. Applicant states that it would be required to construct own and operate a 16-inch tap and valve assembly, with appurtenance, located on its 16-inch O.D. Jal Plant-to-Pecos River pipeline in Lea County, N. Mex. In this connection Applicant, in the evaluation of the necessary facilities required to interconnect its 16-inch O.D. Jal Plant-to-Pecos River pipeline with Natural's pipeline in Lea County, N. Mex. has determined that it would be required to utilize approximately 8.1 miles of the above-said 16-inch pipeline, extending from the Jal Plant, to facilitate the instant arrangement, it is said. It is stated that Applicant has under active consideration certain proposed arrangements with other pipeline companies, which proposed arrangements contemplate the utilization of certain of such pipeline facilities to effectuate natural gas exchange arrangements.

The application states that Natural would reimburse applicant for the actual cost incurred by Applicant in the construction of the said tap and valve assembly, with appurtenances, which cost is estimated to be $21,492. Applicant indicates that it would retain such facilities in place beyond the term of the transportation arrangement with Natural in anticipation of a further need for such interconnection between the companies' pipeline systems. The application further states that Natural would compensate Applicant through the payment of an administrative fee of 1.0 cent for each Mcf delivered by Applicant for Natural's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3071 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-187]

GREEN MOUNTAIN POWER CORP.

Filing of Proposed Initial Tariff Agreement

JANUARY 26, 1978.

Take notice that on January 16, 1978, Green Mountain Power Corp. (GMPC) tendered for filing an initial rate schedule pertaining to the sale of generation from GMPC's No. 5 gas turbine plant, located in Berlin, Vt., to Washington Electric Cooperative, Inc. (Co-op). GMPC states that such sale will be on substantially the same terms as those contained in FERC Docket No. ER78-33. GMPC further states that this contract and tariff

filing were brought about when the Co-op requested and GMPC agreed to sell capacity from the gas turbine plant. GMPC indicates that the contract provides that the Co-op will purchase 4.7 MW of capacity and associated energy from the aforementioned plant. GMPC further indicates that by separate contract, included in the rate filing, GMPC will provide transmission services to the Co-op for the power provided under the generation contract and for power furnished by others.

GMPC requests that the Commission waive its notice requirements and permit the Generation and Transmission Contracts to become effective as of December 1, 1977.

According to GMPC, copies of this filing have been sent to the Vermont Public Service Board and to Washington Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3072 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-157]

LONE STAR GAS CO. A DIVISION OF ENSERCH CORP.

Application

JANUARY 27, 1978.

Take notice that on January 16, 1978[1], Lone Star Gas Co., a Division of Enserch Corp. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP78-157 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of taps and regulators for the delivery of natural gas to three customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that estimated peak day and annual requirements for the third year of operation is as follows:

Facility	Estimated annual Mcf 14.73 p.s.i.	Estimated peak day requirements (Mcf)
1. James Knipe, d.b.a. Pierce Pipe and Supply		
Third Year	393	2.8
2. Larry Lawler (Development-Res. & Comm.)		
Third Year		
(25 Residential)	2,250	25
(10 Commercial)	1,600	15
Total (Third Year).	3,850	40
3. Oklahoma State Highway Department (Heating)		
Third Year	2,420	32

Applicant estimates that the cost of the three facilities would be $3,402, all of which would be financed from working capital, it is stated.

Applicant states that the requested volumes of gas for each new customer proposed herein are not expected to have any significant impact to Applicant's system operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3073 Filed 2-3-78; 8:45 am]

[1] The application was initially tendered for filing on January 16, 1978; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until January 23, 1978; thus, filing was not completed until the latter date.

[6740-02]

[Docket No. CP77-607]

MARIETTA, TEX. APPLICANT AND NATURAL GAS PIPELINE CO. OF AMERICA RESPONDENT

Extension of Time

JANUARY 27, 1978.

On January 24, 1978, Natural Gas Pipeline Co. of America (Natural) filed a motion for an extension of time for submitting testimony and for postponement of the prehearing conference, set by Commission Order issue December 14, 1977, in the referenced proceeding. Natural states that the City of Marietta, Tex. (Marietta), filed with the FERC a Notice of Withdrawal of Application. The Notice of Withdrawal was filed on January 25, 1978.

Section 1.11(d) of the Rules of Practice and Procedure states that withdrawal of a pleading filed in any proceeding in which a hearing has been held or convened requires the express permission of the Commission.

Accordingly, to allow the Commission sufficient time to act on Marietta's Notice of Withdrawal of Application, the dates set by the December 14, 1977 Order are extended as follows:

Filing and service upon all parties of testimony and exhibits by Marietta, intervenors, and Staff—March 3, 1978.

Prehearing conference—March 31, 1978 10 a.m. e.s.t.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3067 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-177]

NORTHERN STATES POWER CO.

Letter Agreement

JANUARY 27, 1978.

Take notice that Northern States Power Co. (Company), on January 17, 1978, tendered for filing a Letter Agreement, dated November 18, 1977, with the Department of Energy, United States of America.

Company indicates that Contracts No. 14-06-600-1556 and No. 14-06-600-

1940 between Northern States and the United States terminated on October 20, 1977. Company further indicates that the Letter Agreement formalizes an oral agreement between the parties to continue to interconnect transmission systems and to provide for certain transactions until a new contract is executed or until June 30, 1978, whichever is earlier.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3074 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP76-52, et al.]

NORTHERN NATURAL GAS CO.

Further Extension of Time

JANUARY 30, 1978.

On January 24, 1978, Northern Natural Gas Co. filed a motion for a further extension of time for filing comments on the draft environmental impact statement (DEIS) in this proceeding, availability of which was noticed December 9, 1977, and published in the FEDERAL REGISTER December 14, 1977 (42 FR 62971). A previous extension of time to and including January 28, 1978, was granted by notice issued January 3, 1978.

Upon consideration, notice is hereby given that a further extension of time is granted to and including February 24, 1978, for filing comments on the DEIS in the captioned proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3127 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. ER76-818]

NORTHERN STATES POWER CO. (MINNESOTA)

Withdrawal of Price Squeeze Allegation and Motion To Terminate Proceedings

JANUARY 31, 1978.

Take notice that the city of Shakopee, Minn.-Shakopee Public Utilities Commission (Shakopee) on January 11, 1978, filed a notice withdrawing the allegation of price squeeze made by it in its amended petition to intervene in the above-captioned docket and concurrently filed a motion to terminate all proceedings in this docket without a hearing.

Shakopee states that as the only remaining intervenor in this docket, it and Northern States Power Co. (NSP) have entered into a settlement agreement, as a result of which Shakopee is moving to dismiss an antitrust complaint against the company in a U.S. District Court, is withdrawing its opposition to the settlement rates herein and is moving to terminate the proceeding.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before February 10, 1978. Comments and protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3128 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-165]

NORTHWEST PIPELINE CORP.

Application

JANUARY 27, 1978.

Take notice that on January 18, 1978, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 10,000 Mcf of natural gas per day for Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Michigan Wisconsin has under contract or otherwise owns or controls certain natural gas reserves in the Rocky Mountain area which are a considerable distance from its existing transmission system, and that in order to make such gas reserves available to it, Michigan Wisconsin and Applicant have entered into two agreements which contemplate that Applicant would perform certain gathering and transportation services for the benefit of Michigan Wisconsin. The two agreements are as follows:

(1) A gas gathering and transportation agreement (gathering agreement), dated September 23, 1977, which provides that Applicant would gather such volumes of natural gas as Michigan Wisconsin may control in the Lincoln Road area of Sweetwater County, Wyo., and that Applicant would, subject to the terms of the gathering agreement, deliver approximately equivalent volumes to Applicant's main transmission system for further transportation by Applicant for Michigan Wisconsin's account pursuant to the transportation agreement identified in item 2 below.

(2) A gas transportation agreement (transportation agreement) dated September 23, 1977, which provides that Applicant would transport up to 175,000 Mcf per day of natural gas for the account of Michigan Wisconsin, after delivery of such volumes of natural gas into Applicant's mainline transmission system.

It is indicated that pursuant to the gathering agreement, Applicant would provide a wellhead gathering service for Michigan Wisconsin of up to 10,000 Mcf of natural gas per day, which may be available from acreage within the area outlined in the gathering agreement. Applicant indicates that the volumes of natural gas to be gathered by it for Michigan Wisconsin's account would be transported through Applicant's Lincoln Road Gathering System and its Big Piney 30-inch loop line, processed at Applicant's Opal Gasoline Plant and redelivered at the point of interconnection of Applicant's Big Piney 30-inch loop line and Applicant's mainline in Lincoln County, Wyo. The volumes of natural gas delivered at Applicant's mainline for Michigan Wisconsin's account would be equivalent to 95 percent of the volumes received by Applicant at the wellhead for Michigan Wisconsin's account, and 5 percent of the volumes received by Applicant at the wellhead for Michigan Wisconsin's account would be furnished to Applicant to compensate for fuel usage and shrinkage attributable to the processing at Applicant's Opal Gasoline Plant, it is said.

The application states that the volumes of natural gas delivered for Michigan Wisconsin's account at the aforementioned point on Applicant's mainline would then be further transported by Applicant, pursuant to the transportation agreement, to a point of interconnection between the facilities of Applicant and El Paso Natural Gas Co. (El Paso) in La Plata County, Colo., where equivalent volumes of gas would be delivered to El Paso for Michigan Wisconsin's account. Appli-

cant indicates that the gas so delivered to El Paso would, by displacement or otherwise, be further transported by El Paso and Natural Gas Pipeline Co. of America (Natural) for ultimate delivery to Michigan Wisconsin.

It is indicated that pursuant to the gathering agreement, Michigan Wisconsin had the option, prior to the initial delivery hereunder, either (1) to furnish Applicant the amount of plant fuel and shrinkage attributable to the liquid products extracted from Michigan Wisconsin's gas for which Applicant agrees to return 100 percent of the net revenues attributable to the liquid products extracted less Applicant's actual cost of service incurred in such extraction operation; or (2) to provide Applicant, as compensation for fuel usage and shrinkage incurred during the extraction operation, with volumes of natural gas equal to 5 percent of the volumes delivered by Michigan Wisconsin to Applicant hereunder for which Applicant agrees to reimburse Michigan Wisconsin at the applicable national rate in effect at the time or, in the event of deregulation, the average price paid by others, including Applicant, under long-term contracts, for gas produced from the area covered by the gathering agreement. Pursuant to a letter agreement dated January 6, 1978, Michigan Wisconsin elects the latter option as its preferred means for keeping both parties whole with respect to the processing of Michigan Wisconsin's gas through Applicant's Opal Gasoline Plant, it is said.

Applicant estimates that, initially, 800 Mcf of gas per day would be gathered and transported through Applicant's Lincoln Road Gathering System, Big Piney loop line and mainline facilities for the account of Michigan Wisconsin. It is indicated that for the above-described gathering and transportation service, Applicant would charge Michigan Wisconsin a three-part rate as follows:

(1) A gathering rate based on Applicant's cost-of-service attributable to gathering Michigan Wisconsin's gas and delivering such gas to the point of interconnection with Applicant's Big Piney 30-inch loop line. The initial rate which Applicant would charge Michigan Wisconsin for the gathering service proposed herein would be 20.76 cents per Mcf.

(2) An initial transportation rate of 1.0 cent per Mcf for all volumes delivered for Michigan Wisconsin's account at the interconnection of Applicant's Big Piney 30-inch loop line and Ignacio-Sumas mainline as consideration for the transportation service provided through Applicant's Big Piney 30-inch loop line.

(3) An initial transportation rate of 1.0 cent per Mcf for all gas handled through its mainline system and redelivered to El Paso under the transportation agreement.

It is stated that the 1.0 cent per Mcf rate for gas transported through Applicant's main transmission system is predicated on Applicant's continuing ability to displace the gas to be delivered to El Paso for Michigan Wisconsin's account. It is stated that in the event that delivery by displacement is diminished due to Applicant's prior commitments on its transmission system or due to physical or legal limitations imposed on Applicant's displacement capability so that actual transportation of all or any portion of Michigan Wisconsin's gas is required, then the 1.0 cent per Mcf charge would be increased to Applicant's then rolled-in transmission cost or such other appropriate rate as may be established and approved by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3075 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-163]

SOUTHERN NATURAL GAS CO.

Application

JANUARY 27, 1978.

Take notice that on January 17, 1978, Southern Natural Gas Company (Applicant), First National, Southern Natural Building, Birmingham, Ala. 35203, filed in Docket No. CP78-163, an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Intrepretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to a total of 4,000 Mcf of natural gas per day (at 14.73 psia) in two separate transactions for Owens-Corning Fiberglas Corp. (Owens-Corning), for a term ending July 21, 1979, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to render these transportation services on an interruptible basis for Owens-Corning pursuant to transportation agreements dated December 2 and 12, 1977, between Applicant and Owens-Corning. Pursuant to the transportation agreement dated December 2, 1977, Applicant proposes to transport up to 2,000 Mcf of natural gas per day, which gas is to be produced from the Berryman No. 1 Well, Ellis County, Okla. It is indicated that Owens-Corning has contracted to purchase the subject gas from Alpar Resources, Inc. (Alpar) at a price of $2.15 per Mcf for the first year of the contract, which price would increase 10 cents per Mcf at the beginning of the second year. The application states that Owens-Corning would arrange to have such quantities of gas delivered to Panhandle Eastern Pipe Line Co. (Panhandle) which would make the gas available to Trunkline Gas Co. (Trunkline), and that Trunkline would deliver the subject gas to Transcontinental Gas Pipe Line Corp. (Transco), who would then deliver it to Applicant at their authorized exchange point at Jonesboro, Ga., or at another mutually agreeable existing authorized exchange point between Transco and Applicant. Applicant states that it would redeliver the redelivery quantity to South Carolina Electric & Gas Co. (South Carolina), a resale customer of Applicant. It is stated that South Carolina, in turn would deliver the subject gas to Owens-Corning's plant in Aiken, S.C., which is a customer of South Carolina.

The application states that the gas purchased from Alpar is currently being transported by Panhandle and Trunkline pursuant to authorization granted in Docket No. CP77-480, and that this gas is delivered by Trunkline

to Transco pursuant to authorization granted in Docket No. CP77-427 for redelivery to Owens-Corning's plant in Anderson, S.C. Applicant states that it has been advised: (1) That the authority under such certificates expires on July 21, 1979; (2) that Owens-Corning desires the flexibility of Applicant having the authority to transport such gas to Owens-Corning's plant in Aiken, S.C., and Transco having the authority to transport such gas to its plant in Anderson, S.C.; and (3) that Transco would file a petition to amend its certificate in Docket No. CP77-427 to obtain the additional authority to deliver such gas to Applicant.

Applicant indicates that it would charge Owens-Corning a transportation charge of 13.0 cents per Mcf (at 14.73 psia) for all gas transported from the delivery point at Jonesboro, Ga., to the point of redelivery to South Carolina, and that it would charge Owens-Corning a minimum charge of $50 per day for any day on which gas is transported when the transportation charges for such day are less than $50. Applicant indicates further that it would also retain 3¼ percent of the quantities received for transportation as Owens-Corning's pro rata share of lost or unaccounted for gas between the delivery point and the redelivery point.

Pursuant to the transportation agreement dated December 12, 1977, Applicant proposes to transport gas Owens-Corning has purchased from Kilroy Properties Inc. (Kilroy) of Houston, Tex., which gas is produced from the Crown Zellerback Well, East Chatham Field, Jackson Parish, La. It is indicated that Owens-Corning would purchase up to 2,000 Mcf of natural gas per day from Kilroy at a price of $2 per million Btu's for the first year of the contract, which price would increase 15 cents at the ending of the first year and would increase 15 cents each 12 months thereafter.

It is stated that Owens-Corning would arrange to have such quantities of gas delivered to Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee) who would deliver the gas to Applicant at their authorized exchange point at Patterson, La., or at another mutually agreeable existing authorized exchange point between Tennessee and Applicant. Applicant proposes to redeliver the redelivery quantity to South Carolina. South Carolina would, in turn, deliver the subject gas to Owens-Corning's plant in Aiken, S.C.

The application states that the gas purchased from Kilroy is currently being transported by Tennessee pursuant to authorization issued in Docket No. CP77-513, and that this gas is delivered by Tennessee to Transco for redelivery to Owens-Corning's plant in Anderson, S.C., pursuant to authorization issued in Docket No. CP77-504. Applicant states that is has been advised that: (1) That the authority under such certificates would expire on August 20, 1979; (2) that Owens-Corning desires the flexibility of Southern having the authority to transport such gas to Ownens-Corning's plant in Aiken, S.C., and of Transco having the authority to transport such gas to its plant in Anderson, S.C.; and (3) that Tennessee would file a petition to amend its certificate in Docket No. CP77-513.

Applicant indicates that it would charge Owens-Corning a transportation charge of 39.0 cents per Mcf (at 14.73 psia) for all gas transported from the delivery point at Patterson, La., to the point of redelivery to South Carolina, and that it would charge Owens-Corning a minimum charge of $50 per day for any day on which gas in transported when transportation charges for such day are less than $50. Applicant states that it would also retain 3½ percent of the quantities received for transportation as Owens-Corning's pro rata share of lost or unaccounted for gas between the delivery point and the redelivery point.

It is stated that the subject gas is not available for resale in the interstate market. It is further stated that the subject gas would be used at Owens-Corning's Aiken, S.C. plant for Priority 2 process use.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3076 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP77-141; RP77-132; RP77-133-1; RP77-134]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC. (PIKE NATURAL GAS CO. AND DELTA NATURAL GAS CO.)

Settlement Conference

JANUARY 31, 1978.

Take notice that on February 7, 1978, at 10 a.m., an informal conference will be convened of all interested persons with a view toward settling the issues in the captioned proceedings. The conference will be held at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3129 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-162]

TEXAS EASTERN TRANSMISSION CORP.

Application

JANUARY 27, 1978.

Take notice that on January 17, 1978, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-162 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of interconnection facilities, the transportation of natural gas for Columbia Gas Trans-

mission Corp. (Columbia), and the addition of such interconnection facilities as a point of delivery to Columbia for existing service under Rate Schedule DCQ-C, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization:

(1) To construct and operate taps and metering facilities at a point located on Applicant's 24-inch and 20-inch transmission pipelines No. 1 and 2 near Rosbys Rock, Marshall County, W. Va.

(2) To renovate the Waynesburg, Washington County, Pa., meter station to provide for reverse flow.

(3) To transport for Columbia up to 35,000 dekatherms (dth) of natural gas per day, as provided by the gas transportation agreement of January 11, 1978.

(4) To include the Rosbys Rock interconnection as an additional delivery point to Columbia for existing service under Rate Schedule DCQ-C and I-C.

The application states that the Consolidation Coal Co. is enlarging a mine located in Marshall County, W. Va., which would undermine Applicant's Line No. 20 which provides the major portion of natural gas for Moundsville and the southern portion of Wheeling, W. Va., and that in order to assure continued service to its customers in Moundsville and Wheeling, W. Va., during the mining operations, Columbia has requested that Applicant reestablish its Rosbys Rock interconnection between the two systems which had been abandoned in 1970 by order of the Federal Power Commission issued August 8, 1970, at Applicant's Docket No. CP70-255.

Applicant indicates that in order to deliver the transported quantities to the Rosbys Rock interconnection it would be necessary for it to modify its Waynesburg Station, Washington County, Pa., to provide a reverse flow. It is stated that the Waynesburg point is 25 miles east of the proposed Rosbys Rock interconnection and would be the primary point of receipt on Applicant's system. It is further stated that construction of the facilities at both the Rosbys Rock interconnection and the Waynesburg renovation is estimated to cost approximately $146,400, and that Columbia would reimburse Applicant for all construction costs.

Applicant indicates that the proposed transportation service would be rendered pursuant to a gas transportation agreement dated January 11, 1978, between Applicant and Columbia, which agreement provides that Applicant would receive from Columbia for transportation up to 35,000 dth of gas per day at either the existing point of interconnection located in Fairfield County, Ohio or the renovated Waynesburg point for ultimate redelivery to Columbia at the point to be constructed near Rosbys Rock, Marshall County, W. Va.

It is indicated that Applicant would charge Columbia a transportation charge of (1) $470.00 per day for natural gas delivered to Applicant at the Waynesburg interconnection, or (2) 7.08 cents per dth and 3 percent reduction in the quantity transported for gas used in providing such service, for gas delivered to Applicant at the Fairfield County, Ohio, interconnection.

It is contemplated that the proposed Rosbys Rock interconnection would initially be utilized for redelivery of quantities of gas tendered for transportation by Applicant, it is said. It is stated that upon completion of mining operations, Applicant and Columbia intend to leave the interconnection in service on a standby basis for transportation or existing firm sales service and, therefore, now seeks to add such point to their existing agreement for service under Applicant's Rate Schedule DCQ-C.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3077 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-168]

TEXAS GAS TRANSMISSION CORP.

Application

JANUARY 27, 1978.

Take notice that on January 20, 1978, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP78-168 an application pursuant to Section 7(c) of the Natural Gas Act and section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period, commencing May 30, 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers of other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $10,000,000 with the cost of any single onshore project not exceeding $1,500,000 and the cost of any single offshore project not exceeding $2,500,000. It is stated that these facilities would be financed by Applicant from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 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 inter-

vene in accordance with the Commission's Rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3078 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-160]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JANUARY 27, 1978.

Take notice that on January 16, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-160 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 102 Dekatherms (dt) per day equivalent of natural gas on an interruptible basis for the account of Carolina Pipeline Co.; NCNG Exploration Corp., an affiliate of North Carolina Natural Gas Corp.; Pennsylvania Gas and Water Co.; Philadelphia Electric Co.; Piedmont Exploration Co., Inc., an affiliate of Piedmont Natural Gas Co., Inc.; and Tar Heel Energy Corp., an affiliate of Public Service Co. of North Carolina, Inc., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that these transportation customers are distribution company customers of Applicant, or affiliates of Applicant's distributors, which have participated in the Robert Mosbacher/Transco Exploration Co. Joint Venture (Mosbacher), a joint venture for and development of new natural gas reserves onshore, and in non-Federal waters, in the Gulf Coast area. The application further states that the participants in the Mosbacher drilling program earn a proportionate share in the natural gas production from commercially successful wells discovered by the joint venture. It is stated that the joint venture has discovered and developed a successful well in the East Collins Field (Alma Rogers 25-8 No.1), Covington County, Mississippi, and Applicant proposes herein to transport to existing delivery points on its system the interests of the transportation customers listed above in the production from this well.

It is indicated that United Gas Pipe Line Co. (United) has agreed to receive gas produced from the East Collins Field, which field is adjacent to existing facilities of United in Covington County, Mississippi, for Applicant's account and to transport and redeliver such gas at existing authorized points of interconnection between the two pipeline systems. United's application for the transportation is on file with the Commission in Docket No. CP-78-35, it is said.

Applicant requests authorization herein to transport for the account of the above mentioned customers their interests in the East Collins Field gas from the point(s) of receipt from United to existing points of delivery on Applicant's system to such customers, or their affiliates.

Below is an estimate of the daily volumes available to each of the foregoing customers for which transportation service would be rendered from the East Collins Field:

ESTIMATED DAILY DELIVERIES OF TRANSPORTATION GAS FROM EAST COLLINS FIELD, COVINGTON COUNTY, MISS.

Producers	Buyers	Estimated daily volumes (Dekatherms)
Carolina Pipeline Co.[2].		6
NCNG Exploration Corp.[1].	North Carolina Natural Gas Corp.	13
Pennsylvania Gas & Water Co.[2].		19
Philadelphia Electric Co.[2].	Eastern Pennsylvania Exploration.	32
Piedmont Exploration Co., Inc.[1].	Piedmont Natural Gas Co., Inc.	13
Tar Heel Energy Corp.[1].	Public Service Co. of North Carolina, Inc.	19
Total		102

[1] In each of these cases, Applicant's transportation service would be rendered for the account of the small-producer affiliates which would sell their interest in the East Collins gas to their distributor-parents at the point of redelivery to the distributor on Transco's.

[2] It is stated that Philadelphia Electric Co. participates in the Mosbacher program through its small-producer affiliate, Eastern Pennsylvania Exploration Co., Inc. and that Eastern Pennsylvania Exploration would sell its working interest in the East Collins gas to Philadelphia Electric at the wellhead, and the transportation service proposed herein would be for the account of Philadelphia Electric.

[3] Carolina Pipeline Co. and Pennsylvania Gas and Water will not sell their interest in the East Collins gas to any one, it is said.

It is indicated that Applicant would render the proposed transportation service at the then-effective transportation rates for which it provides comparable service at the time the requested certificate authorization herein is granted. It is further indicated that deliveries to the proposed customers would be made in Applicant's Rate Zones 2 and 3, as specified in Applicant's FERC Gas Tariff, Second Revised Volume No. 1. It is indicated that Caroline Pipeline Co., NCNG Exploration Corp., Piedmont Exploration Co., Inc. and Tar Heel Energy Corp. are all in Applicant's Rate Zone 2 and would pay a rate of 29.8 cents per dt for all quantities of natural gas transported hereunder, and that Applicant would withhold 4.4 percent of the volumes of gas delivered to the aforementioned Zone 2 customers for compressor fuel and line loss make-up. It is further indicated that Philadelphia Electric Co., and Piedmont Exploration Co., Inc., are in Applicant's Rate Zone 3 and would pay a rate of 31.5 cents per dt for all quantities of natural gas transported hereunder, and that Applicant would withhold 3.8 percent of the volumes of gas delivered to the aforementioned Zone 3 customers for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3879 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-167]

UNITED GAS PIPE LINE CO.

Application

JANUARY 27, 1978.

Take notice that on January 20, 1978, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-167 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of necessary facilities to provide a new and additional delivery point to St. John the Baptist Parish, La. (St. John), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant delivers gas to St. John under the terms of a service agreement dated September 8, 1971, and that the area served by the distribution system of St. John lies on either side of the Mississippi River. However, it is said that Applicant delivers gas to St. John on the eastern side of the river only, the customers of St. John on the western side of the river being served through a river crossing owned and operated by St. John. The application further states that St. John has reported numerous difficulties with the subject river crossing and believes it to be in danger of failure, which would deprive the customers on the western side of the river of natural gas service.

It is stated that in order to assist St. John in maintaining gas service to its customers, Applicant has agreed pursuant to an agreement between the parties dated November 16, 1977, to the establishment of an additional delivery point to St. John on the western side of the river, thus eliminating the necessity of utilizing the river crossing. Applicant indicates that such additional new delivery point would necessitate the construction of metering and regulating facilities at an estimated cost of $24,200, which cost would be reimbursed to Applicant by St. John. Applicant further indicates that it would enter into a gas transportation agreement with Transcontinental Gas Pipe Line Corp. (Transco) whereby gas delivered to Transco by Applicant at an existing authorized point of interconnection near Cameron Meadows, Cameron Parish, La. would be redelivered by Transco to Applicant for sale to St. John at the proposed additional delivery point at a mutually agreeable point on Transco's 10-inch lateral line in St. John the Baptist Parish, La. It is stated that pursuant to another agreement between Applicant and St. John dated November 16, 1977, St. John would reimburse Applicant for any charge Applicant pays in connection with supply gas to St. John at said additional delivery point. Applicant and St. John would execute a new service agreement setting forth all applicable conditions providing a maximum daily quantity of up to 3,400 Mcf of gas assigned to the additional delivery point, with a corresponding reduction in the maximum daily quantity at the existing delivery point, it is said. It is stated that the overall maximum daily quantity applicable to St. John would not be increased by this arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3080 Filed 2-3-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 851-1; PP 8G2026/T143]

PESTICIDE PROGRAMS

Establishment of a Temporary Tolerance; Aldicarb

The Texas A & I University, Citrus Center, Weslaco, Tex. 78596, submitted a pesticide petition (PP 8G2026) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for combined residues of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl)propionaldehyde *O*-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl)propionaldehyde *O*-(methylcarbamoyl)oxime in or on the raw agricultural commodity grapefruit at 0.3 part per million (ppm).

This temporary tolerance will permit the marketing of grapefruit when treated in accordance with an experimental use permit that was issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerance was adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerance would protect the public health. The temporary tolerance has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Texas A & I University must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 18, 1979. Residues not in excess of 0.3 ppm remaining in or on grapefruit after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use

permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, East Tower, 401 M Street SW., Washington, D.C. 20460 202-755-2516.

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

Dated: January 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-3058 Filed 2-3-78; 8:45 am]

[6560-01]

[FRL 851-2]

SCIENCE ADVISORY BOARD

Open Meeting; Consultation on Scientific Criteria for Photochemical Oxidants and Nitrogen Oxides

Under Pub. L. 92-463, notice is hereby given that a 2-day meeting of the Subcommittee on Scientific Criteria for Photochemical Oxidants of the Science Advisory Board will be held on February 22 and 23, 1978, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. The meeting will start at 9 a.m. on February 22, 1978.

The purpose of the meeting will be to provide advice and consultation on draft documentation relating to air quality criteria for photochemical oxidants and nitrogen oxides, prepared by the Agency's Office of Research and Development, and specifically on (1) a draft report entitled, "Health Effects for Short-Term Exposures to Nitrogen Dioxide", External Review Draft, December 12, 1977; and (2) a revised draft of a document entitled, "Air Quality Criteria for Photochemical Oxidants and Oxidant Precursors".

Nitrogen Oxides will be discussed on February 22. Photochemical Oxidants will be discussed on February 23.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. February 15, 1978. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703-557-7720.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

JANUARY 31, 1978.

[FR Doc. 78-3057 Filed 2-3-78; 8:45 am]

[1505-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC77-846; Docket No. 21494; File No. BLH-7012]

INDEPENDENT MUSIC BROADCASTERS, INC.

Memorandum Opinion and Order

Correction

In FR Doc. 78-1883 appearing in the issue of Monday, January 23, 1978 on page 3175, the small type in the heading should read as it appears above.

[6730-01]

FEDERAL MARITIME COMMISSION

COMPANIA DE VAPORES CERULEA S.A. AND ULYSSES LINE LTD. S.A. OF PANAMA

[Certificate (Performance) No. P-158 and Certificate (Casualty) No. C-1,156]

Order of Revocation

In the matter of Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-158 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,156; Issued to Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A. of Panama C/O Kerr Steamship Company, Inc., 90 Washington Street, New York, N.Y. 10006.

Whereas, Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A. of Panama, have ceased to operate the passenger vessel *Calypso* to and from United States ports.

It is ordered, That Certificate (Performance) No. P-158 issued to Compania De Vapores Cerulea S.A., Ulysses Line Ltd. S.A. of Panama, and Sovereign Holidays Ltd., and Certificate (Casualty) No. C-1,156 issued to Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A. of Panama, be and are hereby revoked effective January 30, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission, January 30, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-3143 Filed 2-3-78; 8:45 am]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ANIMAL DAMAGE CONTROL POLICY STUDY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Animal Damage Control Act of March 2, 1931, that a meeting of the Animal Damage Control Policy Study Advisory Committee will be held on February 8 and February 9, 1978, at 9 a.m. and will conclude at 4 p.m. The meetings will be held in Room 8070 (North Penthouse) of the Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

The purpose of the Committee is to provide advisory services in coordination with the policy analysis of the problems of mammal predation of Western livestock with major emphasis on the problems of coyote depredation. The analysis will address issues related to mammal predation damage as opposed to migratory bird damage control. The study will be an objective examination of the nature and scope of the predation problems affecting the Western livestock industry, the environmental concerns and impacts associated with predatory damage control, and will present options, including the consequences of various levels and methods of predator control.

The 15-day time limit between publication of this notice and the meetings is waived under the emergency provisions occasioned by the necessity to face major policy issues that have to be resolved before Spring operations of the animal damage control program and to provide interested parties an opportunity to provide programmatic advice for the decisionmaking process. The scope, areas and methods pertinent to the control at the time of the lambing season, for example, must have been determined so that the operational aspects can proceed at the appropriate time to maximize its effectiveness at the least cost.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited (about 40 spaces) and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee written statements concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Ms. Sheila Minor, Office of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C. 20240, 202-343-4945.

Minutes of the meeting will be available for public inspection 30 days after

the meeting in Room 3145, Main Interior Building, Washington, D.C.

Dated: January 24, 1978.

RICHARD J. MYSHAK,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 78-3164 Filed 2-3-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[332-97]

BROOMS OF BROOMCORN

Collection of Data for Determination of Apparent U.S. Consumption

AGENCY: U.S. International Trade Commission.

ACTION: Creation of a permanent docket for the collection of data under the authority of section 332(g) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(g)), to determine apparent U.S. consumption of whiskbrooms, and other brooms of broomcorn pursuant to Executive Order 11377 of October 23, 1967.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Leonard Heimowitz, General Manufactures Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0399.

SUPPLEMENTARY INFORMATION: Headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), authorizes the President to adjust the tariff rate quotas on whiskbrooms and other brooms of broomcorn to reflect annual changes in consumption of such brooms. In order to carry out his responsibilities under the law, the President issued Executive Order 11377, which directs the Commission to annually report to him its judgment as to the estimated annual consumption of these brooms in the preceding calendar year.

The determination of consumption of whiskbrooms and other brooms of broomcorn in the United States is derived from data on production and exports obtained from questionnaires completed by domestic producers, and on imports obtained from the U.S. Customs Service, Department of the Treasury.

The whiskbrooms of broomcorn involved in the determination are of a kind provided for in items 750.26 to 750.28, inclusive, of the Tariff Schedules of the United States (TSUS), and the other brooms are of a kind provided for in items 750.29 to 750.31, inclusive, of the TSUS.

Once the annual determination of apparent U.S. consumption is made, the Commission will transmit a report to the President. The report will be released to the public (consistent with the treatment afforded confidential business information).

By order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3173 Filed 2-3-78; 8:45 am]

[7020-02]

[332-94]

CERTAIN ARTICLES OF STAINLESS STEEL OR ALLOY TOOL STEEL

Quarterly and Annual Statistical Reports Providing Information

AGENCY: U.S. International Trade Commission.

ACTION: Institution of an investigation under the authority of section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), to establish a permanent docket for the reports concerning certain articles of stainless steel or alloy tool steel required by Presidential Proclamation 4445 of June 14, 1976.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Quay Williams or Mr. Nicholas C. Tolerico, Minerals and Metals Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0341, 202-523-0342, respectively.

SUPPLEMENTARY INFORMATION: On January 16, 1976, the U.S. International Trade Commission reported to the President (Publication No. 756) the results of its investigation (conducted pursuant to section 201(a)(1) of the Trade Act of 1974 (19 U.S.C. 2251(a)(1)). The Commission determined that certain articles of stainless steel or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the Tariff Schedules of the United States are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat, thereof, to the domestic industry or industries producing articles like or directly competitive with the imported articles.

The President accepted the Commission's finding and on June 14, 1976, an orderly marketing agreement was entered into between the Governments of the United States and Japan to limit the importation of the subject articles from Japan, as set forth on Presidential Proclamation 4445. The President also proclaimed (Proclamation No. 4445) on June 14, 1976, the imposition of quantitative limitations (absolute quotas) on U.S. imports from all sources of certain articles of stainless steel or alloy tool steel. The effective period of the orderly marketing agreement and the quantitative limitations is June 14, 1976 through June 13, 1979, unless earlier modified or terminated.

Section (g) of the Annex to Presidential Proclamation 4445 directs as follows:

(g) *United States International Trade Commission (USITC) surveys.*—The USITC shall conduct mandatory surveys and a review with respect to products of the types subject to import restraints under each item involved as follows:

(i) *Quarterly.*—Surveys by calendar quarter to obtain from domestic producers monthly data on production, shipments, prices, employment and man-hours. The initial surveys shall cover the fourth quarter of 1975 and the first two quarters of 1976; subsequent surveys will cover individual quarters; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import restraints. The USITC shall publish the results of these surveys within 45 days (as soon as feasible and not later than 60 days in the case of prices) of the end of a quarter. Such surveys will be conducted monthly, upon written request of the Special Representative to the USITC, if the Special Representative determines that monthly reporting is necessary.

(ii) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, orders, and inventories, and annual data on capital expenditures, capacity, and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the fourth quarter of 1975 and calendar year 1975, as appropriate, and calendar year 1976, and the results shall be published by March 31, 1977. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import restraints in this subpart are in effect.

By order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3175 Filed 2-3-78; 8:45 am]

[7020-02]

[TA-406-1]

CERTAIN GLOVES FROM THE PEOPLE'S REPUBLIC OF CHINA

Change of Time and Place of Hearing

Notice is hereby given that the public hearing in this matter, previously scheduled to begin on Tuesday, February 7, 1978, at 10 a.m., e.s.t., will now begin on Tuesday, February 7, 1978, at 9:30 a.m., e.s.t., in the Hearing

Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436.

Notice of the investigation and hearing for investigation No. TA-406-1 was published in the FEDERAL REGISTER of January 4, 1978 (43 FR 800).

By order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3171 Filed 2-3-78; 8:45 am]

[7020-02]

[332-95]

COLOR TELEVISION RECEIVERS AND RELATED PRODUCTS

Quarterly and Annual Reports Providing Certain Information

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under the authority of section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), to establish a permanent docket for the quarterly and annual reports concerning color television receivers and related products required by Presidential Proclamation 4511 of June 24, 1977.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Graves or Mr. William Fletcher, Machinery and Equipment Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0360, 202-523-0378, respectively.

SUPPLEMENTARY INFORMATION: On March 22, 1977, the United States International Trade Commission reported to the President (Publication No. 808) the results of its investigation under subsection (b) of section 201 of the Trade Act of 1974 (19 U.S.C. 2251(b)). The Commission determined that color television receivers assembled or not assembled, finished or not finished, provided for in item 685.20 of the Tariff Schedules of the United States are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

On May 19, 1977, the President accepted the determination of the Commission which found serious injury to that portion of the industry producing subassemblies of color television receivers, and on May 20, 1977, an orderly marketing agreement was entered into, effective July 1, 1977, between the Government of the United States of America and the Government of Japan with respect to the trade in certain color television receivers.

On June 24, 1977, Presidential Proclamation 4511 was issued limiting, effective July 1, 1977, the number of color television receivers exported from Japan to the United States through June 30, 1980, unless earlier modified or terminated.

Paragraph (7) of Presidential Proclamation 4511 directs as follows:

(7) The USITC shall issue reports and conduct the following surveys with respect to color television receivers and related products:

(a) *Quarterly.* Surveys by calendar quarter to obtain from producers in the United States monthly data on production, shipments, inventories, employment man-hours, and prices, and other economic factors indicative of conditions in the U.S. industry. The initial surveys shall cover the fourth quarter of 1976 and the first two quarters of 1977. Subsequent surveys shall cover individual quarters with the last such surveys covering the quarter which ends not less than 60 days prior to the termination of the import relief. The USITC shall publish the results of the initial surveys by September 1, 1977 and the results of later surveys within 45 days of the end of the surveyed quarter.

(b) *Annual.* Annual surveys to obtain data from producers in the United States by calendar quarter on profits, capacity, and annual data on capital expenditures and research and developments expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the calendar year 1976 and the calendar year 1977, and the results shall be published by March 31, 1978. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import relief is in effect.

By the order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3172 Filed 2-3-78; 8:45 am]

[7020-02]

[332-93]

NONRUBBER FOOTWEAR

Quarterly and Annual Reports Providing Certain Information

AGENCY: United States international Trade Commission.

ACTION: Institution of an investigation under the authority of section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), to establish a permanent docket for the quarterly and annual reports concerning certain footwear required by Presidential Proclamation 4510 of June 24, 1977.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. F. Lamar Wood or Mrs. J. Gail Burns, Textiles, Leather Products and Apparel Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0120, respectively.

SUPLEMENTARY INFORMATION: On February 8, 1977, the United States International Trade Commission reported to the President (Publication No. 799) the results of its investigation under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)). The Commission determined that footwear provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52. 700.53, 700.54, and 700.60, and disposable footwear designed for one-time use provided for in item 700.85) of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

The President accepted the Commission's finding and orderly marketing agreements were entered into between the Governments of the United States and the Republic of China (concluded on June 14, 1977) and the Republic of Korea (concluded June 21, 1977) to limit the importation of subject articles from the Republic of China and the Republic of Korea, as set forth in Presidential Proclamation 4510. The effective period of the import restraints is June 28, 1977 through June 30, 1981, unless earlier modified or terminated.

Section (k) of the Annex to Presidential Proclamation 4510 directs as follows:

(k) *United States International Trade Commission (USITC) reports and surveys.*—The USITC shall issue reports and conduct surveys with respect to footwear as follows:

(i) *Quarterly.*—Reports by calendar quarter showing monthly data on U.S. production, imports for consumption, apparent U.S. consumption, employment and prices. The initial report shall cover 1975, 1976 and the first two quarters of 1977; the last such report shall cover the quarter which ends not less than 60 days prior to the termination of the import relief. The reports shall be published within 60 days of the end of a quarter.

(ii) *Annually.*—Annual surveys to obtain from domestic producers data on profits, orders, capacity, inventories, prices, capital expenditures, and research and development expenditures; and to obtain from importers data on prices, orders, and inventories. The initial survey shall cover the calendar year 1976 and the calendar year 1977, and the results shall be published by May 31, 1978. The results of subsequent surveys shall be published by may 31 of each year thereafter so long as the import relief is in effect.

By order of the Commission:

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3174 Filed 2-3-78; 8:45 am]

[7020-02]

[332-96]

WATCH MOVEMENTS

Collection of Data for Determination of Apparent U.S. Consumption

AGENCY: United States International Trade Commission.

ACTION: Creation of a permanent docket for the collection of data under the authority of section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), to determine apparent U.S. consumption of watch movements pursuant to Pub. L. 89-805 of November 10, 1966 (80 Stat. 1521, 1522).

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Lee Lukens, General Manufactures Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0226.

SUPPLEMENTARY INFORMATION: Paragraph (c) of headnote 6, schedule 7, part 2, subpart E, of the Tariff Schedules of the United States requires the U.S. International Trade Commission annually to determine the apparent U.S. consumption of watch movements for the preceding calendar year and to use such determination as a basis for computing and allocating the quota for watches and watch movements, the product of certain U.S. insular possessions, admissable free of duty during the following calendar year, under general headnote 3(a) of the Tariff Schedules of the United States.

The determination of consumption of watches and watch movements in the United States is derived from production data, inventories and exports obtained from questionnaires completed by the domestic producers; data on imports for consumption, and shipments from the insular possessions will be taken from official statistics compiled by the Department of Commerce, Bureau of Census.

The Commission is required to determine the apparent U.S. consumption of watch movements, in 1977 and on or before April 1, 1978 report such determination to the Secretary of the Treasury, the Secretary of the Interior, and the Secretary of Commerce and to publish such determination in the FEDERAL REGISTER, together with the number of watches and watch movements which are the product of the Virgin Islands, Guam, and American Samoa which may be entered free of duty during calendar year 1978.

By order of the Commission:

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3176 Filed 2-3-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VISUAL 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 Visual Arts Advisory Panel (Artists' Fellowships) to the National Council on the Arts will be held February 22, 1978, from 9:30 a.m. to 6 p.m.; February 23, 1978, from 9:30 a.m. to 6 p.m., and February 24, 1978, from 9:30 a.m. to 6 p.m. in Columbia Plaza Room 1115, 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 31, 1978.

[FR Doc. 78-3064 Filed 2-3-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-250]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-31, issued to Florida Power and Light Co., which revised Technical Specifications for Operation of the Turkey Point Nuclear Generating Unit No. 3, located in Dade County, Fla. The amendment is effective as of the date of issuance.

The amendment authorizes operation of Turkey Point Unit No. 3 with up to an average of 15 percent of the steam generator tubes in a plugged condition.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 8, 1977 (as supplemented by letter dated July 11, 1977), (2) Amendment No. 31 to License No. DPR-31, 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 Environmental & Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

STANLEY J. NOWICKI,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3060 Filed 2-3-78; 8:45 am]

[7590-01]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Nuclear Power Corp. (the licensee) which revised technical specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, N.Y. The amendment is effective as of its date of issuance.

The amendment increases the spent fuel pool storage capacity from 1,140 to 1,984 fuel assemblies.

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. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 8, 1977 (42 FR 40060). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised technical specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's final environmental statement for the facility dated January 1974.

For further details with respect to this action, see (1) the application for amendment dated December 7, 1976, as supplemented by letters dated April 13, July 27, and September 29, 1977, (2) Amendment No. 21 to License No. DPR-63, (3) the Commission's related safety evaluation and (4) the Commission's environmental impact appraisal. 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 Oswego County Office Building, 46 East Bridge Street, Oswego, N.Y. 13126. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

STANLEY J. NOWICKI,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3061 Filed 2-3-78; 8:45 am]

[7590-01]

REGIONAL LICENSING PROGRAM

Effective March 1, 1978, the U.S. Nuclear Regulatory Commission will initiate a pilot program in which selected parts of its radioisotopes licensing program will be conducted at its Region III Office in Glen Ellyn, Ill. The following six midwestern States will be involved in the pilot program: Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin.

The program will include: (1) all licenses for medical uses of radioisotopes, except teletherapy sources and nuclear powered pacemakers, and (2) licenses for industrial use of gauges (stationary and portable) and sources contained in gas chromatographs and X-ray fluorescence analyzers.

Effective March 1, 1978, licensing action will be facilitated if all inquiries or applications for new licenses, amendments, or renewals are sent to the following address:

U.S. Nuclear Regulatory Commission, Region III, Radioisotopes Licensing Section, 799 Roosevelt Road, Glen Ellyn, Ill. 60137, telephone 312-858-2660.

For further information on this program prior to March 1, 1978, please contact me at 301-427-4236.

BERNARD SINGER,
Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-3059 Filed 2-3-78; 8:45 am]

[7590-01]

[Docket Nos. 50-582 and 50-583]

SAN DIEGO GAS AND ELECTRIC CO.

Availability of Draft Environmental Statement for Sundesert Nuclear Plant, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation and the U.S. Department of the Interior related to the proposed construction of the Sundesert Nuclear Plant, Unit Nos. 1 and 2, to be located in Riverside County, Calif., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, Calif., and the San Diego County Law Library, 1105 Front Street, San Diego, Calif. The Draft Statement (NUREG-0405) is also being made available at the Office of the Governor, Office of Planning and Research, 1400 10th Street, Sacramento, Calif., and at the Southern California Association of Governments, Suite 1000, 600 South Commonwealth Avenue, Los Angeles, Calif. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Document Control.

The Applicant's Environmental Report, as supplemented, submitted by San Diego Gas and Electric Co. is also available for public inspection at the above-designated locations. Notice of availability on the Applicant's Environmental Report was published in the FEDERAL REGISTER on May 9, 1977 (42 FR 23569).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by March 20, 1978. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, Calif., and the San Diego County Law Library, 1105 Front Street, San Diego, Calif. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-3062 Filed 2-3-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1423]

ALABAMA

Declaration of Disaster Loan Area

The area of Magnolia Avenue and Gay Street, in the City of Auburn, Lee County, Ala., constitutes a disaster area because of damage resulting from a gas explosion which occurred on January 15, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 30, 1978, and for economic injury until the close of business on October 27, 1978, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Ala. 35205.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 27, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3165 Filed 2-3-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1413, Amdt. No. 1]

KANSAS

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 2966) is amended by adding "Drought—January 1, 1976 and continuing" for Meade County and adjacent counties, within the State of Kansas. All other information remains the same.

Dated: January 26, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-3166 Filed 2-3-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1422]

KANSAS

Declaration of Disaster Loan Area

The 200 Block of West Main Street, in the City of Cherryvale, Montgomery County, Kans., constitutes a disaster area because of damage resulting from a fire which occurred on December 22, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 31, 1978, and for economic injury until the close of business on October 30, 1978, at:

Small Business Administration, District Office, 12 Grand Building—5th Floor, 1150 Grand Avenue, Kansas City, Mo. 64106.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 30, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3167 Filed 2-3-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1421]

MAINE

Declaration of Disaster Loan Area

Cumberland, Knox, Lincoln, Sagadahoc, Waldo, and York Counties and adjacent counties within the State of Maine constitute a disaster area as a result of damage caused by snow, sleeting, rain, wind, flooding and on the coast extremely high surf which occurred on January 9-10, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 3, 1978, and for economic injury until the close of business on October 31, 1978, at:

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 31, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc 78-3168 Filed 2-3-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1408; Amdt. No. 1]

NEBRASKA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 63984), is amended by adding the following counties:

Cass, Dodge, Douglas, Gage, Johnson, Lancaster, Nemah, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Washington,

and adjacent counties within the State of Nebraska, as a result of drought which caused severe crop losses during the 1976 crop year and continuing into the 1977 crop year. The time for filing applications is extended to February 20, 1978, for physical damage and September 20, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002, 59008.)

Dated: December 22, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-3169 Filed 2-3-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1378; Admt. No. 3]

TENNESSEE

Declaration of Disaster Loan Area

The above numbered Declaration and amendments thereto (see 42 FR 54897, 64753 and 43 FR 3784), are amended by adding Shelby County and adjacent counties within the State of Tennessee. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 20, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3170 Filed 2-3-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RETROCESSION OF CONCURRENT JURISDICTION OVER THE METRO EASEMENT AT WASHINGTON NATIONAL AIRPORT TO THE COMMONWEALTH OF VIRGINIA

Departmental Action

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Departmental Action.

SUMMARY: This notice is being published to inform the public that the Department of Transportation has given back and the Commonwealth of Virginia has accepted concurrent jurisdiction over the properties described in an easement granted to the Washington Metropolitan Area Transit Authority (METRO) for operation of its rapid transit system at Washington National Airport.

EFFECTIVE DATE: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

John C. Curry, Metropolitan Washington Airports, Legal Counsel (AMA-7), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-557-8123.

SUPPLEMENTARY INFORMATION: The United States, by virtue of the Act of October 31, 1945 (Pub. L. 79-208, 59 Stat. 552), accepted exclusive jurisdiction, subject to certain conditions, over that land located west of

the Potomac River, within Virginia, known as Washington National Airport. On November 6, 1966, the United States consented to and approved the Washington Metropolitan Area Transit Authority Compact (Pub. L. 89-774, 80 Stat. 1324) which created an interstate compact between the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. Pursuant to that Act, an easement was granted METRO by the United States for certain rail and transit purposes in, upon, under, over, and across a portion of the Airport.

An amendment to the Washington Metropolitan Area Transit Authority Compact (consented to and enacted by Congress in Pub. L. 94-306, June 4, 1976 (90 Stat. 672)) authorized METRO to establish and maintain regular police protection on all METRO properties to enforce: The laws of the signatories; the laws, ordinances and regulations of each of the political subdivisions; and the rules and regulations of METRO.

To facilitate efficient operation of METRO's rapid rail and associated facilities and to aid in the effective enforcement of laws and regulations within the area of the METRO easement at Washington National Airport, the United States has relinquished exclusive jurisdiction and now shares, with the Commonwealth of Virginia, jurisdiction over the METRO easement. Thus the State of Virginia and its affected political subdivisions have concurrent jurisdiction to enforce all applicable laws and regulations. See 40 U.S.C. 319.

Upon notice by the United States to the State of Virginia that the easement has been terminated or abandoned, the retrocession of concurrent jurisdiction will terminate immediately. In that event exclusive jurisdiction over the easement area will immediately revert to the United States.

The principal authors of this document are John C. Curry, Metropolitan Washington Airports, and Beth R. Fleishman, Office of the Chief Counsel.

(Washington National Airport Act, as amended (54 Stat. 686); Washington National Airport Act, Jurisdiction (59 Stat. 552); Pub. L. 87-852 (40 U.S.C. 319).)

JAMES T. MURPHY,
Director, Washington Metropolitan Airports.

[FR Doc. 78-3081 Filed 2-3-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[Docket No. 401-2; Notice 2]

DEVELOPMENT OF A MIDWESTERN RAIL SYSTEM PLAN

Notice of Public Meetings

AGENCY: Federal Railroad Administration ("FRA"), DOT.

ACTION: Notice of public meetings.

SUMMARY: Pursuant to requests made by various railroads under sections 5 (b) and (d) of the Department of Transportation Act ("Act"), 49 U.S.C. 1654 (b) and (d), FRA has scheduled public meetings on February 16 and 17, 1978, to discuss specific topics relating to the unification or coordination of operations and facilities of railroads in the midwestern region of the United States. The public is invited to submit written comments on the subject matter of these meetings and to attend and participate in such meetings.

DATES: Public meetings will be held on February 16 and 17, 1978, at the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill. Each meeting will commence at 9 a.m.

ADDRESS: All written comments should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Steven R. Ditmeyer, Associate Administrator for Policy and Program Development, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0933.

SUPPLEMENTARY INFORMATION: On January 18 and 19, 1978, FRA conducted public meetings to receive comments on its intention to develop a plan containing recommendations on the physical plant restructuring needed to achieve a viable rail system in the midwestern region of the United States.

Subsequent to those meetings, various railroads requested the Secretary of Transportation ("Secretary") to assist, pursuant to section 5(b) of the Act, in planning, negotiating and effecting and, pursuant to section 5(d) of the Act, to convene a conference on, the unification or coordination of operations and facilities with respect to railroads operating in the midwest. Pursuant to 49 CFR 1.49(u), the Secretary has delegated his authority under section 5 (with the exception of authority to issue subpoenas) to the Administrator of FRA.

FRA has concluded that public meetings focusing on specific topics relating to the unification or coordination of operations and facilities of railroads in the midwest would be of benefit to the national rail system and would aid FRA in the planning assistance requested of it by the various railroads. Consequently, on the dates and at the location set forth above, FRA will hold concurrent public sessions on the following topics:

(1) The light-density, grain-gathering network; (2) mainline consolidation and coordination; (3) terminals; and (4) the Rock Island's Farmrail proposal.

Sessions will be held on each topic from 9 a.m. to 5 p.m., on both February 16 and 17. There will be a brief general meeting on February 16 immediately prior to commencement of the sessions. Pursuant to section 5(d) of the Act, all persons attending or represented at any of these meetings shall be immune from liability under the antitrust laws of the United States with respect to any discussion or agreements reached at such meetings.

COMMENTS: Interested persons are invited to submit written comments on the subject matter of the public meetings and to attend and participate in such meetings. All written comments should indicate the docket number shown above.

INSPECTION: Copies of all written comments received will be available for examination by interested persons in Room 5101, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., between the hours of 9 a.m. and 5:30 p.m., on Mondays through Fridays with the exception of Federal holidays.

Dated: February 2, 1978.

ROBERT E. GALLAMORE,
Acting Administrator.

[FR Doc. 78-3360 Filed 2-3-78; 8:51 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Office of the Commissioner of Customs

[T.D. 78-42]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

JANUARY 30, 1978.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 26, 1978.

Installation:	*Biweekly excess cost*
Montreal, Canada	$11,993
Toronto, Canada	22,314
Kindley Field, Bermuda	4,216
Freeport, Bahama Islands	19,106
Nassau, Bahama Islands	13,371
Vancouver, Canada	6,860
Winnipeg, Canada	1,507

NANCY C. GARRETT,
Acting Assistant Commissioner of Customs Administration.

[FR Doc. 78-3118 Filed 2-3-78; 8:45 am]

[4810-25]

Office of the Secretary

INTERAGENCY TASK FORCE ON DEPOSIT RATE CEILINGS

Request for Comments

The President has recently created an interagency Task Force to study deposit interest rate controls and housing credit.

The Task Force will consider whether the present statutory arrangements regarding the authority of the Federal regulators of banking and thrift institutions to set maximum interest rate ceilings on time and savings accounts should be continued, modified, or eliminated, and whether changes in the asset and liability powers of the various types of depository institutions would improve the delivery of financial services to the public while maintaining the competitive balance among the institutions. It is recognized that any changes in this area could have an adverse effect on the supply of mortgage credit and so the Task Force will also consider the effect of any such changes on mortgage credit and whether additional steps should be taken.

Much work has been done in recent years on the subject of restructuring financial institutions. Past Congresses have considered several major financial institutions reform bills. It is expected that much of this past work will provide a valuable contribution to the Task Force as it reviews the impact of present laws and regulations concerning deposit interest rate ceilings. The Task Force also wishes to keep abreast of more recent developments and analyses in this area. Because of the complexity of this subject and the potentially wide ranging economic effects of changes in the laws governing the operations of financial institutions, the Task Force invites the public to submit their view on any aspect of the work of the Task Force.

Any member of the public may comment by filing a written statement with the Task Force not later than February 28, 1978. All written statements will be considered by the Task Force in determining the final recommendations. Persons who wish to submit written statements or desire further information should write to Mr. Stephen J. Friedman, Deputy Assistant Secretary of the Treasury for Capital Markets, Department of the Treasury, Room 3025, 15th and Pennsylvania Avenues NW., Washington, D.C. 20220.

Dated: January 31, 1978.

ROBERT CARSWELL,
Deputy Secretary,
Department of the Treasury.

[FR Doc. 78-3105 Filed 2-3-78; 8:45 am]

[4810-40]

Office of The Secretary

[Supplement to Dept. Circular—Public Debt Series—No.2-78]

TREASURY NOTES OF SERIES M-1981

Interest Rate

FEBRUARY 1, 1978.

The Secretary of the Treasury announced on January 31, 1978, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 2-78, dated January 26, 1978, will be 7½ percent per annum. Accordingly, the notes are hereby redesignated 7½ percent Treasury Notes of Series M-1981. Interest on the notes will be payable at the rate of 7½ percent per annum.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.

[FR Doc. 78-3136 Filed 2-3-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

Notice No. 581

FEBRUARY 1, 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 141804 (Sub-No. 44), Western Express, Division of Interstate Rental, Inc., now assigned February 6, 1978, at San Francisco, Calif., is postponed to a date to be hereafter fixed.

MC 94350 (Sub-No. 402), Transit Homes, Inc. now being assigned March 21, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 117119 (Sub-No. 648), Willis Shaw Frozen Express, Inc. now being assigned March 23, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 124004 (Sub-No. 42), Richard Dahn, Inc. now being assigned March 15, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 128539 (Sub-No. 8), Eagle Transport Corp. now being assigned March 14, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 114569 (Sub-No. 183), Shaffer Trucking, Inc. now being assigned March 23, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 115975 (Sub-No. 25), C.B.W. Transport Service, Inc. now being assigned March 21, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138308 (Sub-No. 22), KLM, Inc. now being assigned March 16, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 142809, Don Penick and Harvey Keenan, d.b.a. Double Eagle Trucking, now assigned February 28, 1978 at Olympia, Wash., in Room 370, Federal Building, 915 Second Avenue is transferred to the Sixth Floor Hearing Room, Highway License Building, 12th and Capital Way, Olympia, Wash.

MC 134884 (Sub-No. 10), Farwest Furniture Transport, Inc., now assigned March 15, 1978, at Los Angeles, Calif., is cancelled.

MC 84728 (Sub-No. 64), Safeway Trails, Inc. now being assigned March 14, 1978 (3 days), at Atlantic city, N.J. in a hearing room to be later designated.

MC 143459 (Sub-No. 1), Arrow Pocono Lines, Inc. now being assigned April 3, 1978 (1 week), at New York, N.Y. in a hearing room to be later designated.

MC 120648 (Sub-No. 20), Beadley Freight Lines, Inc. now being assigned April 6, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 124947 (Sub-No. 77), Machinery Transports, Inc. now being assigned March 22, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 123407 (Sub-No. 397), Sawyer Transport, Inc. now being assigned April 5, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 139206 (Sub-No. 2), F.M.S. Transport, Inc. now being assigned April 4, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 140587 (Sub-No. 4), Cecil Claxton Trucking now being assigned April 4, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 143539, Randleman's Pick-Up and Delivery Service, Inc. now being assigned April 4, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

I & SM 27312, Restructured Rates & Charges, Central States Territory, now being assigned March 20, 1978, at the Offices of Interstate Commerce Commission, Washington, D.C.

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

[FR Doc. 78-3161 Filed 2-3-78; 8:45 am]

[7035-01]

ASSIGNMENT OF HEARINGS

Notice No. 582

FEBRUARY 1, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains propsective assignments only and does FEDERAL REGISTER 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 possi-

ble, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction[1]

MC 115826 (Sub-No. 272), W. J. Digby, Inc. now being assigned February 28, 1978 (1 day), at Denver, Colo., in a hearing room to be later designated.

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

[FR Doc. 78-3162 Filed 2-3-78; 8:45 am]

[7035-01]

[Docket No. AB-7 (Sub-No. 32)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Bonner and Bear Creek in Missoula County, Mont.

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 19, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co., Abandonment, Goshen*, 354 I.C.C. 76 (1977); that applicant submit an order from the United States District Court for the Northern District of Illinois, Eastern Division, authorizing Milwaukee to file and prosecute the instant application, or, if a trustee has been appointed by the court, the joinder of that trustee in the application, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., of operations over a portion of its line, extending from milepost 2.4 northeast of Bonner, Mont. to milepost 36.4 at the end of the line at Bear Creek, Mont., a total distance of 37.1 miles of track including 3.1 miles of auxiliary trackage. A certificate of public convenience and necessity permitting abandonment of operations was issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 23, 1978.

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

[FR Doc. 78-3159 Filed 2-3-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; Order No. 9, Amdt. No. 3]

MIDDLETOWN & HUMMELSTOWN RAILROAD CO.

Rerouting Traffic

To all railroads:

Upon further consideration of I.C.C. Order No. 9 (Middletown & Hummelstown Railroad Co.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 9 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement, under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3158 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 290]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 8, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77352, Filed October 7, 1977. Transferee: KUBACH CARTAGE, INC., P.O. Box 1203, Dearborn, Mich. 48121. Transferor: Kubach Trucking Co., A Michigan corporation, P.O. Box 1203, Dearborn, Mich. 48121. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 61029 issued May 4, 1967, and in Permit Nos. MC 115582 and MC 115582 (Sub-Nos. 3 and 4) issued May 4, 1967, March 5, 1968, and November 29, 1973, respectively as follows: *Parts, assemblies, and materials* used in the manufacture of motor vehicles between Detroit, Mich., on the one hand, and, on the other, specified points owned, leased, or occupied by the Ford Motor Co. in the state of Michigan; and new furniture from Detroit, Mich., to points within 8 miles of Detroit, Mich. Transferee holds no Commission authority and does not seek Section 210a(b) authority.

No. MC-FC-77468, filed December 20, 1977. Transferee: KEEFE BROS. TRANSFER, INC., P.O. Box 205, Pepin, Wis. 54759. Transferor: John

[1] This notice corrects the hearing date from February 22, 1978 to February 28, 1978 at Denver, Colo.

Keefe and William T. Keefe, a partnership, d.b.a. Keefe Bros. Transfer, P.O. Box 205, Pepin, Wis. 54759. Applicant's representative: Joseph E. Ludden, P.O. Box 1503, La Crosse, Wis. 54601. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in Certificate No. MC 51295, issued July 11, 1955, as follows: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: From Winona, South St. Paul, St. Paul, and Minneapolis, Minn., to Pepin, Wis., and points in the towns of Pepin, Frankfort, and Stockholm in Pepin County, Wis. Transferee hold no Commission authority and does not seek Section 210(b) temporary authority.

No. MC-FC-77479, filed January 3, 1978. Transferee: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, N.Y. 12550. Transferor: Newburgh Beacon Bus Corp. (same address as transferee). Applicant's representative: J. G. Dall, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 114755 (Sub-No. 1), issued July 20, 1972, as follows: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Beacon, Beekman, Cornwall (except the United States Military Academy, at West Point, N.Y.), Dover, East Fishkill, Fishkill, LaGrange, Lloyd, Marlborough, the city of Newburgh, the town of Newburgh, New Windsor, Pawling, Phillipstown, Plattekill, Putnam Valley, Union Vale, and Wappinger, N.Y., and extending to points in the United States (including Alaska but excluding Hawaii). Transferee is presently authorized to operate as a common carrier under Certificate No. MC 112108 (Sub-No. 3). Application has not been filed for temporary authority under Section 210a(b). Republished.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-3156 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 6TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

January 25, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3 These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 2368 (Sub-No. 73TA), filed January 12, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Gainesville, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., Ellen Jacobs, Traffic Manager, Gainesville, Ga. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 8771 (Sub-No. 39TA), filed January 11, 1978. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, N.Y. 10710. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, tubing, fittings, and accessories*, from Ellenville, N.Y., to Los Angeles, San Francisco, and Oakland, Calif., Portland, Oreg., and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: V.A.W. of America, Inc., P.O. Box 667, Ellenville, N.Y. 12428. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 29910 (Sub-No. 180TA), filed December 16, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies, and building materials*, from the plantsite of Carolina Log Buildings, Inc., located in Yadkin County, N.C., to points in that part of the United States, in and east of Montana, Wyoming, Colorado, and New Mexico, restricted to shipments originating at the facilities of Carolina Log Buildings, Inc., in Yadkin County, N.C., for 180 days. Supporting shipper: Carolina Log Buildings, Inc., Fletcher, N.C. 28732. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 107295 (Sub-No. 71TA), filed January 10, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr, P.O. Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building mortar and flooring and curing compounds, adhesives, and machinery, and tools* used in the installation and application of the above named commodities, restricted against the transportation of commodities in bulk, from Conyers, Ga., to points in Alabama, Arkansas, Colorado, Florida, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Applicant has also an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Upco Co., 4805 Lexington Avenue, Cleveland, Ohio 44103. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 111729 (Sub-No. 724TA), filed January 9, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative:

Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Architectural files:* Between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, Alabama, Georgia, and Kentucky, on traffic having a prior or subsequent out-of-State movement; Restricted against the transportation of packages or articles weighing in excess of 75 pounds, or 150 pounds in the aggregate, for 90 days. Supporting shipper: Whaling Distributing Corp., 113 Bay Street, Jersey City, N.J. 07302. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112822 (Sub-No. 445TA), filed January 12, 1978. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, 1401 North Little Street, Cushing, Okla. 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery products* (except in bulk), from the facilities of Pepperidge Farm Inc., at Logan, Utah, to Omaha, Nebr., Springdale, Ark., and Sumpter, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pepperidge Farm, Inc., 595 Westport Ave., Norwalk, Conn. 06856. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC 113651 (Sub-No. 248TA), filed December 16, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, Ind. 47305. Applicant's representative: H. Barney Firestone, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, (except commodities in bulk), from the plantsite and storage facilities of Rotanelli Foods, Inc. located at or near Pelham Manor and New Rochelle, N.Y., to Louisville, Ky.; Pittsburgh, Pa.; Cleveland, Ohio; South Bend, Ind.; Minneapolis, Minn.; Royal Oaks, Mich.; Overland Park, Kans.; and Chicago, Ill., for 180 days. Supporting shipper: Rotanelli Foods, Inc., 924 West Street, Pelham Manor, N.Y. 10803. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 118159 (Sub-No. 238TA), filed December 16, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water ices, ice cream, ice milk products, low calorie products, quiescently frozen confection, and yogurt, i.e. cultured* (frozen) *dairy products.* Between Hutchinson, Kans.; Richland Center and Green Bay, Wis.; Canton, Minn.; Ocala, Fla.; Los Gatos, Oakland, and Los Angeles, Calif.; Clare, Mich.; Seattle, Wash.; and Laurel, Md., and points in the United States, for 180 days. Supporting shipper: International Dairy Queen, Inc., 5701 Green Valley Drive, Minneapolis, Minn. 55435. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW. 3d, Oklahoma City, Okla. 73102.

No. MC 118959 (Sub-No. 159TA), filed January 10, 1978. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, 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: *Iron* and *steel articles* from Pensacola, Fla. to Pine Bluff, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Florida Drum Company, Inc., 10 Spruce Street, P.O. Box 1951, Pensacola, Fla. 32589. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 119493 (Sub-No. 181TA), filed January 4, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Belzoni, Miss., to points in Arkansas, Louisiana, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Feed Mills, Inc., Tupelo, Miss. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 386TA) (Correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from New Milford, Conn., to Milwaukie, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Nestle Company, Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242. The purpose of this republication is to correct the county of New Milford, Conn., in lieu of Milford, Conn., which was previously published in error.

No. MC 120981 (Sub-No. 25TA) (Republication), filed September 23, 1977, published in the FEDERAL REGISTER issue of October 31, 1977, and republished this issue, to reflect the authority as granted by the Motor Carrier Board by order dated January 4, 1978. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 708 McClure Building, Frankfort, Ky. 40601. 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 Nashville, Tenn., and Lexington, Ky.: From Nashville, Tenn., over Interstate Highway 65 to junction of Bluegrass Parkway, thence over Bluegrass Parkway to junction of U.S. Highway 60, thence over U.S. Highway 69, to Lexington, Ky., and return over the same route, serving no intermediate points, restricted against the transportation of traffic moving from or to points in the Louisville, Ky., commercial zone; (2) Between Lexington, Ky., and Delaplain, Ky.: From Lexington, Ky., over U.S. Highway 25 to junction of Kentucky Highway 620, thence over Kentucky Highway 620 to Delaplain, Ky., and return over the same route, serving all intermediate points, restricted against the handling of traffic originating at, or destined to, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Authority is sought to serve the commercial zones of all points and places described in Routes 1 and 2. Applicant proposes to tack with existing

authority and to interline at Lexington, Ky., Nashville, Tenn., Jackson, Miss., and Baton Rouge, La. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (19) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. The purpose of this republication is to indicate applicant's actual grant of authority with provision to tack and interline.

No. MC 124078 (Sub-No. 774TA), filed January 12, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Doraville, Ga. to Harrisonburg, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Multi-Chem, Inc., 200 Piedmont Ct., Doraville, Ga. 30340 (G. W. Skinner). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 128383 (Sub-No. 74TA), filed January 13, 1978. Applicant: PINTE TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Leonard C. Zucker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, having a prior or subsequent movement by air. Between New Orleans, La., and Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): World International Freight Forwarders Inc., P.O. Box 20013, New Orleans, La., Behring International Inc., P.O. Box 20029, New Orleans, La. 70141. Circle Air Freight, P.O. Box 20060, New Orleans, La. 70141. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 134134 (Sub-No. 25TA), filed December 19, 1977. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, 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: *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, 62 M.C.C. 209 and 766 (except commodities requiring special equipment and hides), from the plantsites of Dubuque Packing and Beef Nebraska, Inc., at Omaha, Nebr., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralph McGee, Traffic Manager, Dubuque Packing Co., 4003 Dahlman Ave., Omaha, Nebr. 68107. Michael M. Erman, president, Beef Nebraska, Inc. P.O. Box 7203, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134645 (Sub-No. 18TA), filed January 12, 1978. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, P.O. Box 944, St. Cloud, Minn. 56301. 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: *Meats, fresh, suspended or boxed*, from West Fargo, N. Dak., to Richmond, Watsonville, Stockton, and Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Flavorland Industries, Inc., Stockyards Road, West Fargo, N. Dak. 58078. Send Protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 135684 (Sub-No. 62TA), filed January 9, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office equipment and supplies* (except in bulk), between the facilities of Burroughs Corp. at or near Park Ridge, N.J.; Rochester, N.Y.; Bardstown, Ky.; and city of Industry, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up 90 days of operating authority. Supporting shipper(s): Burroughs Corp., John Villano, Manager of Traffic, Park Ridge, N.J. 07656. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 136246 (Sub-No. 13TA), filed January 13, 1978. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. 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: *Liquid fertilizer*, in bulk, and in tank vehicles, from Optic, Nebr., to points in Kansas and Colorado, for 180 days. Supporting shipper: Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136605 (Sub-No. 40TA), filed December 27, 1977. Applicant: DAVIS BROS. DIST., INC., 216 Trade Street, P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: Joe Gerbase, Suite 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, cedar fencing, and wood products*, from Potlatch Corp. mills, located at or near Post Falls, Kamish, and Jaype (near Pierce), Coeur d'Alene, St. Maries, Santa, Potlatch, Lewiston, and Spalding, Idaho, to all points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper(s): Glenn W. McGrew, Director, Corporate Traffic, Potlatch Corp., Box 1016, Lewiston, Idaho 83501. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 136786 (Sub-No. 130TA), filed January 11, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, Iowa 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the storage facilities of Pepperidge Farm, Inc., at Logan, Utah, to Omaha, Nebr.; Salisbury, Md.; Springdale, Ark.; and Sumter, S.C., for 180

days. Supporting shipper(s): Pepperidge Farm, Inc., 595 Westport Avenue, Norwalk, Conn. 06856. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 136983 (Sub-No. 3TA), filed January 12, 1978. Applicant: ARIZONA WESTERN TRANSPORT, INC., P.O. Box F (Guadalupe Road), Chandler, Ariz. 85224. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from points in Maricopa County, Ariz., to points in the counties of San Juan, Hidalgo, Luna, and Dona Ana, N. Mex., under a continuing contract or contracts with Chevron Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chevron Chemical Co., 375 Market Street, San Francisco, Calif. 94105. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 138512 (Sub-No. 26TA), filed January 10, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICE, INC., doing business as WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pet food ingredients*, used in the manufacture of animal feed, in mechanically equipped refrigerated trailers, from Frankfort and Shelbyville, Ind., to Jefferson and Oconto, Wis.; Kansas City and St. Joseph, Mo.; Sebring, Ohio; Topeka, Kans.; and Forest Grove, Oreg., for the account of Bausback Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bausback Corp., Old Franklin Road, Shelbyville, Ind. 46176 (Maurice H. Hart). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138824 (Sub-No. 10TA), filed January 3, 1978. Applicant: REDWAY CARRIERS, INC., 5910 49th Street, Kenosha, Wis. 53140. Applicant's representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, dry or liquid, in containers; materials and supplies* incidental to, and used in the processing, canning, and bottling of said food products, between the plantsites and warehouses facilities of Ocean Spray Cranberries, Inc., in Kenosha County, Wis., and North Chicago, Ill., and points in Michigan, under a continuing contract or contracts with Ocean Spray Cranberries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., 7800 South 60th Avenue, Kenosha, Wis. 53140 (Florence Quick). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 139023 (Sub-No. 4TA), filed December 8, 1977. Applicant: 2-G TRANSPORTATION, INC., 10 East Minnesota Street, Savage, Minn. 55378. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment*, when moving in mixed loads with malt beverages, from the plantsite and storage facilities of the Cold Spring Brewing Co. at Cold Spring, Minn., to points in North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cold Spring Brewing Co., 219 North Red River Avenue, Cold Spring, Minn. 56320. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 140159 (Sub-No. 4TA), filed December 20, 1977. Applicant: C. L. FEATHER, INC., Box 1190, Altoona, Pa. 16601. Applicant's representative: Thomas M. Mulroy, 800 Lawyers Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Cambria County, Pa., to Williamsport, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mazzarella Coal Co., 338 Myer Street, Ebensburg, Pa. 15931. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 141914 (Sub-No. 30TA), filed January 13, 1978. Applicant: FRANKS & SON, INC., Routel, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between the State of Oklahoma, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately four statements of support attached to the application which may be examined at the field office named below. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 142431 (Sub-No. 3TA), filed December 30, 1977. Applicant: WAYMAR TRANSPORT CORP., 1755 Southeast 108th Street, Runnells, Iowa 50237. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses and foodstuffs*, except hides and commodities in bulk, from Austin, Minn., to points in Massachusetts, New Hampshire, New York, Vermont, Pennsylvania, and New Jersey, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 142897 (Sub-No. 3TA), filed January 9, 1978. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Paul F. Beery Co. L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts*, from the plantsite of Questor Corp. at Goldsboro, N.C., to Needham, Mass., and Dayton, N.J., under a continuing contract or contracts with Questor Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43691. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143095 (Sub-No. 2TA), filed January 9, 1978. Applicant: NEW ENGLAND TRANSPORT, INC., LTD., P.O. Box 441, Springfield, Vt. 05156. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated log buildings*, from Hartland, Vt., to points in Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vermont Log Buildings, Inc., Harland, Vt. 05048. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 143610 (Sub-No. 7TA), filed January 10, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. 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: *Drugs and toilet articles and materials and supplies* used in the manufacture, sale, and distribution thereof. Between Allegan, Mich., and its commercial zone, on the one hand, and, on the other, points in Mississippi, Alabama, Georgia, Florida, and South Carolina, under a continuing contract or contracts with L. Perrigo Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. Perrigo Co., 117 Water Street, Allegan, Mich. 49010. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 144016 (Sub-No. 1TA), filed December 30, 1977. Applicant: LARRY'S TRUCKING SERVICE, INC., 110 South Sixth Street, Eunice, La. 70535. Applicant's representative: Jacque B. Pucheu, Jr., 106 Park Avenue, P.O. Box 1109, Eunice, La. 70535. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough board and road lumber*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Louisiana on the one hand, and, on the other points in Mississippi and Texas, for 180 days. Supporting shipper: Oilfield Construction Co., Inc., P.O. Box 287, Eunice, La. 70535. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 144093TA, filed December 14, 1977. Applicant: NARCO CORP., d.b.a. NARCO CHEMICAL TRANSPORTATION, 3309 West El Segundo Boulevard, Hawthorne, Calif. 90250. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, flammable or nonflammable, except in bulk, used in the tanning and processing of leather, in vehicles equipped with mechanical refrigeration, from the facilities of Henkel Inc., located at Saugus, Mass., to the facilities of Henkel Inc. at Hawthorne, Calif. (2) *Liquid chemicals or dies*, flammable or nonflammable, except in bulk, used in the processing or manufacturing of textiles, in vehicles equipped with mechanical refrigeration, from the facilities of Henkel Inc., located at Charlotte, N.C., to the facilities of Henkel Inc., at Hawthorne, Calif. (3) *Adhesive products*, except in bulk, from the facilities of Henkel Inc., located at Chicago, Ill., to the facilities of Henkel, Inc., at Hawthorne, Calif. (4) *Liquid chemicals*, flammable or nonflammable, except in bulk, used in the manufacturing and processing of cosmetics, in vehicles equipped with mechanical refrigeration, from the facilities of Henkel, Inc., located at Hoboken, N.J., to the facilities of Henkel, Inc., at Hawthorne, Calif. Restriction: Said operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Henkel, Inc., for 180 days. Supporting shipper: Henkel, Inc., 12607 Cerise Avenue, Hawthorne, Calif. 90250. Send protests to: Edward P. Henry, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 144113 (Sub-No. 1TA), filed January 4, 1978. Applicant: PRESSCOTT TRUCKING CORP., 2218 Oak Street, Elizabeth, N.J. 07207. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile picture kits*, from Lynchburg, Va., Madison Heights, Va., Pawtucket, R.I., Taylorsville, Statesville, Greenville, Aberdeen, and Williamston, N.C., Greenville, Lugoff, Simpsonville, Wateree, Kingstree, and Williamston, S.C., to points in New Jersey, Connecticut, Massachusetts, and Rhode Island, under a continuing contract or contracts with N. Erlanger, Blumgart & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N. Erlanger, Blumgart & Co., Inc., 1450 Broadway, New York, N.Y. 10018. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144133 (Sub-No. 1TA), filed January 5, 1978. Applicant: G & L SPECIALIZED TRANSPORTERS, 2615 West Belvedere Avenue, Baltimore, Md. 21215. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel commodities*, from Youngstown, Ohio, to Baltimore Metropolitan Transit authority subway construction sites located at Baltimore, Md., and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Richard Linamen, Project engineer, Clevecon-Auvianini (a joint venture), 2300 Reisterstown Road, Baltimore, Md. 21217. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 144166TA, filed January 6, 1978. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, Mo. 64057. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint in rolls*, from Lufkin, Tex., to Independence, Mo., under a continuing contract or contracts with Examiner Publishing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Examiner Publishing Co., 321 West Lexington, Independence, Mo. Send Protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

PASSENGER APPLICATION

No. MC 139177 (Sub-No. 2TA), filed January 11, 1978. Applicant: MAIERS TRANSFER & STORAGE CO., INC., 515 25th Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage of bus passengers*, in a vehicle separate, from the vehicle in which said passengers are being transported,

from points in Minnesota to points in the United States, including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Voigt Bus Service, Inc., Route 3, St. Cloud, Minn. 56301. Send Protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, 414 Federal Building, and U.S. House, 110 South 4th Street, Minneapolis, Minn. 55401.

By the Commission.

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

[FR Doc. 78-3155 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 8TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Important Notice

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than February 21, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 110TA), filed January 18, 1978. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk and in tank vehicles, from Optic, Nebr., to points in Colorado and Kansas, for 180 days. Supporting shipper: Rodney W. Johnson, traffic manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 5227 (Sub-No. 25TA), filed December 29, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, cooling tower parts and accessories*, from the facilities of E. D. Goodfellow Co., Inc., at or near Tulsa, Okla., to points in the United States, (except Alaska and Hawaii), for 180 days. Supporting shipper(s): Rex D. O'Banion, vice president, E. D. Goodfellow Co., Inc., P.O. Box 2739, Tulsa, Okla. 74101. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 19311 (Sub-No. 39TA), filed January 16, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Elmer J. Maue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, between Detroit, Mich., and Marion, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lafayette Steel Co., 3600 North Military Road, Detroit, Mich. 48210, Gary Oliver, traffic manager. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 31389 (Sub-No. 236TA), filed December 29, 1977. Applicant: McLEAN TRUCKING CO., P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. 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, serving the plantsite of the Beaird-Poulan Division of Emerson Electric Co., located at or near Marshall, Tex., as an off-route point in conjunction with applicant's regular route operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beaird-Poulan Division, Emerson Electric Co., 5020 Flournoy-Lucas Road, Shreveport, La. 71109. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 41116 (Sub-No. 54TA), filed December 29, 1977. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, 1724 West Mill Street, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans and metal can ends*, from the plantsites of Boise-Cascade Corp. at Houston, Tex.; Kansas City, Kans.; Memphis, Tenn.; Orlando, Fla.; and St. Louis, Mo., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Missouri, Tennessee, and Texas, under a continuing contract, or contracts, with Boise Cascade Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Boise-Cascade Corp., P.O. Box 7747, Boise, Idaho 83707. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 48956 (Sub-No. 12TA), filed December 30, 1977. Applicant: JAMES FLEMING TRUCKING, INC., 761 East Street, Suffield, Conn. 06078. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Gowanda, N.Y., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, under a continuing contract, or contracts, with Silver Creek Preserving Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Silver Creek Preserving Corp., Industrial Place, Gowanda, N.Y. 14070. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, Conn. 06101.

No. MC 51146 (Sub-No. 555TA), filed January 3, 1978. Applicant:

SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys*, NOI, between the facilities of M. W. Kasch Co., located Mequon, Wis., and points in Connecticut, Delware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Tennessee, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper(s): M. W. Kasch Co., 5401 West Donges Bay, Mequon, Wis. 53092 (Robert Morgan). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Comission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 557TA), filed January 3, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse facilities of Duro Paper Bag Co. at on near Ludlow and Covington, Ky., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampshire, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Duro Paper Bag Co., Oak and Davies Streets, Ludlow, Ky. 51016 (James L. Brown). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 57880 (Sub-No. 17TA), filed January 3, 1978. Applicant: ASHTON TRUCKING CO., 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Lehland G. Decker, 1245 North Highway 285, Monte Vista, Colo. 81144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen potato products* in bags, between the facilities of Nonpareil Processing Corp. Division, located at or near Monte Vista, Colo., on the one hand, and, on the other, the facilities of Nonpareil Processing Corp. located at or near Blackfoot, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nonpareil Processing Corp. Division, 1001 North Road, 3 East, Monte Vista, Colo. 81144. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 61231 (Sub-No. 98TA), filed December 16, 1977. Applicant: EASTER ENTERPRISES, INC., doing business as ACE LINES, INC. P.O. Box 1351, 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cellulose insulation and vermiculite, except in bulk, from Dicksinson, N. Dak., to points in Nebraska and South Dakota, for 180 days. Supporting shipper(s): Diversified Insulation, Inc., P.O. Box 188, Hamell, Minn. 55340. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 106074 (Sub-No. 58TA), filed January 17, 1978. Applicant: B and P MOTOR LINES, INC., P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Forest City, N.C., to Payson, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: North Caroline Display Fixtures, Pine Street Extention, Forest City, N.C. 28043. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 108207 (Sub-No. 473TA), filed December 30, 1977. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk and tank vehicles), from Albert Lea, Minn., to points in Missouri, Arkansas, Alabama, Nebraska, Colorado, Kansas, Texas, Oklahoma, New Mexico, Mississippi, and Louisiana, for 180 days. Supporting shipper(s): Miami Margarine Co., 5226 Vine Street, Cincinnati, Ohio 45217. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 113908 (Sub-No. 424TA), filed December 30, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic liquors, neutral spirits, distilled spirits, wine and wine products*, in bulk, from Pekin, Ill., to Long Prairie, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Minnesota Distillers, Inc., 609 6th Street NE., Long Prairie, Minn. 56347. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114632 (Sub-No. 137TA), filed January 20, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, S. Dak. 57024. Applicant's representative: Michael L. Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products in containers*, from the facilities of Shell Oil Co., at or near Wood River, Ill., to points in Minnesota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (8) statements of support attached to the application which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 115931 (Sub-No. 49TA), filed January 5, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage bins, grain dryers, and equipment, materials, and supplies*, used in the installation and operation thereof, from the facilities of Chicago Eastern Corp. at Marengo, Ill., to Sylvania, Ga., Rensselaer, Ind., Musca-

tine, Iowa, Sioux City, Iowa, Peabody, Kans., Elkton and Ruth, Mich., Mankato, Minn., East Prairie, Mo., Holdredge, Nebr., Enfield, N.C., Fargo, N. Dak., New Holland, Ohio, and Bay City, Hereford, McCook, and Nada, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James Biskus, Traffic Manager, Chicago Eastern Corp., 200 North Prospect Street, Marengo, Ill. 60158. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 106405 (Sub-No. 1TA), filed January 19, 1978. Applicant: ROBERT CARAWFORD, 506 Northeast Dodge Street, Greenfield, Iowa 50849. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from Elkhorn, Wis., to Des Moines, Iowa, in shipper-owned trailers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kiber Industries, Inc., 1727 Hull Avenue, Des Moines, Iowa 50317. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 118159 (Sub-No. 240TA), filed December 30, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from San Antonio, Tex., to Oklahoma City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Can Corp., 8101 West Higgins Road, Chicago, Ill. 60631. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 118569 (Sub-No. 6TA), filed January 20, 1978. Applicant: HALBERG CONSTRUCTION & SUPPLY, INC., Virginia, Minn. 55792. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, in pneumatic or dump vehicles, from Black Hills Bentonite at Casper and Worland, Wyo., to Forbes, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eveleth Taconite, Forbes, Minn. 55738. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 119493 (Sub-No. 176TA), filed December 30, 1977. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from East St. Louis, Ill., to all points in Arkansas, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Building, Minneapolis, Minn. 55402. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123048 (Sub-No. 384TA), filed January 10, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), and (2) *parts, implements, attachments, and accessories* for tractors (except truck tractors), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Deutz Corp., 6429 Crestline Terrace, Norcross, Ga. 30092 (Dan Ragan). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124579 (Sub-No. 21TA), filed December 30, 1977. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tomato paste*, in bulk, in tank vehicles, from Rossford, Ohio, to Atlanta, Ga.; Austin, Ind.; Bridgeton, N.J.; and Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133119 (Sub-No. 131TA), filed December 29, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's Representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ready-to-eat dry cereals*, in boxes, from Omaha, Nebr., to Oakland, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John M. McGowan, President, U.S. Mills, Inc., 4200 North 28th Avenue, Omaha, Nebr. 68111. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134477 (Sub-No. 208TA), filed January 4, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's Representative: Thomas D. Fischbach, P.O. Box 3496, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Wisconsin Beef Industries, Inc., at Eau Claire, Wis., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above-named origin and destined to the named destination States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wisconsin Beef Industries, Inc., Eau Claire, Wis. 54701. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 136315 (Sub-No. 24TA), filed December 29, 1977. Applicant: OLEN

BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Pa. 39350. Applicant's Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the facilities of MacMillan Bloedel Building Materials in Ashtabula, Ohio, to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, New York, Ohio, Pennsylvania, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedel Building Materials, 6540 Powers Ferry Road, Suite 200, Atlanta, Ga. 30339. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136899 (Sub-No. 26TA), filed January 18, 1978. Applicant: HIGGINS TRANSPORTATION, LTD., P.O. Box 192, 1165 East Haseltine Street, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene products*, from St. Charles, Ill., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plastronic Packaging, P.O. Box 200, Stevensville, Mich. 49127. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 139457 (Sub-No. 3TA), filed December 29, 1977. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 35, Paris, Tex. 75460. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, and (2) *canned and packaged animal food*, from the facilities of Campbell Soup (Texas), Inc., at or near Paris, Tex., to points in New Mexico, under a continuing contract, or contracts, with Campbell Soup (Texas), Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Campbell Soup (Texas), Inc., Paris, Tex. 75460. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 140612 (Sub-No. 43TA), filed January 18, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour, 1200 Norwood Drive SE., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drill presses and castings*, from McMinnville, Tenn., to the facilities of Kwik-Way Manufacturing Co., located at or near Cedar Rapids, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Kwik-Way Manufacturing Co., 500 57th Street, Marion, Iowa 52302. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 140660 (Sub-No. 3TA), filed December 30, 1977. Applicant: DONALD W. COLE, Rural Route No. 1, Winthrop, Minn. 55396. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 141140 (Sub-No. 2TA), filed December 29, 1977. Applicant: DI PIETRO TRUCKING CO., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George H. Hart, 100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, flour mixes, cereals, and frostings*, from Kent, Wash., to points in Oregon and California, restricted to service under a continuing contract, or contracts, with Continental Mills, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Mills, Inc., P.O. Box 88176, Seattle, Wash. 98188. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 11592 (Sub-No. 20TA), filed January 4, 1978. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, 4050 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: F. E. Myers (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, Nebr., to Wichita, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David A. Kousgaard, Traffic Manager, Union Packing Co., Inc., 4501 South 36th Street, Omaha, Nebr. 68107. Send protests to: Carroll Russell, district Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141876 (Sub-No. 4TA), filed December 29, 1977. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 1523 18th NE., Puyallup, Wash. 98371. Applicant's representative: Ronald R. Brader, 2301 Milwaukee Way, Tacoma, Wash. 98421. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, not cellular, expanded or foam, viz.: *Pails*, from San Fernando, Calif., to Idaho Falls, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bennett Industries, 1647 Truman Street, San Fernando, Calif. 91340. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 142189 (Sub-No. 24TA), filed December 29, 1977. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, Mont. 59313. Applicant's representative: C. M. Burns, 521 Lincoln Avenue, Baker, Mont. 59313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board*, from points in Lincoln, Lake, and Flathead Counties, Mont., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Robert R. Barnes, Traffic Coordinator, St. Regis Paper Co., P.O. Box V-X, Libby, Mont. 59923. (2) Curtis Rice, Assistant Sales Manager, Forest Products Co., Box 1039, Kalispell, Mont. 59901. (3) Paul Dowler, President, Superior Buildings Co., Box D, Columbia Falls, Mont. 59912. (4) James P. Groschupf, Sales

Manager, Plum Creek Lumber Co., Box 160, Columbia Falls, Mont. 59912. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 142668 (Sub-No. 4TA), filed December 30, 1977. Applicant: AERO DISTRIBUTING CO., INC., 7259 Delta Circle, Mableton, Ga. 30336. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors for the account of Stanley Home Products, Inc., (1) from Chicago, Ill., to points in Michigan, (except Huron, Sanilac, Lapeer, St. Clair, Oakland, Macomb, Wayne, Lenawee, and Monroe Counties, and (2) from Dubuque, Iowa, to points in North Dakota, South Dakota, and points in Minnesota, on and east of Highway 61, under a continuing contract, or contracts, with Stanley Home Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stanley Home Products, Inc., 116 Pleasant Street, Easthampton, Maine 01027. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 143058 (Sub-No. 3TA), filed December 30, 1977. Applicant: TRANSWEST CARRIERS, INC., 111 Erie Street, Pomona, Calif. 91768. Applicant's representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, Calif. 91790. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from plantsite and warehouse facilities of Kimberly-Clark located at or near Fullerton, Calif., to points in Oregon, Washington, Arizona, and California, under a continuing contract, or contracts, with Kimberly-Clark Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kimberly-Clark Corp., 2001 East Orangethrope Avenue, Fullerton, Calif. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 144125 (Sub-No. 1TA), filed January 4, 1978. Applicant: GRIPPIN & PARKER TRANSPORTATION, P.O. Box 961, Lexington, Nebr. 68850. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsites and facilities of Cornland Dressed Beef Co., at or near Lexington, Nebr., to points in the commercial zones of Denver, Colo.; Chicago and Rockford, Ill.; Estherville, Council Bluffs, and Denison, Iowa.; and Wichita, Kans., under a continuing contract, or contracts, with Cornland Dressed Beef Co., Lexington, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Leroy Milbourn, Vice President, Cornland Dressed Beef Co., P.O. Box 130, Lexington, Nebr. 68850. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, Lincoln, Nebr. 68508.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-3160 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 9TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Important Notice

February 3, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than February 21, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 1824 (Sub-No. 79TA), filed January 3, 1978. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Mt. Airy, Md., to points in the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper(s): Mr. Ralph P. Holl, manager corporate distribution, Lamb-Weston, Division of Amfac Foods, Inc., 6600 S.W. Hamption Street, Portland, Oreg. 97223. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 2232 (Sub-No. 12TA), filed December 28, 1977. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd. & Corbin Lane, Morrisville, Pa. 19067. Applicant's representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic furniture and plastic toys*, from the facilities of Ride Corp., located at or near Morrisville, Pa., to points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ride Corp., 6345 West 65th Street, Chicago, Ill. 60638. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 2368 (Sub-No. 71TA), filed January 3, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Raod, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and greases* in bulk, in

tank vehicles, from Muncie, Ind., to Portsmouth, Va., for 180 days. Supporting shipper(s): Murport Chemical Co., Inc., Crowder M. Epps, traffice manager, P.O. Box 7182, Portsmouth, Va. 23707. Send protests to: District Supervisor Paul D. Collins, Richmond, Va. 23240.

No. MC 9291 (Sub-No. 5TA), filed January 12, 1978. Applicant: CARROL BALL, 312 East Market, Box 53, Centerville, Kans. 66014. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building components*, from the plant site and/or storage facilities of Components, Inc., located at or near Garnett, Kans., to points in Arkansas, Colorado, Iowa, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. Applicant states it does not intend to tack or interline, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Components, Inc., d.b.a., Kansas City Roof Truss Systems, P.O. Box 384, Garnett, Kans. 66032. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building & U.S. Courthouse, 444 S. E. Quincy, Topeka, Kans. 66683.

Applicant: FASTWAY TRANSPORTATION, INC., 151 D Morristown Road, P.O. Box 383, Matawan, N.J. 07747. 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 irregular routes, transporting: *Paper and paper products*, from the facilities of International Paper Co., at or near Ticonderoga and Corinth, N.Y., to points in the New York, N.Y. commercial zone and Nassau and Suffolk Counties, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., manager motor carrier barge rates, Room 1616, 220 E. 42nd Street, New York, N.Y. 10017. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 41951 (Sub-No. 32TA), filed January 23, 1978. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hallwood, Va., to points in Indiana, Illinois, and Wisconsin, for 180 days. Supporting shipper: John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 47583 (Sub-No. 59TA), filed December 28, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and/or plastic bags*, from the plantsite and storage facilities of Great Plains Bag Corp., located at or near Jacksonville, Ark., to all points and places in the states of Arizona, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Plains Bag Corp., Inc., P.O. Box 957, Jacksonville, Ark. 72076. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, Va 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn or fibres*, from Valley Head, Ala., to the plantsite and facilities of Martin Processing, Inc., at or near Fieldale, Va., for 180 days. Supporting shipper(s): Martin Processing, Inc., Fieldale, Va. 24089. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 65941 (Sub-No. 47TA), filed December 19, 1977. Applicant: TOWER LINES, INC., North 3rd & Warwood Avenue, P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Insulation and insulating materials* (except in bulk, in tank vehicles), from the facilities of Mid-South Distributors, Inc. and Insul Foam, Inc., near Atlanta, Ga., to points in Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and (b) *materials, supplies and equipment* used or dealt in by insulation manufacturing plants (except in bulk), from points in Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, to the facilities of Mid-South Distributors, Inc. and Insul Foam, Inc., near Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-South Distributors, Inc., and Insul Foam, Inc., P.O. Box 1705, Florence, S.C. 29503. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

Applicant: DALBY TRANSFER & STORAGE CO., INC., 401 North Arthur, P.O. Box 1188, Amarillo, Tex. 79105. Applicant's representative: Mae Bledsoe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Parmer, Bailey, Deaf Smith, Randall, Armstrong, Oldham, Potter, Caron, Hartley, Moore, Hutchinson, Dallam, Sherman, and Hansford Counties in the State of Texas, and Cimarron and Texas Counties in the State of Oklahoma. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Department of Defense, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20130. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 109689 (Sub-No. 324TA), filed January 10, 1978. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dinitrotoluene* (DNT), in bulk, from Pasadena,

Tex., to Salt Lake City, Utah, for 180 days. Supporting shipper(s): Cook Atlas Slurry Co., 12700 Park Central Place, Dallas, Tex. 75251 (John L. Schiller, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 109689 (Sub-No. 325TA), filed January 10, 1978. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, from Don, Idaho, to Port Angeles, Hoquiam, Bellingham, Longview, Cosmospolis, Tacoma, and Everett, Wash., for 180 days. Supporting shipper(s): Jones Chemicals, Inc., 1919 Marine Vire Drive, Tacoma, Wash. 98422 (James E. Zimmerman, Plant Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 113855 (Sub-No. 398TA), filed January 12, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 24250 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and equipment, parts, attachments, and accessories*, for recreational vehicles and equipment, and paraphernalia used in connection with recreational vehicles and equipment from Crosby, Minn., to points in the United States (including Alaska, but excluding Hawaii). Restricted to traffic originating at the plantsite of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper(s): Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: Delores Ann Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 425TA), filed January 4, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock* (except wine and wine products), in bulk, from Scottville, Mich., to Indianapolis, Ind., and Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. M. Richter & Sons Co., Richter Vinegar Corp., P. O. Box 625, Manitowoc, Wis. 54220. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114273 (Sub-No. 328TA), filed January 6, 1978. Applicant: CRST, INC., 3930 16th Avenue, 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: *Knock down metal buildings and parts*, used in the manufacturing thereof, from Monticello, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, Missouri, New York, Virginia, West Virginia, and Tennessee, for 180 days. Supporting shipper: Lear Seigler, Inc./Cuckler Division, P.O. Box 346, Monticello, Iowa 52310. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 116457 (Sub-No. 26TA), filed December 29, 1977. Applicant: GENERAL TRANSPORTATION, INC., 1804 South 27th Avenue, P.O. Box 6484, Phoenix, Ariz. 85009. Applicant's representative: D. Parker Crosby, 1710 South 27th Avenue, P.O. Box 6484, Phoenix, Ariz. 85005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, waste paper products, waste cardboard, and waste newsprint*, all to be recycled, packaged in bales, rolls or cartons (except those commodities to be hauled in bulk or tank vehicles, from Maricopa and Pima Counties, Ariz., Bernalillo County, N. Mex., and El Paso County, Tex., to California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ecology Paper Products Co., Inc., 420 South 48th Street, Phoenix, Ariz. 85034. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 119702 (Sub-No. 53TA), filed January 3, 1978. Applicant: STAHLY CARTAGE CO, P.O. Box 486, 130-A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: J. Frank Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, in tank vehicles, from the plantsite of W. & W. Sales & Leasing Co., located in Pike County, Ill. (near Meredosia, Ill.), to all points in the state of Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jeff S. Wohford, Vice President, W. & W. Sales & Leasing Co., Box 486, Edwardsville, Ill. 62025. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 123987 (Sub-No. 7TA), filed December 27, 1977. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, Okla. 73554. Applicant's Representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reinforced throat spikes;* (2) *materials, and supplies* used in the manufacture and distribution of the commodity described in (1), (1) from the plantsite of Southwestern Rail Products, Inc., at or near Wellington, Tex., to points in Arkansas, Texas, Wyoming, South Carolina, Alabama, Mississippi, Georgia, Missouri, Illinois, Ohio, Michigan, Oregon, California, Arizona, New Mexico, Colorado, Utah, Nevada, Louisiana, Kansas, Tennessee, and Oklahoma, (2) from points in Alabama, Texas, Colorado, and Arkansas to the plantsite of Southwestern Rail Products, Inc., at or near Wellington, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwestern Rail Products, Inc., Wellington, Tex. 79095. Send protests to: Haskell E. Ballard, District Supervisor, Box H-4395 Herring Plaza, Interstate Commerce Commission—Bureau of Operations, Amarillo, Tex. 79101.

No. MC 124545 (Sub-No. 3TA), filed December 29, 1977. Applicant: ROBERT CROUCH, Chester, Vt. 05143. Applicant's Representative: John P. Monte, 61 Summer Street, P.O. Box 568, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation*, in bags, in shipper owned trailers, from Springfield, Vt., to points in the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and Michigan, under a continuing contract or contracts with Vermont Fiber Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vermont Fiber Co.,

Inc., 12 River Street, Springfield, Vt. 05156. Send protests to: District Supervisor, David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 126291 (Sub-No. 22TA), filed December 29, 1977. Applicant: QUIRION TRANSPORT, INC., 4516 Laval Street, Lac Megantic, Frontenac County, Quebec, Canada. Applicant's Representative: Frank J. Weiner, 15 Court Square, Boston, Maine 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard*, from Buchanan, N.Y., to ports of entry on the United States-Canada Boundary Line at Coburn Gore and Jackman, Maine, and (2) *Veneer*, from Camden, N.J., to ports of entry on the United States-Canada Boundary Line at Coburn Gore and Jackman, Maine, restricted to the transportation of traffic destined to points in the Province of Quebec Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Exodus Enterprises, Inc., 4220 Villeneuve Street, Lac Megantic, Frontenac County, Quebec, Canada. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, 6 Loudon Street, Concord, N.H. 03301.

No. MC 128133 (Sub-No. 19TA), filed January 6, 1978. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, Va. 22601. Applicant's Representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Martinsburg, W.Va., to points in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper(s): Riverton Corp., Riverton, Va. 22651. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 129459 (Sub-No. 13TA), filed January 9, 1978. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Alternate Rt. 611, P.O. Box 264, Portland, Pa. 18351. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk from Perth Amboy, N.J., to points in Dutchess, Ulster, Orange, Putnam, Westchester, Rockland, Nassau, and Suffolk Counties, N.Y., for the account of Cargill Salt, Lansing, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cargill Salt, 191 Portland Point Road, Lansing, N.Y. 14882. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 135684 (Sub-No. 61TA), filed January 9, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Wilson Products, Neshanic, N.J., to Illinois, Indiana, Ohio, and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wilson Products Co. Division, Dart Industries, Inc., Neshanic, N.J. 08853. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 136343 (Sub-No. 124TA), filed January 13, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, Pa. 17847. 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: *Paper and paper products*, from the sites of International Paper Co., at or near Corinth, N.Y. and Ticonderoga, N.Y., to points in the New York, N.Y., Commercial Zone, Nassau and Suffolk Counties, N.Y., New Jersey, Pennsylvania, Maryland, Delaware, and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., Room 1616, 220 E. 42nd Street, New York, N.Y. 10017. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, Pa. 17108.

No. MC 136511 (Sub-No. 11TA), filed January 4, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, Va. 24502. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from the plant sites and facilities of Stanley Furniture, a Mead Company, located at Waynesboro and Stanleytown, Va., and West End, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stanley Furniture, a Mead Company, Stanleytown, Va. 24168. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 136817 (Sub-No. 5TA), filed December 30, 1977. Applicant: HUNTER BROKERAGE, INC., 805 32nd Avenue, Council Bluffs, Iowa 51501. 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: *Lumber*, (1) from points in Iowa, to points in Minnesota, Wisconsin, Nebraska, Illinois, Ohio, Kentucky, Tennessee, Georgia, North Carolina, Virginia, Indiana, Arkansas, Pennsylvania, Colorado, and Kansas; and (2) from points in Iowa, Wisconsin, Illinois, and Michigan, to Logan, Utah and Los Angeles and Carson, Calif.; and (3) from points in Missouri and Tennessee to Los Angeles and Carson, Calif. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with McGuffin Lumber, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pete Challinor, vice president, McGuffin Lumber, Inc., 3142 Central Street, Evanston, Ill. 60201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138157 (Sub-No. 50TA) (correction) filed November 22, 1977, published in the FEDERAL REGISTER issue of January 28, 1978, and republished as corrected this issue. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Patrick E. Quinn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio receiving sets, phonographs, record players, tape recorders, separate or combined, sewing machines and sewing machine cabinets, loudspeakers* (dynamic or electro-magnetic), *TV games, stands and parts thereof*, from the facilities of Morse Electro Products Corp. at Brooklyn, N.Y., to the facilities of Morse Electro Products Corp. at Doraville, Ga. Restricted to traffic originating at and destined to the facilities of Morse Electro Products at Doraville, Ga., for 180 days. Supporting

shipper(s): Morse Electro Products Corp., 101-10 Foster Avenue, Brooklyn, N.Y. 11236. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations House, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add and correct the line of origin.

No. MC 139420 (Sub-No. 25TA), filed December 27, 1977. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1637, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baking powder* (except in bulk), from Terre Haute, Ind., to Phoenix, Ariz.; Fresno, Los Angeles, Sacramento, and San Francisco, Calif.; Boise and Pocatello, Idaho; Albuquerque, N. Mex.; Portland, Oreg.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Billings, Mont.; and Denver and Grand Junction, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hulman and Co., 9th and Wabash Avenue, Terre Haute, Ind. 47808. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 139460 (Sub-No. 25TA), filed January 6, 1978. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, N.Y., to all points in the state of Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Oil Corp., eastern traffic area, 150 E. 42d Street, New York, N.Y. 10017. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 139495 (Sub-No. 291TA) (correction), filed December 2, 1977, published in the FEDERAL REGISTER issue of January 9, 1978, and republished as corrected this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive, sealants, solvents, stains, wood preservatives, and accessories, equipment, materials, and supplies* used in the installation, maintenance, and distribution of floors, floor coverings, wall, and wall coverings, in vehicles equipped with mechanical refrigeration, (1) from the facilities of Roberts Consolidated Industries, Inc., at Dayton and Piqua, Ohio, to points east of Montana, Wyoming, Colorado, and New Mexico; and (2) from the facilities of Roberts Consolidated Industries, Inc., at Kalamazoo, Mich., to Roberts' warehouse locations at Huntingdon Valley, Pa.; Conyers, Ga.; Waco, Tex.; Dayton and Piqua, Ohio; city of Industry and Monrovia, Calif.; and Vancouver, Wash. Supporting shippers: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, Calif. 91749. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin, 110 North Market, Wichita, Kans. 67202. The purpose of this republication is to correct the sub number which was not included in the FEDERAL REGISTER publication.

No. MC 141804 (Sub-No. 92TA), filed December 27, 1977. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hair and skin care products; toilet preparations and equipment, materials and supplies* used in the production and distribution thereof, from points in Ventura, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Washington, D.C. Restricted to traffic moving from the facilities of Redken Laboratories, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Redken Laboratories, Inc., 6625 Variel Street, Canoga Park, Calif. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37219.

Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93031. 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: *Such commodities* as are dealt in by retail department stores, between the facilities of the May Department Stores Co. in or near Washington, D.C.; Prince Georges, Montgomery, Anne Arundel, Howard, and Baltimore Counties and Baltimore City, Md.; and Fairfax and Arlington Counties, Va.; on the one hand, and, on the other, points in Washington, D.C.; Frederick, Clarke, Loudon, Fairfax, Arlington, Prince William, Fauquier, Stafford, King George, Spotsylvania, Orange, Madison, Culpeper, Rappahannock, and Shenandoah Counties, Va.; and Maryland, except Garrett and Allegany Counties, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The May Department Stores Co., 611 Olive Street, St. Louis, Mo. 63101. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143660 (Sub-No. 1TA), filed December 8, 1977. Applicant: CENTURY SERVICES, INC., 1314 South King Street, Suite 852, American Security Bank Building, Honolulu, Hawaii 96814. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and new household articles*, in home delivery service, for the account of Bensingers Outfitting Co., Inc., over irregular routes, from Louisville, Ky., to points in Crawford, Clark, Floyd, Harrison, Jackson, Jefferson, Orange, Scott, and Washington Counties, Ind., and new furniture, new household appliances, and new household articles, in home delivery service, for the account of the Burch Co., over irregular routes, from Louisville, Ky., to points in Crawford, Clark, Floyd, Harrison, Jackson, Jefferson, Orange, Scott, and Washington Counties, Ind., under a continuing contract or contracts with Bensingers Outfitting Co., Inc., and the Burch Co., d.b.a. Downtown United Furniture Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: The Burch Co., d.b.a., Downtown United Furniture Co., 445 East Market Street, Louisville, Ky. 40202; Bensingers Outfitting Co., Inc., 313-317 West Market Street, Louisville, Ky. 40202. Send protests to: District Supervisor A. J. Rodriguez, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143758 (Sub-No. 2TA), filed December 27, 1977. Applicant: KNOWLES TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Archie B. Culbreth, suite 202, 2200 Century Parkway, Atlanta, Ga. 30345.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pavement marking compounds* (except in bulk), from the plantsite and warehouse facilities of Pave Mark Corp. located at or near Marietta, Ga., to points in the States of Alabama, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolian, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and the District of Columbia, and (2) *Materials and supplies* used in the manufacture and distribution of pavement marking compounds (except commodities in bulk), from points in the States named in (1) above to the plantsite and warehouse facilities of Pave Mark Corp. located at or near Marietta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pave Mark Corp., 1177 Hayes Industrial Drive, Marietta, Ga. 30062. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

Docket No. MC 143794 (Sub-No. 2 TA), filed December 19, 1977. Applicant: EAST-WEST MOTOR FREIGHT, INC., 7270 Hobgood Road, Fairburn, Ga. 30312. Applicant's representative: Richard M. Tettelbaum, Serby & Mitchell, P.C., Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Central heating and air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors*, and (2) *parts, equipment, and supplies* used in the manufacture and installation of the commodities in (1) above, from the facilities of Heil-Quaker Corp. in Davidson County, Tenn., to points in California, Montana, Utah, and Washington, under a continuing contract or contracts with Heil-Quaker Corp., for 180 days. Supporting shipper(s): Heil-Quaker Corp., 1714 Heil-Quaker Boulevard, Lavergne, Tenn. 37080. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 143902TA (correction), filed October 27, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished, as corrected, this issue. Applicant: ENIS P. BAUDINO, d.b.a. BAUDINO TRANSFER, 415 East Main, P.O. Box 525, Aguilar, Colo. 81020. 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: *Coal*, from the minesites, and storage facilities utilized by Delagua Coal Co. and Horner Coal Co., located in Huerfano and Los Animas Counties, Colo., to: (1) Railroad sidings located at or near Lynn and Trinidad, Colo. Restriction: Restricted in (1) above to the transportation of shipments that will have subsequent movement by rail. (2) Points in New Mexico; Barber, Barton, Cheyenne, Clark, Commanche, Decatur, Edwards, Ellis, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearney, Kiowa, Lane, Logan, Meade, Morton, Ness, Norton, Pawnee, Pratt, Rawlins, Rush, Russell, Scott, Seward, Sheridan, Sherman, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, Wichita Counties, Kans.; Arthur, Banner, Chase, Cheyenne, Deuel, Dundy, Frontier, Gorden, Hays, Hitchcock, Keith, Kimball, Lincoln, Morrill, Perkins, Red Willow, Scottsbluff Counties, Nebr.; Beaver, Cimmarron, Texas Counties, Okla.; Armstrong, Bailey, Briscoe, Carson, Castro, Cochrane, Childress, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gray, Hansford, Hale, Hall, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler Counties, Tex., For 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Horner Coal Co., P.O. Box 5007, Aguilar, Colo. 81020; Delaugua Coal Co., Route 2, Box 80, Trinidad, Colo. 81082. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202. The purpose of this correction is to publish the correct commodity description and origin points.

No. MC 143908TA (correction), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 14, 1977, and republished as corrected this issue. Applicant: GEORGE F. GREEN TRANSPORT, INC., 701 Hardeman Avenue, Ft. Valley, Ga. 31030. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfur, in packages*, from Alabama and Florida to Peach County, Ga., and (2) *clay, in bags*, from Gadsden County, Fla., to points in Peach County, Ga. Supporting shipper(s): Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley, Ga. 31030. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309. The purpose of this republication is to amend the aforesaid temporary authority to transport changes shown in this sheet on (1) and (2).

No. MC 143957TA (correction), filed November 10, 1977, published in the FEDERAL REGISTER issue of January 24, 1978, and republished as corrected this issue. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles M. Williams, Kimball and Willimas, 350 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, acids, solvents and edible oils* (except in bulk), (A) from (1) the facilities of Hawkins Chemical Co., and Exxon Chemical Corp., at or near Lawrence, Kans.; (3) Chicago, Ill., and points in its commercial zone; (4) the facilities of Olin Chemical Co., at or near Joliet, Ill.; (5) the facilities of Sanford Chemical Co., at or near Elk Grove Village, Ill.; (6) the facilities of Velsicol Chemical Co., and James Barley & Son Co., at or near St. Louis, Mich.; (7) the facilities of BASF Wyandotte Chemical Corp., and Penwalt Corp., at or near Wyandotte, Mich.; (8) the facilities of Ozark-Mahoning Co., at or near Tulsa, Okla.; (9) the facilities of Floridian Company, at or near Berkeley Springs, W. Va., and Quincy, Fla.; (10) the facilities of Ash Grove Chemical Co., at or near Springfield, Mo.; (11) the facilities of Lien Chemical Co., at or near Rapids City, S. Dak.; (12) the facilities of Burris Chemical Co., at or near Charleston, S.C.; (13) the facilities of Barneby Cheney, at or near Columbus, Ohio.; (14) the facilities of Cities Service Co., at or near Copper-Hill, Tenn.; (15) the facilities of Ft. Recovery Industries, at or near Ft. Recovery, Ohio.; (16) the facilities of Great Lakes Chemical Corp., at or near North Lafayette, Ind.; (17) the facilities of Keyes Fiber Co., at or near Hammond, Ind.; (18) the facilities of Marathon, Morco, Co., at or near Dickenson, Tex.; (19) the facilities of Mazer Chemicals at or near Gurnee, Ill.; (20) the facilities of Quality Chemical Co., at or near Baltimore, Md.; (21) the facilities of Stauffer Chemical Co., at or near Greenriver, Wyo.; (22) the facilities of West Vaco Chemical Division, at or near Covington, Va.; (23) the facilities of Lowes Inc., at or near Oran, Mo.; (24) the facilities of P. P. G. Industries, at or near Barberton, Ohio and Natrium, W. Va.; (25) the facilities of Diamond Shamrock Chemical Co., at or near Paynesville, Ohio.; (26) the facilities of Allied Chemical Co., at or near North Claymont, Del.; Richmond, Va., and

Wilmington, Del.; (27) the facilities of E. I. DuPont, at or near Midland, Mich., to points in Iowa, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Illinois and St. Louis, Mo., and Phoenix, Ariz., and points in their respective commercial zones, from the facilities of Warren-Douglas Chemical Co., at or near Omaha, Nebr., and Sioux City Iowa., to points in Iowa, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Illinois and St. Louis, Mo., and Phoenix, Ariz., and points in their respective commercial zones, restricted to transportation service performed under a continuing contract, or contracts, with Warren-Douglas Chemical Co., for 180 days. Supporting shippers: Warren-Douglas Chemical, Paul Wendte, Traffic Manager, 3002 F Street, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102. This is the correction of typographic errors in Part A(16) references are made to Lafayette, Ind. This should be West Lafayette, Ind., and in Part A(26), reference are made to North Claremont, Del. This should be North Claymont, Del.

No. MC 144019 (Sub-No. 1TA), filed December 28, 1977. Applicant: JOE RIDDLE AND CHARLES RIDDLE, d.b.a. Riddle Trucking Co., Route 6, Tazewell, Tenn. 37879. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from the mines and facilities of Champion International Corp. located in Harlan, Bell, Whitley, and Knox Counties, Ky., and Claiborne, Campbell, and Scott Counties, Tenn., to points in Haywood and Cleveland Counties, N.C. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Champion International Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Champion International Corp., Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 144030 (Sub-No. 1TA), filed December 8, 1977. Applicant: DRUE CHRISMAN, INC., P.O. Box 264, Lawrenceburg, Ind. 47025. Applicant's representative: L. Agnew Myers, Jr., 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I: *Alcoholic beverages* (except malt beverages), in containers (a) from points in Kentucky, to the facilities of Sterling Distributing Co. and United Distillers Products Co., located at Omaha, Nebr., (b) from points in Indiana, Illinois, Kentucky, Ohio, Michigan, and Missouri, to the warehouse sites and storage facilities of United Distillers Products Co. and Sterling Distributing Co. at Omaha, Nebr., (c) from points in New York, Pennsylvania, Massachusetts, New Jersey, Maryland, and Connecticut, to Omaha, Nebr. Restriction: The authority sought in B and C above is restricted to the transportation of traffic destined to the named destinations. Part II: (a) *Alcoholic beverages* (except malt beverages, in containers only), from points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Tennessee, to Omaha, Nebr., (b) *Nonalcoholic beverages* (in containers only), when moving in the same vehicle and at the same time in mixed loads with alcoholic beverages on a single bill of lading to a single consignee, from points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee, to Omaha, Nebr. Restriction: The authority sought in A and B above is restricted to transportaiton of shipments destined to Omaha, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined at the field office named below. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 144032 (Sub-No. 1TA) (corrected), filed November 18, 1977, published in the FEDERAL REGISTER issue of January 9, 1978, and republished as corrected this issue. Applicant R & S TRUCKING, INC., R. R. 1, Box 123, Garretson, S. Dak. 57101. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packaged edible meat*, between Omaha, Nebr., and points in the state of California. Restriction: The above traffic is restricted to shipments orginating at and destined to the plantsite and production facility of H. Shenson & Co., Inc., (2) *Fresh beef briskets*, in mixed loads with fresh beef, from the plantside of Columbis Foods, Inc. at or near Wallula, Wash., and from the plantsite of Armour Foods Co., at or near Nampa, Idaho to Omaha, Nebr. Restriction: The above traffic is restricted to shipments originating at the designated origins and destined to the H. Shenson & Co., facility in Omaha, Nebr. All of the above authority is to be performed under continuing contract, or contracts, with H. Shenson & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. Shenson & Co., Inc., 27th and Y, Omaha, Nebr. 68107 (Jack H. Feller, Jr.). Send protests to. J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501. The purpose of this republication is to correct two minor errors in parts (1) and (2) of the temporary authority application.

No. MC 144089TA (Partial correction), filed December 13, 1977, published in the FEDERAL REGISTER issue of January 16, 1977, and republished as corrected this issue. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, Mass. 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108.

NOTE:—The purpose of this partial correction is to show applicant's correct address C.D.F. Truck Rental Corp., 43 Camille Road, Revere, Mass. 02151, in lieu of C.D.F. Truck Rental Corp., 43 Camille Road, Revere, Maine 02151, which was previously published in error. The rest of the publication remains the same.

No. MC 144097TA (Correction), filed December 15, 1977, published in the FEDERAL REGISTER issue of January 16, 1978, and republished as corrected this issue. Applicant: PATRICK D. BEAVER, d.b.a. P.I.B. TRUCKING, 14 Longview Drive, Beverly, Maine 01915. Applicant's representative: Francis P. Barrett, Barrett & Barrett, 60 Adams Street, P.O. Box 238, Milton, Maine 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Structural wood, structural wood products and commercial and fabricated metal hardware*, when moving products, from North Billerica, Maine, to points in the United States in and east of Wisconsin, Illinois, Tennessee, Kentucky, and Mississippi, under a continuing contract, or contracts, with Wood Fabricators, Inc., for 180 days. Supporting shipper(s): Wood Fabricators, Inc., Iron Horse Park, North Billerica, Maine 01862. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114. The purpose of this republication is to correct the address of the applicant which should be: Beverly, Mass. and the address of the supporting shipper should read: North Billerica, Mass.

No. MC 144106 (Sub-No. 1TA), filed December 27, 1977. Applicant:

ROBERT J. DEW & FRANK TAPPARO, doing business as DT TRANSPORTATION, 327 North Elm Street, Torrington, Conn. 06790. Applicant's representative: Louis P. Salamone, 355 Prospect Street, Torrington, Conn. 06790. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Laundry and cleaning compounds,* Brooklyn, N.Y., to points in New Haven and Hartford Counties and that part of Fairfield County, Conn., not incuded in the New York, N.Y. Commercial Zone, under a continuing contract or contracts with OPL Systems, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): OPL Systems, Inc., 500 Varick Avenue, Brooklyn, N.Y. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, Conn. 06101.

No. MC 144134TA filed December 14, 1977. Applicant: SCHWINNEN GRAIN & TRUCKING, INC., R.F.D. No. 1, Venedocia, Ohio 45984. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tomatoes, tomato juice, ketchup, beans, corn, peas, and sauerkraut,* except in bulk, from Rockford and Ohio City, Ohio, and Bluffton, Ind., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, (2) *commodities, materials, and supplies,* used in processing and packaging the commodities in (1) above from the destination states in (1) above, to Rockford and Ohio City, Ohio, and Bluffton, Ind. Restricted against transportation of bulk commodities, under continuing contract or contracts with Sharp Canning Co., Inc., for 180 days. Supporting shipper: Sharp Canning Co., Inc., Box 242, Rockford, Ohio 45882. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations—Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 144157 (Sub-No. 1TA), filed December 30, 1977. Applicant: TRANS CHEM, INC., a Utah corporation, 9114 South 150 East, Sandy, Utah 84070. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fire retardant chemicals,* in bags, from Sandy, Utah, to points in the United States, excluding Alaska and Hawaii, (2) *materials and supplies,* used in the manufacture and distribution of fire retardant chemicals, from San Bernardino County, Calif., to Sandy and Draper, Utah, and (3) *bags,* from Portland, Oreg., to Sandy, Utah, under a continuing contract, or contracts, with Insul Chem, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Insul Chem, Inc., 9114 South 150 East, Sandy, Utah 84070 (Tim Chadwick, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 144176TA, filed December 23, 1977. Applicant: VALLEY PARCEL SERVICE, INC., 500 South Teilman, Fresno, Calif. 93726. Applicant's representative: Rodney D. Heintz, P.O. Box 11486, Fresno, Calif. 93773. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Drugs and medicines,* between Sacramento, Calif., on the one hand, and, on the other, Fallon, Reno, Sparks, Carson City, Stead, Gardnerville, Minden, Incline Village, Glenbrook, and Tahoe Village, Nev., under a continuing contract or contracts with Foremost-McKesson, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Foremost-McKesson, Inc., P.O. Box 15858, Sacramento, Calif. 95813. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, Calif. 94105.

By the Commission.

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

No. MC 61016 (Sub-No. 47TA) (correction), filed November 10, 1977, published in the FEDERAL REGISTER issue of December 28, 1977, and republished as corrected this issue. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Mass. 01103. Applicant's representative: Charles A. Webb, 1600 Wilson Boulevard, Suite 1301, Arlington, Va. 22209. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage,* and express and newspapers in the same vehicle with passengers, between Amherst, Mass., and Bradley Airport, Windsor Locks, Conn., serving all intermediate points: From Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A thence over Massachusetts Highway 5A to the Massachusetts-Connecticut State line, thence over Alternate U.S. Highway 5 to junction unnumbered highway (Mapleton Road), thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route. From Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over U.S. Highway 5 to junction Interstate Highway 91, thence over Interstate Highway 91 to the Massachusetts-Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks and return over the same route. From Amherst over Massachusetts Highway 9 to junction Massachusetts Highway 47 at or near Hadley, Mass., thence over city streets to Granby, Mass., thence over U.S. Highway 202 to junction Massachusetts Highway 33, thence over Massachusetts Highway 33 to Chicopee, Mass., thence over city streets to Springfield, Mass., thence over city streets to Massachusetts Highway 57, thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A, thence over Massachusetts Highway 5A to the Massachusetts-Connecticut State line, thence over Alternate U.S. Highway 5 to junction unnumbered highway (Mapleton Road), thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (38) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. D. Perry, Jr., Acting District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Room 338, Springfield, Maine 01103. The purpose of the republication is to show transportation of passengers over regular routes, in lieu of irregular routes.

[FR Doc. 78-3163 Filed 2-3-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; Order No. 2; Amdt. No. 3]

NEW YORK SUSQUEHANNA & WESTERN RAILROAD CO.

Rerouting Traffic

To all railroads:

Upon further consideration of I.C.C. Order No. 2 (New York, Susquehanna

& Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 2 is amended by substituting the following paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3157 Filed 2-3-78; 8:45 am]

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

FLEET BALLISTIC MISSILE (FBM) SUBMARINE SUPPORT BASE, KINGS BAY, GA.

Establishment

As announced by the Secretary of the Navy on January 26, 1978, Kings Bay, Ga., has been selected as the site of a new Naval Submarine Support Base. This selection completes more than a year of detailed study to determine the best location for a fleet ballistic missile (FBM) submarine refit site. As part of this process, public hearings were held to provide the public with relevant information. Notice of these hearings was published in the FEDERAL REGISTER at page 37433 on July 21, 1977.

This east coast site at Kings Bay is necessary because of the need to accommodate the withdrawal of the Navy's Fleet Ballistic Missile (FBM) submarine squadron from Rota, Spain, by July 1, 1979 (in accordance with a 1976 treaty between Spain and the United States) and to provide a facility for refitting FBM submarines with the new Trident I missile.

The final environmental impact statement, which evaluated the environmental effects of the construction of an east coast facility at Kings Bay and examined all reasonable alternatives, was filed with the Environmental Protection Agency on December 7, 1977. Notice of its filing was published in the FEDERAL REGISTER at page 63447 on December 16, 1977.

The Kings Bay site is presently a military ocean terminal maintained by the Department of the Army in an inactive status. Following Congressional approval, the formal transfer of the property from the Army to the Navy will be executed. Construction will begin this spring with the base scheduled for activation on May 1, 1979. When operational the submarine support base will be capable of supporting FBM submarines with the present Poseidon missile as well as those with the new Trident I missile, planned for backfitting into selected Poseidon submarines beginning in Fiscal Year 1979. The Trident I missile is being developed for both selected Poseidon backfit and for use in the new Trident submarines.

For further information concerning this notice, contact:

Captain W. H. Purdum, U.S. Navy, Strategic Submarine Division, Polaris/Poseidon Branch (OP-212), Office of the Chief of Naval Operations, Washington, D.C. 20350, telephone 202-695-2460.

Dated: February 1, 1978.

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

[FR Doc. 78-3124 Filed 2-3-78; 8:45 am]

[3810-70]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 4, 1978; Tuesday, April 11, 1978; Tuesday, April 18, 1978; and Tuesday, April 25, 1978, at 9:45 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b.(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b.(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, the Pentagon, Washington, D.C.

Dated: February 1, 1978.

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

[FR Doc. 78-3137 Filed 2-3-78; 8:45 am]

[3810-70]

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Cancelled Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will not be held on February 7, 1978; February 14, 1978; February 21, 1978; February 28, 1978; and March 7, 1978.

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

FEBRUARY 2, 1978.

[FR Doc. 78-3391 filed 2-3-78; 12:14 pm]

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).

CONTENTS

[6740-02]

1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3791, January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 1, 1978, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

ER-6—ES78-14, Citizens Utilities Co.

KENNETH F. PLUMB,
Secretary.

[S-268-78 Filed 2-2-78; 9:56 am]

[6720-01]

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol 43, No. 21 page 4176, Tuesday, January 31, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. February 2, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING: The following item has been added to the open portion of the meeting: Consideration of proposed amendments regarding electronic fund transfers through remote service units.

No. 133, February 2, 1978.

[S-272-78 Filed 2-2-78; 12:15 pm]

[6720-01]

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 21, page 4176, Tuesday, January 31, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., February 2, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING: The following item has been changed from the closed to the open portion of the meeting: Application to Acquire Belen Savings and Loan Association, Belen, N. Mex. and to Incur Indebtedness-New Mexico Financial Corp., Albuquerque, N. Mex.

No. 132, February 2, 1978.

[S-271-78; Filed 2-2-78; 12:15 pm]

[6720-01]

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., February 10, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

Extension of time application—Community Federal Savings and Loan Association, St. John, Mo.

Applications for bank membership and insurance of accounts—Marin Savings and Loan Association, Mill Valley, Calif.

Branch office application—First Federal Savings and Loan Association of Broward County, Fort Lauderdale, Fla.

No. 131, February 2, 1978.

[S-270-78 Filed 2-2-78; 12:15 pm]

[6210-01]

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR, 3990, January 30, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, February 1, 1978.

CHANGES IN THE MEETING: One of the items announced for inclusion at this closed meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item was added: Federal Reserve Bank and Branch director appointments. This matter was originally announced for a meeting on December 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-267-78 Filed 2-2-78; 9:56 am]

[7527-01]

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

DATE AND TIME: March 9 and 10, 1978, 9 a.m. to 5 p.m., and 8:30 a.m. to 3 p.m., respectively.

PLACE: Shoreham Americana, Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: Discussion of activities since December 5 and 6, 1977, meeting; Review of Task Force Committee Activities; Review of White House Conference on Library and Information Services Meeting held in February; Commissioners' Comments; Executive Director's Report; old business; new business.

CONTACT PERSON FOR MORE INFORMATION:

Alphonse F. Trezza, Executive Director, 202-653-6252.

ALPHONSE F. TREZZA,
Executive Director.

[S-266-78 Filed 2-2-78; 9:56 am]

[4110-24]

7

NATIONAL MUSEUM SERVICES BOARD.

TIME AND DATE: 9 a.m., February 12-13, 1978.

PLACE: Room 3551, National Air and Space Museum, 6th and Independence Avenue SW.

SUBJECT: Review of Draft of Proposed Regulations.

STATUS: Open.

PERSON TO CONTACT:

Mrs. Lee Kimche, Director, Institute of Museum Services, 202-245-7063.

SUPPLEMENTARY INFORMATION: The Board will make final consideration of proposed regulations establishing guidelines for grant making by the Institute of Museum Services.

Signed at Washington, D.C. on February 2, 1978.

LEE KIMCHE,
Director, Institute of Museum Services.

[S-269-78 Filed 2-2-78; 12:15 pm]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, February 1 and Thursday, February 2, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

TIME AND DATE: 1:30 p.m., Wednesday, February 1.

(1) Discussion of proposed letter to Congress on international safeguards matters. (Approxmately 1 hour.) (Closed—Exemption 1.)

(2) Affirmation of proposed publication of final export-import regulations; and General Electric Co.—GE test reactor OLTR-1, Docket 50-70 (5 minutes—public meeting.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE.

[S-273-78 Filed 2-2-78; 2:14 pm]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, February 8 and Thursday, February 9, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, FEBRUARY 8, 2:30 P.M.

1. Discussion of FOIA Appeals for EICSB (McTiernan) report and certain OGC documents. (Approximately 1 hour.) (Closed—Exemption 6.)

2. Discussion of response to motion by States of New York, Wisconsin, and Ohio regarding economic impacts of the uranium fuel cycle in the S-3 rulemaking proceeding. (Approximately 1 hour—public meeting.)

NOTE.—May be affirmed without discussion.

THURSDAY, FEBRUARY 9, 2 P.M.

1. Discussion of assessment of environmental impacts of uranium mills in agreement States. (Approximately 1½ hours—public meeting.)

2. Affirmation Items: (Approximately 5 minutes—public meeting.) (a) Order for Disposition of Petitions re Bailly; (b) Amendments to 10 CFR Parts 50, 70 and 73 re Safeguards Contingency Plans; and (c) General Electric Co.—GE Test Reactor OL TR-1 Docket 50-70. (Rescheduled from February 1, 1978).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-274-78 Filed 2-2-78; 2:14 pm]

[7910-01]

10

THE RENEGOTIATION BOARD.

DATE AND TIME: Thursday, February 2, 1978; 9 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Special Board meeting concerning: Foreign Military Sales.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 1, 1978.

GOODWIN CHASE,
Chairman.

[S-275-78 Filed 2-2-78; 3:32 pm]

[7910-01]

11

THE RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, February 14, 1978, 10 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 and 2 are open to the public; matters 3 and 4 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held February 7, 1978, and other Board meetings, if any.

2. Special Accounting Agreements:

A. Security Pacific National Bank, fiscal years ended December 31, 1971 through 1975.

B. Security Pacific Leasing Co., fiscal year ended December 31, 1975.

C. Security Pacific National Leasing, Inc., fiscal years ended December 31, 1973, 1974, and 1975.

3. Approval of agenda for meeting to be held February 28, 1978.

4. Approval of agenda for other meetings.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 1, 1978.

GOODWIN CHASE,
Chairman.

[S-276-78 Filed 2-2-78; 3:32 pm]

federal register

MONDAY, FEBRUARY 6, 1978
PART II

ENVIRONMENTAL PROTECTION AGENCY

■

SOLID WASTE DISPOSAL FACILITIES

Proposed Classification Criteria

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 257]

[Docket No. 4004; FRL 830-4]

SOLID WASTE DISPOSAL FACILITIES

Proposed Criteria for Classification

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The proposed regulations contain minimum criteria for determing which solid waste land disposal facilities shall be classified as posing no reasonable probability of adverse effects on health or the environment. The regulations are required by the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976. Under the 1976 Act, all facilities which do not meet these criteria are prohibited. Any existing facility not meeting these criteria must be closed or upgraded according to a State-established compliance schedule containing an enforceable sequence of actions leading to compliance. The regulations are also proposed under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, providing guidelines for the disposal and utilization of sludge. Under the 1977 Act, the owner or operator of any publicly owned treatment works must use or dispose of sludge in accordance with these criteria, if the owner or operator chooses to use or dispose of the sludge on land. Implementation of these criteria is expected to encourage the recovery and utilization of solid waste by eliminating environmentally unacceptable disposal practices.

EPA desires comments from the general public on these proposed criteria. EPA is particularly interested in comments on: (1) Adequacy of the criteria in providing for the protection of public health and the environment: (2) practicality of implementation of the criteria (including availability of technologies and methods to comply with the criteria and to determine compliance; and the feasibility of monitoring, administrative, and enforcement programs); (3) potential impacts on segments of our society and economy: and (4) any recommended alternatives.

DATE: The public comment period on the proposed criteria will extend at least to, May 8, 1978.

PUBLIC HEARING: MARCH 1, 1978, SAN DIEGO, CALIF.

For additional information relating to public hearings see "public participation" section under supplementary information.

A draft environmental impact statement/economic impact analysis (EIS/EIA) on the criteria should be available for public review in the near future. The public comment period on the EIS/EIA will extend for 45 days from the date of publication in the FEDERAL REGISTER of the notice of its availability. The comment period on the criteria will be extended, if necessary, so that the two comment periods are concurrent and end on the same date. All written comments postmarked on or before the end of the public comment period will be considered. See "public participation" section.

ADDRESSES: The mailing address for all comments is Office of Solid Waste (WH-564), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; Attention: Mr. Shuster, Docket 4004. The official record of rulemaking (Docket No. 4004) is located in Room 2107, EPA, 401 M Street SW., Washington, D.C. 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. All written comments received to date and all comments on the proposed criteria are filed in this docket.

PUBLIC HEARING LOCATION

The Executive Hotel (Terrace Room), 1055 First Avenue, San Diego, Calif. Registration: 7 to 7:30 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth A. Shuster, Office of Solid Waste (WH-564), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; telephone 202-755-9116.

SUPPLEMENTARY INFORMATION:

Authority. These regulations (hereinafter referred to as the criteria) are being proposed pursuant to the authority of sections 1008(a)(3) and 404(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, 90 Stat. 2803 and 2815, 42 U.S.C. 6907(a)(3) and 6944(a)), hereinafter referred to as the Act, and pursuant to the authority of section 405(d) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (Pub. L. 95-217).

Section 1008(a)(3) of Pub. L. 94-580 requires EPA to "provide minimum criteria to be used by the States to define those solid waste management practices which constitute the open dumping of solid wastes." Section 4004(a) of the Pub. L. 94-580 requires EPA to promulgate regulations containing minimum criteria for determining which solid waste disposal facilities pose "no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility," and which facilities do not. Section 405(d) of Pub. L. 95-217 requires EPA to promulgate regulations for the disposal of sludge and the utilization of sludge for various purposes.

Implementation of these criteria are expected to encourage the recovery and utilization of solid waste by eliminating environmentally unacceptable disposal practices. This is in keeping with the Act, which urges the conservation and recovery of material and energy resources.

APPROACH

The purpose of the criteria is to provide minimum national standards for the protection of health and the environment from solid waste disposal facilities. The criteria provide minimum standards for the classification of disposal facilities.

EPA recognizes there are many factors which must be considered in determining if there will be an adverse impact and what the magnitude of the impact will be. Many of the factors vary from site to site, including climate, hydrology, geology, the amount and type of wastes, and ground and surface water proximity and usage.

One aim in developing these criteria was to be as specific as possible to facilitate the distinction or classification of disposal facilities, without reducing the flexibility of State solid waste management and enforcement agencies to take into account the site-by-site variations and make assessments based on local conditions. These criteria are not intended to prevent or restrict the authority or discretion of States to develop or utilize more stringent State or site-specific (situational) standards or criteria. States may choose to require more stringent location, design, construction, operation, maintenance, and performance standards where local conditions indicate.

Whenever possible the critieria utilize existing Federal, State, and local regulations or approaches in order to avoid duplication, inconsistencies, and unnecessary new regulations. For example, the wetlands and surface water criteria utilize the NPDES permit system established for point source discharge of pollutants under section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500). Also, the ground water criterion utilizes the approach of the underground injection control program proposed under the Safe Drinking Water Act (Pub. L. 93-523).

COVERAGE

These criteria for the classification of disposal facilities apply to all "solid waste" and "disposal" facilities which are defined in the Act (section 1004) as follows:

The term 'solid waste' means any garbage, refuse, sludge from a waste treatment plant,

water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

The term 'disposal' means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constitutent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

The criteria as proposed do not apply to agricultural wastes, including manures and crop residues, returned to the soil as fertilizers or soil conditioners, or to mining and milling wastes intended for return to the mine. Congressional support for this exclusion is found in the House Report on the bill:

Agricultural wastes which are returned to the soil as fertilizers or soil conditioners are not considered discarded materials (solid waste) in the sense of this legislation. Similarly, overburden resulting from mining operations and intended for return to the mine site is not considered to be discarded material within the meaning of this legislation. (H.R. Rep. No. 94-1491, 94th Cong., 2d Sess. 2 (1976)).

Based on the definition of solid waste, the land application of domestic sewage and liquid effluent from the treatment of domestic sewage are excluded. However, these criteria do apply to the land disposal of sludge resulting from the treatment of domestic sewage.

In addition, these Criteria do not apply to irrigation return flows or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

These Criteria also do not apply to the location and operation of septic tanks. However, the disposal of septic tank pumpings is subject to these Criteria.

When regulations for hazardous waste disposal facilities are promulgated under Subtitle C of the Act, facilities for the disposal of hazardous waste must comply with those regulations instead of these Criteria. Similarly, when regulations for the State Underground Injection Control Program (UICP; 40 CFR Part 146) are promulgated under authority of the Safe Drinking Water Act of 1974 (Pub. L. 93-523) they apply to underground well injection in lieu of these Criteria. However, the Criteria may be revised to incorporate sections of the UICP to reach problems in those States which do not have primary enforcement responsibility for the UICP.

The conventional use of the term "sanitary landfill" typically refers to the controlled burial of solid wastes, including municipal wastes (residential, commercial, and institutional wastes), sludges, ashes, industrial wastes, and/or construction or demolition wastes. Similarly, the term "open dump" conventionally refers to open, uncovered (often burning), and uncontrolled disposal sites for municipal and industrial wastes. These conventional definitions are more limited than intended by the definitions of the terms "sanitary landfill", "open dump", "solid waste", and "disposal" in the Act. Hence, these Criteria also apply to other types of wastes and to other solid waste management operations such as surface impoundments and waste utilization practices involving land application of solid waste as soil conditioners or fertilizers. To avoid any confusion which might otherwise result, these Criteria do not use the terms "sanitary landfill" and "open dump". The Criteria, however, provides the basis for the statutory definitions of these terms. Within the meaning of the Act, facilities which satifsy these Criteria are practices which "pose no reasonable probability of adverse effects on health or the environment" and facilities which do not satisfy these Criteria should be considered "open dumps" under those sections of the Act referring to this phrase.

Sludge Disposal and Utilization

Section 405(d) of the Federal Water Pollution Act, as amended by the Clean Water Act of 1977 (Pub. L. 95-217) requires EPA to develop regulations providing guidelines for the disposal and utilization of sludge. These Criteria are proposed to partially fulfill EPA's responsibility under Section 405(d), with respect to the land disposal and landspreading of sludge. Information on the costs of these uses of sludge is being developed and will be proposed in the future, as will guidelines on additional uses of sludge, which may include incineration, energy recovery, and give-away or sale of sludge or composted sludge. Owners and operators of publicly owned treatment works are required by Section 405(e) to use or dispose of sludge in accordance with guidelines promulgated under Section 405(d). With respect to land disposal and landspreading the owner or operator must assure compliance with these Criteria. The owner or operator must (1) analyze the sludge for cadmium and other toxic substances, (2) assure that the sludge has been appropriately stabilized, (3) determine the appropriate sludge application rates and assure that these rates are complied with, (4) determine what monitoring is required and assure that it is performed, and (5) develop any necessary contngency plans and assure they are complied with.

Adverse Effects

In establishing the need for these regulations, Congress identified a number of adverse effects on human health and safety and on the environment from improper disposal of solid wastes.

Section 1002(b) of the Act states:

"The Congress finds with respect to the environment and health, that—

"* * * (2) Disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment;

(3) As a result of the Clean Air Act, the Water Pollution Control Act, and other Federal and State laws respecting public health and the environment, greater amounts of solid waste (in the form of sludge and other pollution treatment residues) have been created. Similarly, inadequate and environmentally unsound practices for the disposal or use of solid waste have created greater amounts of air and water pollution and other problems for the environment and for health."

The House Report accompanying the Act states:

"Disposal of solid wastes, including hazardous wastes, can have adverse environmental impact in several ways. The following paragraphs discuss five different types of such impacts.

(i) Perhaps the most pernicious effect is the *contamination of ground water by leachate* from land disposal of waste * * *

(ii) Similar *pollution of surface waters* may occur * * *

(iii) Solid waste disposal can contribute to *air pollution* through open burning, incineration, evaporation, or sublimation, and wind erosion. One should add to this the problem of generation of obnoxious *odors* * * *

(iv) There have also been several cases of *acute poisoning* when hazardous materials were improperly disposed of * * *

(v) *Fires and explosions.*" (Emphasis added.) (H.R. Rep. No. 94-1491, 94th Cong., 2d Sess. 89 and 90 (1976)).

The House Report also states: "the adverse impacts * * * include fire hazards; air pollution (including reduced visibility); explosive gas migration; surface and ground water contamination; disease transfer (via vectors such as rats and flies); personal injury (to unauthorized scavangers); and, aesthetic blights" (H.R. Rep. No. 94-1491, 94th Cong., 2d Sess. 37 (1976)). A number of specific examples of each of these types of adverse effects follow this statement in the Report.

The House Report also states on page 37: "An open dump is defined as

a land disposal site where discarded materials are deposited with little or no regard for pollution or aesthetics, where the wastes are left uncovered, and where frequently the use of the site for waste disposal is neither authorized nor supervised. (Whereas), the effects on human health and the environment from real sanitary landfill should be slight."

These Criteria address these adverse effects in order to promote the proper disposal of solid waste, with no reasonable probability of adverse effects on health or the environment.

Implementation

Subtitle D of the Act specifies several actions related to these Criteria. Section 4005(b) requires EPA, within one year after promulgation of the Criteria, to publish an inventory of all facilities in the United States that do not comply with the Criteria. Thus, these Criteria will be used to determine which facilities will be included in the published inventory. Under Sections 4005(c) and 4003 of the Act, all facilities which do not meet these Criteria are prohibited. All new facilities must comply with the Criteria (Section 4003(2)). Any existing facility not in compliance must be closed or upgraded according to a State-established compliance schedule containing an enforceable sequence of actions leading to compliance within a reasonable time, not to exceed five (5) years from the date of publication of the inventory (Sections 4003(3) and 4005(c)). A facility may be placed on this State-established compliance schedule only where there is an EPA-approved State plan and where it has been demonstrated that no alternative which complies with the Criteria can be utilized. Thus, all noncomplying facilities are to be closed or upgraded as soon as practical, but in all cases within five years of publication of the inventory.

Implementation mechanisms for this prohibition include the regulatory powers established to implement the State plan (Section 4003), the citizen suit provisions of Section 7002, and the imminent hazard provisions of Section 7003. There are no statutory requirements for States to implement or enforce the open dumping prohibition, but States are not eligible for Federal financial assistance under Subtitle D of the Act if the State plan fails to provide for such implementation and enforcement. A State may, of course, adopt and implement the Criteria on its own initiative, without EPA approval of a State plan.

The inventory of open dumps is the key to implementation of the Criteria. The inventory will be conducted by evaluating solid waste disposal facilities against the Criteria and publishing a list of those facilities which do not comply with the Criteria. Since the inventory process is the precursor to State planning and enforcement action, the Agency believes that State involvement should be maximized and State priorities emphasized. Therefore, it is the Agency's intent that the inventory evaluations be conducted by the States, with funding provided by EPA.

The Agency recognizes the practical difficulties inherent in applying the Criteria to all existing and new disposal facilities. Determinations as to whether facilities pose no reasonable probability of adverse effects on health or the environment (i.e. whether facilities comply with the Criteria) will require a number of extensive technical and scientific decisions. This is especially true in determining the potential for ground-water pollution. Furthermore, since facilities found in violation of the Criteria are prohibited by Federal law, due process considerations and adequate documentation of evidence are important.

Thus, it is the Agency's intent to provide, in a logical and progressive manner, for the necessary time-phasing of the implementation of the inventory process. This will be managed through the State planning and plan implementation provisions of the Act. Specific criteria and procedures for States to use in establishing priorities for implementation of the Criteria will be provided in the Agency's Guidelines for State Plans (Section 4002). Priorities for the inventory process and enforcement of the open dumping prohibition will be established on a State-by-State basis in accordance with the procedures established in these Guidelines.

In the "Guidance for the Development of State Work Programs for FY-78 under the Resources Conservation and Recovery Act (RCRA)" sent to the States by EPA on July 29, 1977, the following inventory priorities were recommended: (1) Residential, commercial, and institutional wastes, (2) municipal wastewater treatment sludge, (3) industrial wastes and pollution control residues and sludges, (4) agricultural wastes, and (5) mining wastes.

Integration With Regulations for Hazardous Waste Disposal Facilities

Regulations for hazardous waste disposal facilities are being developed by EPA under Section 3004 of the Act. EPA feels that the environmental effects of all land disposal facilities should be equivalent. That is, equal protection of human health and the environment should be provided regardless of waste type or disposal facility type. Operational and monitoring requirements, of course, may differ depending on such factors as the potential hazard of the waste and availability and reliability of control technology.

Therefore, the development of the hazardous waste disposal regulations is being coordinated with these Criteria so that the two regulations will accomplish consistent environmental results. Operational and monitoring requirements for hazardous waste disposal facilities, however, are likely to be more stringent.

Note.—Comments are solicited: (1) on the concept of consistency of environmental effects, and (2) on whether the level of environmental protection addressed by the Criteria is adequate.

Integration With Surface Impoundment Studies Under the Safe Drinking Water Act

Section 1006(b) of the Solid Waste Disposal Act as amended requires the Administrator to integrate the provisions and enforcement of the Solid Waste Disposal Act with other Acts under the Administrator's authority, including the Safe Drinking Water Act (SDWA) (Pub. L. 93-523), to the maximum extent practicable in order to avoid needless duplication of regulations and expenditures. There is a potential overlap between the Solid Waste Disposal Act and the SDWA with regard to surface impoundments such as pits, ponds, and lagoons.

Section 1442(a)(8)(C) of the SDWA requires a study of the nature and extent of the impact on underground water of ponds, pools, lagoons, pits, or other surface disposal of contaminants in underground water recharge areas. In partial fulfillment of this requirement, EPA intends to conduct, through grants to State agencies, an assessment of surface impoundments and their effects on ground water.

The criteria proposed by this action under the Solid-Waste Disposal Act apply to all solid waste disposal facilities, including surface impoundments. Thus, the inventory of open dumps required by section 4005(b) of the Solid Waste Disposal Act would include those surface impoundments which do not comply with the criteria. EPA intends to develop the inventory through grants to State agencies.

Thus, there is the potential for confusion and duplication of effort between the studies of surface impoundments to be conducted under the SDWA and the inventory to be conducted under the Solid Waste Disposal Act. Therefore, the Agency is closely coordinating these two efforts. The State grant programs under the two Acts may be consolidated for this purpose, subject to legal and administrative constraints, but must be coordinated. To this end, the studies and assessments planned under the SDWA will be used as the basis for identifying those surface impoundments that have the greatest potential for adverse effects and thereby will help the States in developing the inventory re-

quired under the Solid Waste Disposal Act. Those impoundments which are identified as having the greatest potential for serious impact on ground water quality would be considered high priority for development of the Solid Waste Disposal Act inventory. Such impoundments which are found to violate the criteria proposed by this action would be placed on the inventory and be liable for closure or upgrading in accordance with the State planning and plan implementation provisions of the Solid Waste Disposal Act (sections 4003 and 4005) and the Federal prohibition of open dumping (section 4005).

However, the Agency has not yet determined the best regulatory approach to the control of surface impoundments. Except, of course, those surface impoundments that receive hazardous wastes are subject to the regulations for hazardous waste disposal facilities promulgated under Subtitle C of the Act. While the inventory process and Subtitle C regulations will begin to bring such facilities under State control under the Solid Waste Disposal Act, EPA will continue to explore and reevaluate its authorities under the Solid Waste Disposal Act, SDWA, the Federal Water Pollution Control Act, and the Toxic Substances Control Act of 1976 (Pub. L. 94-469, 90 Stat. 2003, 15 U.S.C. 2601) in order to determine the best regulatory approach under any or a combination of these various authorities. If these authorities are not sufficient to assure the adequate control of the disposal of wates through surface impoundments, EPA will seek additional legislative authority which will assure a solution to this serious problem. States and the general public will be allowed ample opportunity to comment on the most effective means of regulating surface impoundments such as pits, ponds, and lagoons.

Determining Compliance

Compliance with the criteria should be achieved through (1) application of the best practicable controls (technologies and practices), in conjunction with (2) environmental monitoring to determine if adverse effects do occur and if corrective action is necessary. This approach should provide for a reasonable probability of preventing adverse effects on health or the environment.

Some of the criteria establish environmental standards and others specify technologies or practices which are based on their potential for preventing adverse environmental effect. However, all the criteria specify that the facility be "so located, designed, constructed, operated, and maintained" in order to emphasize the use of best practicable controls and to allow a determination of compliance based on site-specific evaluations of these control technologies and practices. Environmental monitoring is encouraged by EPA, because it represents a direct measure of any adverse effect. However, such monitoring programs may be very expensive, in many cases may not be necessary, and may place too much reliance on corrective rather than preventive methods. Therefore, the State may determine it is not necessary to monitor if the facility is such that no adverse effect is expected because of low volume or inert or innocuous wastes, or because the control technology and practice are considered to be reasonably able to achieve the environmental standards. On the other hand, monitoring alone does not eliminate the need for application of the best practicable controls.

Discussion of Proposed Criteria

DEFINITIONS

All definitions contained in the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 apply in these Criteria. The most pertinent of these definitions are: "disposal," "sludge," "solid waste," "open dump," "sanitary landfill," and "State." The definition for "hazardous waste" given at section 1004(5) of the Act will be further defined (and revised when appropriate) under section 3001(a), and a listing of hazardous wastes will be promulgated (and revised when appropriate) under section 3001(b) of the Act.

The following definitions were taken verbatim from section 502 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500): "Contiguous zone," "navigable waters," and "point source." "Discharge of pollutants" was expanded from the definition in Pub. L. 92-500 to include nonpoint sources.

The definition of "wetlands" was taken from the Army Corps of Engineers "Permits for Discharges of Dredged or Fill Material into Waters of the United States" (33 CFR 323.2(c)). This definition is essentially the same as that contained in Executive Order 11990 (42 FR 26961, May 24, 1977), which states: "Wetlands means those areas that are inundated by surface or ground water with a frequency sufficient to support and (which) under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, wet meadows, river overflows, mud flats, and natural ponds."

The definition of "endangered" is based on the usage of this term in "Proposed Regulations, State Underground Injection Control Programs" (41 FR 36726, August 31, 1976) developed under authority of the Safe Drinking Water Act of 1974.

ENVIRONMENTALLY SENSITIVE AREAS

Section 257.3-1 concerns the location of disposal facilities in environmentally sensitive areas. Environmentally sensitive areas in the Criteria are wetlands, floodplains, permafrost areas, critical habitats of endangered species, and recharge zones of sole source aquifers. These areas were selected for coverage in this criterion because EPA feels these areas are natural assets (have beneficial qualities) which are not adequately protected by the other six criteria (§§ 257.3-2 through 257.3-7). Before any new site may be located or any existing disposal site may be expanded in an environmentally sensitive area, the facility must clearly meet the criteria contained in paragraphs (a) through (e) of § 257.3-1. In general, disposal sites should not be located in environmentally sensitive areas when feasible alternatives exist, unless it can be clearly demonstrated that there will be no significant adverse impact on the ecosystem or human health from the operation of the facility in such an area. In determining whether other feasible alternatives exist, the availability and practicality of alternative disposal sites (both existing and potential) should be assessed in terms of hydrogeologic, technological, environmental, economic, and other pertinent factors. In order to ensure that no significant adverse impact on the ecosystem exists, the types and extent of potential adverse impacts must be identified. The facility must be designed, constructed, operated, completed, and maintained for as long as necessary to minimize, prevent, or correct such impacts. Even if a facility by itself may have a minimal impact, consideration should be given to a general appraisal of the specific environmentally sensitive area in terms of rate of encroachment, cumulative impact, and multiplier effect of other activities.

The State agency or agencies (as designated in accordance with section 4006(b) of the Act) should review such determinations with respect to the completeness and accuracy of information, whether other alternatives exist, whether the engineering design and plans are adequate, and whether the assessment of alternatives versus potential environmental impacts provides sufficient justification for location of the facility in the environmentally sensitive area.

Wetlands. The Nation's coastal and inland wetlands are vital natural resources of great hydrological and ecological importance. Wetlands provide natural flood control, recharge of aquifers, natural purification of waters, and flow stabilization of

streams and rivers. Wetlands produce large quantities of nutrients which support complex ecosystems extending into estuaries and streams, etc., well beyond the marshes and wetland areas. Wetland habitats support fish, shellfish, mammals, waterfowl, and other wildlife fauna and flora. Wetlands are used in the production of many agricultural products and timber and for recreational and scientific pursuits.

In the past, solid waste disposal sites have frequently been located in wetland areas, generally because there has been less public resistance to locating them there, the land is cheaper, and when completed the land is ofter sold or used for a direct economic purpose. The alternation and destruction of the wetland resources through draining, dredging, landfilling and other means has had an adverse cumulative impact on wetlands and other aquatic resources. Recent estimates indicate over 40 percent of the 120 million acres of wetlands in the United States that existed 200 years ago have been irrevocably destroyed.

The intent of the § 257.3-1 (a) criterion is to prevent the destruction of wetlands. New disposal sites may not be placed in wetlands and existing operations may not be continued in wetlands unless an NPDES permit has been obtained (under section 402 of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 (Pub. L. 92-500, 86 Stat. 880, 33 U.S.C. 1342), and if a levee, dike, or other type of containment structure is to be placed in the water as part of the disposal activity, an Army Corps of Engineers permit has been obtained (under section 404 of the FWPCA) according to 33 CFR Parts 320-329. There is a strong presumption against the issuance of an NPDES permit for the discharge of solid waste into wetland areas. Only upon a showing of extraordinary circumstances—including a demonstration of alternative methods of disposal, an assessment of environmental impact for each alternative, an assessment of the technical and economic feasibility of each alternative, and a justification for the wetlands disposal alternative in view of the environmental impact and feasibility—will an NPDES application be considered and an NPDES permit issued. Any NPDES permit issued for the discharge of solid waste into wetland areas must assure that the facility utilizes appropriate technologies and/or best management practices to minimize any adverse effects.

This approach conforms with the intent of Executive Order 11990 dated May 24, 1977, concerning Protection of Wetlands.

Floodplains. Disposal of solid waste in floodplains may have several significant adverse impacts: (1) If not adequately protected from flooding, wastes in a disposal site may be inundated by water and flow from the site, affecting downstream waters; (2) since floodplains generally have direct hydraulic connection to wetlands, surface water, and ground water, location of disposal sites in floodplains may result in leachate contamination of ground water; (3) filling in the floodplain may restrict the flow of flood waters, causing greater flooding upstream; and (4) filling in the floodplain may reduce the size and effectiveness of the flood-flow retaining capacity of the floodplain which may cause a more rapid movement of flood waters downstream, resulting in higher flood levels and greater flood damages downstream.

For purposes of these Criteria the floodplain is defined by the 100-year flood level. This level is considered adequate to minimize the chances for site inundation and increased flood levels and damages. This level is considered conservative in many parts of the country because construction activities (buildings, roads, storm sewers, etc.) continue to increase runoff, thereby increasing flood levels for similar precipitation incidents. The 100-year floodplain has been mapped for many areas of the Country by the U.S. Geological Survey, Army Corps of Engineers, and Department of Housing and Urban Development. The 100-year floodplain is determined by the techniques described in "A Uniform Technique for Determining Flood Flow Frequencies," Bulletin No. 15, Water Resources Council, Hydrology Committee, December 1967. For unmapped areas, the Water Resources Council is developing procedures for determining flood levels, according to Executive Order 11988, dated May 24, 1977.

The intent of this criterion is: (1) To require an assessment of any new disposal site or expansion of any existing site in a floodplain to determine the potential impact or the disposal site on downstream and upstream waters and land, (2) to prohibit such disposal activities if the site as designed may cause increased flooding during the base flood, and (3) if the disposal site is located in a floodplain, to require the use of available technologies and methods to protect against inundation by the base flood and minimize potential for adverse effects on water quality and on the flood-flow capacity of the floodplains.

In general, it is available not to locate solid waste disposal facilities in the 100 year floodplain. Therefore, EPA encourages the search for and siting of disposal facilities out of the 100 year floodplain. However, landspreading of wastes in the floodplain as fertilizers or soil conditioners for agricultural or vegetative purposes may be beneficial and should not pose a significant adverse impact on flood levels or water quality if the other criteria are met, and, therefore, is exempt from the floodplain provision. Other disposal facilities in floodplains should be designed and operated to protect against inundation by the 100 year flood, minimize the acreage of the floodplain consumed by the site, and limit the wastes to nonhazardous, more inert types.

As with the destruction of wetlands, EPA feels that although the environmental impact of an individual site may be considered minimal, the cumulative effect of the continued encroachment on the destruction of these areas warrants a careful evaluation of total impacts of human activities and the discouragement of site location in these areas unless other suitable sites cannot be found.

This approach conforms with the intent of Executive Order 11988 dated May 24, 1977, concerning Floodplain Management. Federal Agencies are required to comply with this Executive Order and State agencies are encouraged to develop and apply similar policies and to consider the provisions of the Unified National Program for Floodplain Management of the Water Resources Council.

Permafrost areas. Permafrost is permanently frozen subsoil, occurring where the freezing depth each winter exceeds the summer thaw depth. Water in permafrost areas occurs seasonally at or near the ground surface, above the permanently frozen subsoil in the active zone. In portions of arctic Alaska the depth of thaw or active zone is less than eighteen inches.

Disposal of solid waste in permafrost areas presents three environmental problems. First, any disturbance of the delicate insulating plant and moss cover increases the depth of annual thaw. Since permafrost commonly consists of supersaturated soils and ice, an increased depth of thaw can alter the surface contour, create lakes, and cause significant erosion. Moreover, any activity to correct the erosion or to control surface and subsurface waters tends to increase the thaw and erosion problem. Second, since the active zone is commonly the only source of drinking water, solid waste disposal in the active zone may cause difficult water pollution problems. All seasonal water movement occurs in this active zone and leachate contamination is very likely. Third, waste deposited in permafrost areas is generally deposited on the surface and undergoes very little change over time so that it accumulates and remains exposed to future generations.

Current recommended practices being implemented where feasible in Alaska's arctic are as follows:

(a) Recyclable materials, such as scrap metal, batteries, tires, etc., are

salvaged and transported south for recycling or other approved uses.

(b) Combustible and putrescible wastes including sewage sludge are incinerated.

(c) Deep well injection of incinerator residue and other wastes is practiced where drilling equipment is available.

(d) Wastes are hauled to a more temperate region for environmentally sound processing and disposal.

(e) Landfilling is limited to inert incinerator residue and a few other nonrecoverable, inert items.

(f) Landfills are allowed only in selected areas where the soils are relatively dry and workable, and little or no vegetative cover exists. Only regional landfills are allowed (i.e., only the minimum number adequate to serve a region).

The assessment of alternatives and potential impacts required in this criterion is to include all the above practices.

Critical habitats. Under Section 7 of the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1536), all Federal departments and agencies, in consultation with the Department of Interior, are to utilize their authorities in furtherance of the purposes of the ESA, including the protection from destruction or modification of such habitats as the Secretary of Interior has determined to be critical to the continued existence of endangered species listed under Section 4. Any specific geographical area identified as critical habitat in 50 CFR Part 17, Subpart F may not be used for the disposal of solid waste unless it is demonstrated that the facility design, construction, operation, and maintenance will not jeopardize the continued existence of endangered species, and approval is obtained from the Office of Endangered Species, Fish and Wildlife Service, Department of Interior. Where other feasible alternatives exist (including technological and economic considerations), such critical habitat areas should not be used for solid waste disposal.

Recharge zones of sole source aquifers. Aquifers are water-bearing geologic formations which often yield significant quantities of water to wells or springs; a large percentage of the population in this country obtains its drinking water supply from these sources. Aquifers are replenished through recharge zones which are permeable to rainfall and surface runoff and through which the aquifer is susceptible to contamination. Section 1424(e) of the Safe Drinking Water Act of 1974 (Pub. L. 93-523) makes it possible for EPA to designate areas which are solely or principally dependent on an aquifer for drinking water supply. Disposal sites should not be located in the recharge zones of sole source aquifers when feasible alternatives (including technological and economic considerations) exist. However, when waste disposal facilities are located in the recharge zones of aquifers serving these designated areas they must be located (taking advantage of topography, depth to ground water, and natural soils), designed, constructed (generally including artificial liner(s)), operated, maintained, and monitored to prevent endangerment of the water source.

Other areas. The criteria on environmentally sensitive areas have been limited to wetlands, floodplains, permafrost areas, endangered species habitats, and recharge zones of sole source acquifers. Additional areas considered by EPA included active fault zones and karst terrain.

Surficial disturbances by active faults may result in shifts in waste disposal sites which may damage any liners used or expose wastes. Certainly, hazardous wastes should not be disposed in sites located over truly active fault zones. This issue will be addressed in the regulations being developed for hazardous wastes under Subtitle C of the Act. Active fault zones with a history of surficial disturbances are very few and well known in the United States. EPA had not proposed to specifically address this problem in these Criteria because those few States with such unique areas already have adequate controls.

Karst terrain is terrain which has been formed over limestone, dolomite, or gypsum as a result of solution processes; it is characterized by closed depressions or sink holes, caves, and solution channels, and commonly has underground drainage. Disposal of solid wastes on such a terrain faces problems distinctive to this unique geological setting: (1) Leachate produced at the site may be channeled without attentuation via solution cavities beneath the site into ground water and transported rapidly over substantial distances to unpredictable locations via turbulent groundwater flow through solution channels in the bedrock, and (2) a cavern or sink hole beneath the site can, in effect, ingest the entire disposal site into the ground water channels within the bedrock.

Because the characteristics and potential impact of karst terrain are so variable and complex, and because the ground-water criterion addresses the major concerns of disposal in karst terrain, EPA decided not to include karst terrain in the "Environmentally Sensitive Areas" criteria. However, care should be taken in evaluating risks on a site-by-site basis before solid wastes are disposed of on karst terrain. Surface geophysical techniques such as seismic and electrical resistivity surveys, when corroborates by well log data, are valuable in assessing subsurface conditions by indicating the abundance and sizes of air and waterfilled solution cavities in the underlying bedrock.

NOTE.—Comments are particularly solicited on the inclusion or exclusion of wetlands, floodplains, permafrost areas, endangered species habitats, sole source aquifers, active fault zones, and karst terrain as environmentally sensitive areas.

SURFACE WATER

This criterion seeks to help achieve the objective of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) of restoring and maintaining the integrity of the surface waters of the United States. Accordingly, all point source discharges of pollutants, including surface runoff, surface leachate, or leachate treatment effluent, must comply with an NPDES permit issued for the facility according to Section 402 of Pub. L. 92-500.

The criterion also requires, where possible, the prevention of direct discharges into surface waters of nonpoint sources of pollutants (unchannelled leachate seepage and surface runoff which may contain leachate, waste materials, or erosion sediment). Non-point source discharges should be prevented or minimized through facility design, operation, and maintenance, (e.g. by artificial or natural barriers, liners, or dikes), and by collection of such waters if produced (e.g. by ditch or trench). When collected, such waters become a point source which requires an NPDES permit if discharged to off-site surface waters. Flow of surface runoff from adjacent and surrounding lands should be channelled away from the disposal site to avoid contamination.

GROUND WATER

Ground water is often a high quality, low cost, readily available source of drinking water.[1] At least one half of the population of the United States depends upon ground water as a source of drinking water. Approximately ninety-seven percent of the Nation's water resource (excluding the oceans) is ground water. In many regions, ground water is the only economic and high quality water source available. In others, ground water can be developed at a fraction of the cost of surface water. Ground water in aquifers across the Nation is generally suitable for human consumption with little or no treatment necessary. Some large cities rely exclusively on ground water for drinking water.

[1] See "Waste Disposal Practices and their Effects on Ground Water, The Report to Congress," Office of Water Supply and Office of Solid Waste Management Programs, EPA, January 1977, for a further discussion of ground-water resources and contamination sources and problems.

Ground water has been contaminated by solid waste disposal facilities on a local basis in many parts of the Nation and on a regional basis in some heavily populated and industrialized areas, precluding its use as drinking water. Serious local economic problems have occurred because of the loss of ground-water supplies. The degree of contamination ranges from a slight degradation of natural quality to the presence of toxic concentrations of substances. Effective monitoring of potential sources of ground-water contamination is almost nonexistent, and many known instances of contamination have been discovered only after ground-water users have been affected.

Ground water usually moves very slowly; therefore, it often takes years or decades for contaminants to reach water users. It also takes decades or even centuries for a ground-water resource to purge itself even after a contamination source has been removed. The mechanisms of soil attenuation (sorption, ion exchange, precipitation, dispersion, or decay) have a limited capacity and are also reversible. Because of this, soil attenuation alone may be insufficient to assure prevention of ground-water contamination from a waste disposal facility.

When contamination does occur, legal action is seldom taken against the source of contamination because adequate monitoring generally does not exist, it is often very difficult and costly to prove the source of contamination, and the contamination may have occurred in the past, with no one remaining to take responsibility.

Since removing the source of contamination still does not clean up the aquifer once contaminated, the contamination of an aquifer can rule out its usefulness as a drinking water source for decades and possibly centuries. Also, cleanup of contaminated ground water may not be economically or technically feasible. Thus, the most effective means for protecting ground water is to control and monitor the potential source of contamination, rather than the aquifer or point of water use.

Proper site location (including avoidance of aquifer recharge zones), ground-water and land use planning, and proper design, construction, operation and maintenance of facilities are the principal techniques available for minimizing potential ground-water contamination problems. Where economics or other factors dictate that sites be located in areas of critical ground-water use (such as existing or potential drinking water sources), such technology as physical containment (liners), collection, and treatment of leachate may be necessary.

The ground-water criterion seeks to protect current users of the ground water and to protect other designated ground water for future use. Of primary concern is protection of current and future ground-water drinking water supplies.

The criterion uses the "endangerment" approach proposed for the Underground Injection Control Program (41 FR 36726) which prohibits contamination that would require additional treatment of current or future drinking water supplies or otherwise makes the water unfit for human consumption.

The ground-water criterion provides for application of "endangerment" at the property boundary of the disposal site. However, prevention of contamination of ground water within or under the site is often the only means to effectively achieve this goal at the property boundary. Monitoring ground water quality at the "waste boundary" (or within or under the site) may be desirable in order to anticipate potential "endangerment" at the property boundary and to measure effectiveness of control technology. Monitoring only at the property boundary may not provide ample opportunity for appropriate corrective actions because of time, economic, and technical constraints. Extending the property boundary would only postpone and aggravate the problem and would evade the intent of this criterion.

Some reviewers of early drafts of the Criteria have suggested that, in addition to or in lieu of the property boundary as point of application of "endangerment", a specific distance be designated. The specific distance (e.g. one kilometer) could be measured from the edge of the point of waste deposition or from the property boundary of the disposal facility. For example, "endangerment" would be determined on the basis of the site's property boundary or a point one kilometer from the edge of the waste deposit, whichever is closest to the solid waste.

NOTE.—While this approach is not proposed in the Criteria, comments on it are specifically solicited. Comments in support of this approach should indicate the distance which would be specified in the Criteria and explain the rationale for selection of that distance.

Under the ground-water criterion it is necessary to assess the impact of disposal facilities relative to the current and planned future utilization of the ground water. Utilization is divided into two categories: Case I addresses ground water currently used or designated for use as drinking water supplies or undesignated water containing 10,000 mg/1 total dissolved solids or less; and Case II addresses ground water designated for other uses. Thus, the criterion seeks to recognize and encourage definitive water planning decisions at the State and local levels.

In the case of ground water currently used or designated (planned) for use as a drinking water supply, the quality of the ground water beyond the disposal facility is to be maintained for that use. That is, the disposal facility is not to "endanger" the ground water beyond the property boundary.

In certain situations, conscientious resource management and societal needs may dictate that ground water be maintained at a quality either higher or lower than that provided by the "endangerment" concept which is based on the water quality needed when the water is used for drinking purposes. Such resource management decisions are appropriate at the State and local planning levels and should include participation of the public (e.g. public notice and hearings), involving the users of both the ground water and the facilities which may affect ground-water quality. Thus, if after specific determinations States designate ground water for uses other than drinking water, they should establish the quality at which the ground water is to be maintained consistent with the designated use. Consideration must be given to the finality of the designation and the potential impact on other water resources. The impact of a disposal facility would then be assessed against that quality specified by the State.

In order to predict, as early as possible, the potential for ground-water endangerment or the impact on groundwater quality, the disposal facility should be monitored so as to indicate the movement of contaminants from the disposal facility into the ground water. Contingency plans should be formulated for corrective actions to be taken in the event that an adverse impact is indicated by the monitoring.

AIR

Open burning is the uncontrolled or unconfined combustion of solid wastes. Uncontrolled means (1) the air or oxygen to fuel ratio (which determines the temperature and efficiency of combustion) is not governed, (2) the combustion residence time and mixing is not governed, or (3) the emissions of pollutants into the air are unchecked. Emissions of pollutants into the air from open burning are high compared to controlled burning such as municipal incinerators with air pollution control equipment (Table 1).

TABLE 1.—*Average emissions of air pollutants*[1]

[In pounds per ton]

Air pollutants	Open burning	Municipal incinerator	
		Wet scrubber	ESP[2] Unit
Particulate[4]	16	3.7	2.1
Carbon monoxide	85	35.0	35.0

TABLE 1.—*Average emissions of air pollutants*[1]—Continued

[In pounds per ton]

Air pollutants	Open burning	Municipal incinerator	
		Wet scrubber	ESP[2] Unit
Hydrocarbons[4]	30	1.5	1.5
Nitrogen oxides	6	3.0	3.0
Sulfur oxides	1	2.5	2.5

[1] SOURCE.—"Compilation of Air Pollutant Emission Factors," EPA, Report No. AP-42, 2d edition.
[2] Electrostatic precipitator.
[3] The EPA new source performance standard (40 CFR pt. 60) for particulate emissions from new incinerator facilities corresponds to 1.5 lbs/ton of waste.
[4] Expressed as methane (CH_4).

The impact of open burning is particularly acute in the major metropolitan areas and air basins. Open burning of wastes is generally prohibited in such areas unless a variance is obtained from the State and local air pollution control agency or board. However, establishing variances based on potential impacts is very complex because of the dynamic nature of the many variables involved (existing air quality, wind speed, humidity, mixing lid and vertical dispersion, efficiency of the burn, terrain, amount and type of wastes, etc.). Because of this, adequate variance procedures are often difficult to administer and enforce.

In addition to the potential health and property damages from air pollution, significant safety and damage threats caused by smoke and fire are associated with open burning. Smoke from open burning of wastes can reduce air and auto traffic visibility, and has resulted in incidents of multiple car accidents and deaths on expressways. Unconfined fires at dumps may spread and result in damage to property.

Because of these concerns, the criterion for air contains a prohibition of open burning for residential, commercial, institutional, and industrial wastes. Open burning of other waste types is also prohibited, except that, in special situations, States may give variances to this prohibition in accordance with State or local variance procedures. Such variances are to be conditioned upon speciic climatological and meterological situations (e.g. air flow conditions and air quality), topographical and land use situations (e.g. in a valley, on a hillside, next to a hospital), and assessments of waste types and amounts, and are to provide for confinement to prevent the spread of fires. Such variances are not to be given in situations where smoke may interfere with the visibility of air or road traffic (i.e., near airports or expressways). An example of a waste type and situation when such a burning variance may be issued would be field and brush burning for agricultural purposes, under specific atmospheric conditions.

The air criterion also calls for the control of harmful waste emissions by evaporation and sublimation so as to protect public health and welfare.

NOTE.—Comments are requested on the advisability of also including specific emission or air quality limits based on a modification or extrapolation of OSHA air quality standards.

APPLICATION TO LAND USED FOR THE PRODUCTION OF FOOD CHAIN CROPS

Practices which result in the conservation, recovery, or utilization of waste materials in environmentally safe ways are strongly encouraged by EPA. The application of solid waste to the surface of the land may provide a significant benefit through the addition of organic matter, nitrogen, phosphorus and certain other essential trace elements to the soil. Specifically, the use of solid waste by land application coupled with good management techniques for enhancement of parks and forests and reclamation of poor or damaged terrain should be considered for the utilization of solid waste. Application of solid waste to agricultural lands may also be regarded as an environmentally acceptable method of disposal. However, when improperly managed, such practices can create a potential threat to the future productivity of the land and to the human food chain through the entry of toxic elements, compounds, and pathogens into the diet. Therefore, special criteria have been established for facilities that produce food chain crops. These Criteria require the implementation of good system design and operation in order to restrict practices that pose a substantial risk to public health or the environment. Only those facilities which are involved in the production of food chain crops must meet these special criteria as well as all other criteria in this regulation. Food chain crops are defined as tobacco; crops grown for human consumption; and pasture, forage, and feed grain for animals whose products are consumed by humans. (Facilities used for the disposal of solid waste on land which is not involved in the production of food chain crops are not subject to these special criteria. However, they must meet all other criteria in this regulation.)

At this time the criteria only address cadmium, pathogens, pesticides, persistent organics, and direct ingestion of waste. The criteria will be revised in the future to address other metals, organics, and compounds as more information becomes available on the human health implications of their application to land (e.g., PCBs, and other persistent organics). Future revisions of the criteria will also address substances which could adversely affect the productivity of agricultural land. Potentially phytotoxic metals such as zinc, copper, and nickel will be considered for inclusion. In the interim, additional guidance on maximum application rates and application of solid wastes to nonfood chain lands can be obtained from State and Federal agricultural departments, as well as from EPA's technical bulletin entitled "Municipal Sludge Management: Environmental Factors" (EPA 430/9-77-004).

The application of solid waste to land used for the production of food chain crops can, under certain conditions (e.g., solid waste with high levels of cadmium applied on low pH soils), results in significantly increased cadmium levels in certain crops. Further, cadmium is a cumulative toxicant so that the risks from continued ingestion at elevated levels increase over time. Because of these concerns, it is the intent of EPA to move toward minimizing cadmium additions to crop land by controlling waste disposal practices.

EPA, the Food and Drug Administration, and the U.S. Department of Agriculture as well as many other groups are concerned over the conduct of any practice which could significantly increase the cadmium level in food crops beyond current levels. This concern arises from an FDA assessment of teenage males in this country (class of individuals which consumes the most food), which concluded that their average daily intake of cadmium food and water approximates the total tolerable daily intake level recommended by the World Health Organization. FDA has stated that: "While there is no evidence that the present cadmium level in the U.S. diet poses a health hazard now, prudence dictates that new developments should not be established on a large scale that could cause a significant and possibly irreversible increase of cadmium in the food supply."

Based on these concerns, it is the intent of these criteria to minimize the movement of cadmium from solid waste applied to the land into the food chain. Two approaches are included for the management of cadmium. The first approach includes four site management controls which will minimize the uptake of cadmium. Under this approach, crop cadmium monitoring is not necessary. The second approach is specifically designed for facilities which are closely managed and monitored. It allows for the comparison of crops or meats produced from solid waste amended soils with similar crops or meats produced locally where solid waste has not been applied. This approach provides flexibility to those facilities which possess the necessary resources and expertise to intensively manage and monitor their operations.

The first approach (§ 357.3-5(a)(1)) includes four site management controls. Under this approach, annual and cumulative cadmium addition criteria are specified. A phased reduction of annual cadmium additions is proposed. This provides a limitation to be imposed immediately that will provide initial protection to the human diet. Over time, this proposed limitation would become more stringent, thereby providing greater degrees of protection. Phasing also gives communities and industry the time necessary to implement programs, such as source control and pretreatment of industrial discharges, to reduce further the cadmium concentrations in their wastes.

NOTE.—Comments are requested on the public health and environmental implications of this phased approach. Comments are also requested on the ability of locally implemented industrial waste pretreatment programs to reduce solid waste cadmium concentrations to levels which will permit continued land application on food chains crops within the schedule shown.

The maximum cumulative cadmium addition is based on soil cation exchange capacity (CEC) even though it is recognized that soil CEC is not the only factor to consider in setting levels of cumulative cadmium additions to soil. Other soil factors such as organic matter and hydrous oxide contents may be equally or more important in limiting metal availability. However, the cation exchange capacity of the soil was selected since it provides a measurable index of the soil's ability to limit cadmium availability to plants.

Data indicate that nearly all food crops may accumulate cadmium when grown on waste-amended soil with elevated cadmium levels. However, leafy vegetables, root crops, and tobacco generally accumulate cadmium to a greater degree than do grains. Therefore, in order to protect the food chain, this alternative places further restrictions on the cadmium concentration in solid wastes which are applied to land use for the production of leafy vegetables, root crops, and tobacco.

In order to minimize the movement of cadmium into plants as well as ground water, this alternative requires that the pH of the solid waste and soil mixture be controlled. While not included in the criteria, it is recommended that the ratio of cadmium to zinc in the solid waste be less than or equal to 0.015 (especially for high cadmium content solid wastes) where solid waste is applied to naturally acidic soils.

The second approach § 257.3-5(a)(2) recognizes the fact that a wide variety of site specific conditions and management variables can affect the level of cadmium entering crops. Rather than relying on operational criteria this approach establishes a minimum level of performance based on a comparison with the cadmium levels of the same crop species or meats produced locally where solid waste has not been applied.

The application of solid waste to land used for the production of crops which are directly consumed by man rather than by animals, must have cadmium concentrations which are comparable to similar crops raised locally. Adequate protection should be provided by comparing the cadmium concentrations in meats which are marketed (especially those portions of the animal which are known to accumulate cadmium such as the kidney and liver) rather than pasture grasses, forage, or other crops raised for animal consumption. This approach also requires that a contingency plan be developed which identifies alternative courses of action if the levels of cadmium in the crop are not found to be comparable with other local crops. The plan, at a minimum, should address restrictions on crop marketing future land use and sludge application rates.

NOTE.—Comments are requested on how to define comparability. Specifically, what analysis, if any, should be performed on the local crop or meat cadmium level monitoring data in order to establish the maximum allowable crop or meat cadmium levels permissible at a land application facility?

While the critieria in this section apply to all solid wastes, certain of them specifically address wastes of concern due to their pathogen content. Such wastes include hospital waste, municipal wastewater treatment sludge, and other wastes which may be of particular concern due to their pathogen content. The criteria require stabilization if such wastes are applied directly to the land's surface. In addition, crops normally eaten raw may not be grown for at least 1 year following the application of such wastes. A longer delay may be necessary if there are positive indications of viable Ascaris ova.

Since many solid wastes contain pesticides and persistent organics, in additon to heavy metals, the criteria require that any food and animal feeds grown on solid waste amended soils meet all applicable food quality regulations.

The direct ingestion of certain solid wastes (e.g., municipal wastewater treatment sludge) may be of concern especially if they contain pathogens, toxic organics, or heavy metals (especially cadmium, lead, and PCBs). Therefore, these wastes must be managed to avoid direct consumption of freshly applied solid waste by animals raised for milk or by humans.

DISEASE VECTORS

The criteria require that the facility minimize the availability of food and harborage for disease vectors, and, when necessary, use other means to control disease vectors. Of particular concern are rodents. At facilities which dispose of uncomposted or unprocessed putrescible wastes, an effective means to control rodents may be the application of cover material at the end of each operating day. Other means include composting or processing the waste so as to render it unattractive to rodents, or, generally less desirable but sometimes necessary, using rodenticides or repellants. At some facilities birds and flies are more difficult to control than rodents, but certain practices, such as the application of cover material, can help alleviate these problems. Mosquitos can be controlled by eliminating as much as possible the availability of standing water for breeding, by nonchemical controls such as predatory or reproductive control, and if necessary, by spraying with insecticides or repellants.

Cover materal. Cover material serves many purposes: (1) It helps in disease vector and rodent control, (2) it helps contain odor, litter, and air emissions, which enhances esthetics, (3) it lessens the chance and spread of fires, (4) it reduces infiltration of rainwater by increasing runoff and thereby decreases leachate generation and surface and ground water contamination, and (5) it enhances the site appearance and utilization after completion.

Because of the many advantages of cover material, the criteria require the use of cover materials where appropriate for the disposal of "all unshredded, unstabilized, putrescibe wastes." In remote areas, to minimize economic impact, EPA recommends regionalization and operation of disposal sites only on days when equipment is available to apply cover material. Cover material is already a requirement for such wastes in many States.

Landspreading of stabilized and composted wastes, surface impoundments, mining and milling wastes, and certain relatively inert wastes such as construction, demolition, and land clearing debris, generally do not require cover material because the wastes are nonputrescible, relatively stable and inert, or they are impracticable to cover. Because of these exceptions, the various criteria call for periodic application of cover material "where appropriate."

"Periodic application of cover material" is defined in § 257.2(s) as "the application of soil or other suitable material over disposed solid waste at such frequencies and in such a manner as to impede vectors and infiltration of precipitation; reduce and contain odors, fires, and litter; and to enchance the facility's appearance and future utilization." In general, these results can be achieved by covering the site at the end of each day that it is open to re-

ceive wastes. In remote areas, on days when sites are not open, storage bins may be provided for temporary storage of wastes.

SAFETY

Safety hazards include explosive, toxic and asphyxiating gases, fires, bird hazards, and exposure to wastes through uncontrolled access to disposal sites.

Gases. Solid waste disposal sites may produce explosive, toxic, or asphyxiating gases which may accumulate onsite or migrate offsite. Products of solid waste decomposition, oxidation, volatilization, sublimation, or evaporation may include gases such as methane and hydrogen (explosive and asphyxiating), carbon monoxide and carbon dioxide (asphyxiating) and chlorine (toxic). The presence of any of these or similar gases at a disposal site, in sufficient conventration, can pose a serious threat to the health and welfare of site employees and users, and occupants of nearby structures. Explosions, asphyxiations, and poisonings resulting in injury and death have resulted from disposal site gases. In addition, property damage, groundwater contamination, and vegetation destruction onsite and on adjacent lands have been caused by solid waste disposal gases. Measures need to be conscientiously implemented at waste disposal sites to avoid, prevent, or control the formation and migration of these gases.

The criteria call for the use of technology and methods to prevent gas migration offsite and to prevent accumulation in onsite structures in harmful quantities. The measures used to accomplish this are many, and frequently site specific. They may include control of incoming waste materials which may cause problems, location of the site away from occupied structures, design of structures onsite or on adjacent land to prevent migration, construction of barriers to gas migration at the site boundary, and use of vents or gas collection systems. Lateral migration may be impeded by surrounding the disposal site with low-permeability soils or other barrier materials. However, since all materials are somewhat permeable these barriers should be used in conjunction with vents. Vents may consist of gravel or open trenches adjacent to the low-permeability barrier and the use of porous or slotted pipes with or without pumps to stimulate gas flow either for dispersion into the atmosphere, or for concentration, destruction, or utilization, usually by combustion.

The explosive gas criterion is not intended to restrict the construction of gas recovery facilities or the storage of these gases on site in a safe manner.

Fires. This criterion is included to address the impact of fires at a solid waste disposal site beyond the air quality impact of open burning. Circumstances other than intentional burning by the site operator which may lead to fires at a disposal site include: Vandalism, carelessness, spontaneous combusting, and receipt for disposal of solid waste undergoing combustion (e.g., hot ashes). Any fire at a solid waste disposal site poses a threat of property damage and injury or death to site employees, users, and nearby residents. In order to minimize these dangers, site design and operation should address the prevention and control of such fires by: Monitoring wastes received, applying cover material or other suitable means to limit the exposure of flammable material, and providing firefighting equipment to promptly extinguish such fires. Underground fires may become very difficult to extinguish if not attended to immediately.

Bird hazards to aircraft. The most abundant source of information on the bird hazard problem can be found in Federal Aviation Administration (FAA) yearly reports on bird strike incidents, and in FAA advisory circulars: "Bird Hazards to Aircraft" (AC 150/5200-3A, 3/2/72), "Use of Chemical Controls to Repel Flocks of Birds at Airports" (AC 150/5200-8 5/2/68), "Bird Reactions to Scaring Devices" (AC 150/5200-9, 6/26/68), and "Announcing the Availability of International Civil Aviation Organization Airport Services Mannual. DOC-9137-AN/898, Part 3, Bird Control and Reduction" (AC 150/5200-22). A study published by EPA also identifies bird hazards to aircraft: "Bird/Airport Hazards at Airports Near Solid Waste Disposal Sites," Environmental Protection Publication SW-116, EPA, 1974.

These reports show that birds are often attracted to disposal facilities which receive putrescrible wastes, in spite of vector control efforts (compaction and cover of wastes, etc.). When airports are located near such disposal sites, a potential bird hazard (collision threat) to aircraft may exist.

The above studies and observations culminated in the issuance of FAA Order 5200.5, "FAA Guidance Concerning Sanitary Landfills on or Near Airports," dated October 16, 1974. The order states that solid waste disposal facilities have been found by study and observation to be artificial attractants to birds and, therefore, "may be incompatible with safe flight operations" when located in the vicinity of an airport.

The bird hazard criterion incorporates the 3,048 and 1,524 meter restrictions contained in the 1974 FAA order. Disposal facilities outside of these distances but within the conical air space described by Federal Aviation Regulations (FAR) Part 77 are to be reviewed on a case-by-case basis for potential bird hazard.

In regulating, managing, and planning for airports and aircraft operations, the FAA and State and local decision makers should avoid locations and operations which would result in a bird hazard to aircraft due to existing or planned solid waste disposal facilities. The following airport and aircraft locations and operations should be avoided:

(a) Runways used or planned for use by turbojet aircraft and located within 3,048 meters of a solid waste disposal facility.

(b) Runways used or planned for use only by piston-type aircraft and located within 1,524 meters of a solid waste disposal facility.

(c) Location or operation of an airport such that the conical air spaces described by FAR Part 77 and applied to the airport would include a solid waste disposal facility.

(d) Location of an airport such that its runways or approach and departure patterns are situated between a solid waste disposal facility and bird feeding, water, or roosting areas.

Access. Solid waste disposal facilities can cause injury or death to persons at the site. Such causes of harm, which are often easy to minimize, include:

(a) Operation of heavy equipment and haul vehicles;

(b) Hazards associated with the types of waste including sharp objects, pathogens, and toxic, explosive, or flammable materials;

(c) Accidental or intentional fires;

(d) Excavations and earth moving activities.

Potential harm to disposal site personnel can be minimized as a result of proper training, utilization of safety equipment, control of waste types, and other safe practices. The most effective means of minimizing the risk of injury to other persons is by complete prohibition of access to the site by non-users (e.g. by suitable fencing) and strict control of users while on the site. For individuals disposing of small amounts of wastes, storage or special disposal facilities can be provided near the site boundary or away from the area being utilized by professional solid waste management personnel.

The importance of this consideration cannot be overstated since persons have suffered injury and even death at uncontrolled waste disposal facilities. Furthermore, in most cases, there is little economic impact on solid waste disposal operations in accomplishing site access control.

PUBLIC PARTICIPATION

Extensive comments have been received and considered in the development of these proposed Criteria. These comments were submitted by a number of individuals and organiza-

tions in response to: (1) public meetings conducted by EPA (including those listed in 42 FR 6620, Feb. 3, 1977, and public meetings conducted by several EPA Regional Offices), (2) meetings with State solid waste agency personnel, (3) meetings with other groups representing local and regional governments, disposal facility operators, environmental organizations, industrial associations, professional societies, and other groups, (4) the Notice of Intent to Develop Rulemaking (42 FR 9803, Feb. 17, 1977) and the Advance Notice of Proposed Rulemaking (42 FR 34446-48, July 5, 1977), and (5) a working draft of the Criteria which was widely distributed outside EPA to representatives of local and State governments, other Federal agencies, industry, disposal facility operators, the scientific community, environmental organizations, and anyone requesting copies.

The first public hearing on the proposed Criteria will be held on the evening of March 1, 1978, in San Diego, Calif., at the following location:

The Executive Hotel (Terrace Room), 1055 First Avenue, San Diego, Calif. Registration: 7 to 7:30 p.m.

Additional public hearings are planned for late March or early April (following publication in the FEDERAL REGISTER of the notice of availability of the EIS/EIA). Tentative locations are: Washington D.C.; Kansas City, Mo.; and San Francisco, Calif. Notice of these hearings will be published in the FEDERAL REGISTER at least 30 days prior to the hearings. Requests to participate in the public hearings should be directed to: Public Participation Officer, Office of Solid Waste (WH-562), EPA, Washington, D.C. 20460, 202-755-9157. Such requests must be received prior to the close of business (4:30 p.m.) five working days preceding the date of the hearing and must include the names, addresses, and phone numbers of individuals or organizations seeking to make a public statement; the choice of public hearing location; and an estimate of the time required to make the statement. At least one legible copy of the prepared statement must be provided at the time of the public hearing.

EPA desires comments from the general public on these proposed Criteria. EPA is particularly interested in comments on: (1) Adequacy of the Criteria in providing for the protection of public health and the environment, (2) practicality of implementation of the Criteria (including availability of technologies and methods to comply with the Criteria and to determine compliance; and the feasibility of monitoring, administrative, and enforcement programs), (3) potential impacts on segments of our society and economy, and (4) any recommended alternatives.

Dated: January 27, 1978.

DOUGLAS M. COSTLE,
Administrator.

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES

Sec.
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257.3 Criteria for classification of solid waste disposal facilities.
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257.4 Effective date.

AUTHORITY: Sec. 1008(a)(3), sec. 4004(a), Pub. L. 94-580; 90 Stat 2803 and 2815; (42 U.S.C. 6907(a)(3) 6944); sec. 405(d), Pub. L. 95-217.

§ 257.1 Scope and purpose.

(a) These Criteria are for use in determining which solid waste disposal facilities pose no reasonable probability of adverse effects on health or the environment. Facilities failing to meet these Criteria will be considered open dumps for the purposes of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (the Act). Sections 4005(c) and 4003 of the Act prohibit open dumping, and require that such facilities must be closed or upgraded, except for facilities operating on a State-established compliance schedule which specifies an enforceable sequence of actions or operations.

(b) These Criteria also provide guidelines for sludge utilization and disposal, under section 405(d) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (Pub. L. 95-217). The owner or operator of any publicly owned treatment works must comply with the Criteria in accordance with section 405(e) of that Act.

(c) These Criteria apply to all *solid waste disposal* facilities as these terms are defined in the Act, with the following exceptions: (1) Facilities for the disposal of hazardous waste must comply with the regulations promulgated under Subtitle C of the Act; (2) regulations for the State Underground Injection Control Program (40 CFR Part 146) developed under authority of the Safe Drinking Water Act of 1974 (Pub. L. 93-523, 88 Stat. 1660 et. seq., 42 U.S.C. 300 et. seq.) will apply to undergound well injection in lieu of these Criteria; (3) agricultural wastes, including manures and crop residues, which are returned to the soil as fertilizers or soil conditioners are not subject to classification by these Criteria; and (4) overburden resulting from mining operations, including mining and milling waste, which is returned to the mine is not subject to classification by these Criteria.

§ 257.2 Definitions.

As used in these criteria:

(a) "Aquifer" means a geologic formation, group of formations, or part of a formation that is capable of yielding usable quantities of ground water to wells or springs.

(b) "Base flood" means a flood that has a 1 percent or greater chance of recurring in any year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. In any given 100-year interval such a flood may not occur, or more than one such flood may occur.

(c) "Beneficial utilization" means the application of solid waste to land for the purpose of supplying nutrients or conditioning the soil.

(d) "Cation exchange capacity" means the sum of exchangeable cations a soil can absorb expressed in milliequivalents per 100 grams of soil as determined by the pH 7.0 ammonium acetate procedure (Schollenberger, C.J. and Simon, R.H., "Determination of exchange capacity and exchangeable bases in soil-ammonium acetate method", SOIL SCIENCE, 59: 13-25, 1945).

(e) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone (Pub. L. 92-500, 86 Stat. 886, 33 U.S.C. 1362).

(f) "Discharge of pollutants" means (1) any addition of any pollutant to navigable waters, (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any source other than a vessel or other floating craft.

(g) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters (Pub. L. 94-580, 90 Stat. 2799, 42 U.S.C. 6903).

(h) "Endangerment" means the introduction of any physical, chemical, biological, or radiological substance or matter into ground water in such a concentration that (1) makes it necessary for a ground-water user to increase treatment of the water (including treatment to meet any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard), (2) makes it necessary for a future user of the ground water to use more extensive treatment of the water than would otherwise have been necessary (based on current

technology), or (3) otherwise makes the water unfit for human consumption.

(i) "Facility" means any land and appurtenances thereto used for the disposal of solid wastes.

(j) "Facility structures" means any buildings and sheds, or utility or drainage lines on the facility.

(k) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, which are inundated by the base flood.

(l) "Food chain crops" means tobacco; crops grown for human consumption; and pasture, forage, and feed grain for animals whose products are consumed by humans.

(m) "Ground water" means water below the land surface in the zone of saturation.

(n) "Leachate" means liquid containing dissolved or suspended materials that emerges from solid waste.

(o) "Navigable waters" means the waters of the United States, including the territorial seas (Pub. L. 92-500, 86 Stat. 886, 33 U.S.C. 1362).

(p) "Non-point source" means any origin from which pollutants emanate in an unconfined and unchannelled manner, including but not limited to surface runoff and leachate seeps.

(q) "Open burning" means the combustion of solid waste without (1) control of combustion air to maintain adequate temperature for efficient combustion, (2) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, or (3) control of the emission of the combustion products.

(r) "Open dump" means a site for the disposal of solid waste which does not comply with these Criteria (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(s) "Periodic application of cover material" means the application of soil or other suitable material over disposed solid waste at such frequencies and in such a manner as to impede vectors and infiltration of precipitation; reduce and contain odors, fires, and litter; and to enhance the facility's appearance and future utilization.

(t) "Permafrost" means permanently frozen subsoil.

(u) "Pesticide" means (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and (2) and substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (Pub. L. 92-516, 86 Stat. 975, 7 U.S.C. 136).

(v) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged (Pub. L. 92-500, 86 Stat. 887, 33 U.S.C. 1362).

(w) "Pollutant" means any substance added to air, land, or water which impairs its chemical, physical, biological, or radiological quality.

(x) "Putrescible wastes" means solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds and potential disease vectors (such as rodents and flies).

(y) "Recharge zone" means an area through which water enters an aquifer.

(z) "Sanitary landfill" means a facility for the disposal of solid waste which meets these Criteria (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(aa) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(bb) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activies, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923). (Pub. L. 94-580, 90 Stat. 2801, 42 U.S.C. 6903.)

(cc) "Stabilization" means any chemical, physical, thermal, or biological treatment process that results in the significant reduction of pathogenic organisms.

(dd) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. (Pub. L. 94-580, 90 Stat. 2801, 42 U.S.C. 6903.)

(ee) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil condition. Wetlands generally include swamps, marches, bogs, and similar areas. (33 CFR Part 323—Permits for Discharges of Dredged or Fill Material into Waters of the United States.)

§ 257.3 Criteria for classification of solid waste disposal facilities.

For the purposes of classification under Sections 4004(a) and 1008(a)(3) of the Act, a facility for the disposal of solid waste poses no reasonable probability of adverse effects on health, safety, or the environment if it is so located, designed, constructed, operated, completed, and maintained that it meets the following criteria.

§ 257.3-1 Environmentally sensitive areas.

(a) *Wetlands.* The facility shall not be located in a wetland unless:

(1) The facility obtains an NPDES permit under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 880, 33 U.S.C. 1342), and

(2) If a levee or other type of containment structure is to be placed in the water as part of the disposal activity, the facility obtains a permit issued under authority of Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 884, 33 U.S.C. 1344) according to the Army Corps of Engineers Permits for Discharges of Dredged or Fill Material into Waters of the United States (33 CFR Part 323).

COMMENT.—There is a strong presumption against the issuance of an NPDES permit for the discharge of solid waste into wetland areas. Only upon a showing of extraordinary circumstances—including a demonstration of alternative methods of disposal, an assessment of environmental impact for each alternative, an assessment of the technical and economic feasibility of each alternative, and a justification for the wetlands disposal alternative in view of the environmental impact and feasibility—will an NPDES application be considered and an NPDES permit issued. Any NPDES permit issued for the discharge of solid waste into wetland areas must assure that the facility utilizes appropriate technologies and/or best management practices to minimize any adverse effects.

(b) *Floodplains.* The facility shall not be located in a floodplain unless it is clearly demonstrated that:

(1) The facility will not restrict the flow of the base flood or reduce the temporary water-storage capacity of the floodplain such that increased flooding upsteam or downstream may result from the base flood, and

(2) The facility is designed, constructed, operated, and maintained so as to protect against inundation by the base flood, unless the facility is for land application of solid waste for beneficial utilization as agricultural soil conditioners or fertilizers.

(c) *Permafrost areas.* The facility shall not be located in permafrost areas unless:

(1) Other alternatives such as recycling or salvaging of materials, incineration and energy recovery of combustibles, deep well injection, and transport of the wastes back to more temperate regions are evaluated and determined to be technologically or economically infeasible, and

(2) The facility is sited on relatively dry and workable soils where minimal or no vegetative cover exists, and the facility is designed, constructed, and operated so as to minimze erosion and to minimize surface area consumed, and

(3) Regional disposal facilities are developed to the maximum extent feasible (including technological and economic considerations).

(d) *Critical habitats.* The facility shall not be located in critical habitat areas listed in 50 CFR Part 17, Subpart F: Critical Habitat, 1760 et seq., unless: It is demonstrated that such disposal operation will not jeopardize the continued existence of endangered species, and approval of the disposal plan is obtained from the Office of Endangered Species, Fish and Wildlife Service, Department of Interior.

(e) *Sole source aquifers.* The facility shall not be located in the recharge zone of an aquifer which is the sole or principal source of drinking water for an area designated under Section 1424(e) of the Safe Drinking Water Act of 1974 (Pub. L. 93-523 88 Stat. 1661, 1678, 42 U.S.C. 300f, 300h-3(e)) unless:

(1) Other alternative sites and waste disposal methods have been evaluated and determined to be technologically or economically infeasible.

(2) It is located, designed, constructed, operated, maintained, and monitored to prevent endangerment of the aquifer.

NOTE.—Comments are specifically solicited on the completeness, adequacy, and impact of the environmentally Sensitive Areas criteria.

§ 257.3-2 Surface water.

The facility does not adversely affect surface water quality and complies with the following:

(a) Point source discharge of pollutants, including channelled surface leachate, leachate seepage, surface runoff, and leachate treatment effluent, to off-site surface waters, complies with an NPDES permit issued for the facility according to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 880, 33 U.S.C. 1342).

(b) Non-point sources, including surface leachate, leachate seepage, and surface runoff are controlled so as to prevent or minimize non-point source discharges of pollutants into any off-site surface water.

§ 257.3-3 Ground Water.

The facility does not adversely affect ground water quality in accordance with Case I or Case II below.

(a) *Case I.* (1) For aquifers containing ground water which (i) is currently used or designated by the State for future use as a drinking water supply for human consumption, or (ii) contains less than 10,000 mg/l total dissolved solids and has not received designation pursuant to Case II; the quality of the ground water beyond the disposal facility property boundary is not endangered by the facility.

(2) For acquifers described in paragraph (a)(1) of this section the facility shall employ one of the following two operational means to assure that endangerment of the ground water quality is prevented:

(i) Any leachate produced shall be collected through use of artificial liners. Collected leachate shall be removed, recirculated, or treated as appropriate.

(ii) The facility shall control the migration of leachate by utilizing the site's natural hydrogeologic conditions, soil attenuation mechanisms and/or recovery and treatment of contaminated water. Where appropriate, infiltration of water into the solid waste shall be prevented or minimized so as to reduce leachate generation.

(3) For as long as leachate may enter ground water in such quantities and concentrations that the ground water quality may be endangered, monitoring of ground water, prediction of leachate migration, and a current and acceptable contingency plan for corrective action are required.

(b) *Case II.* (1) For ground water which is currently used or designated by the State for use other than as a drinking water supply for human consumption, the quality of the ground water beyond the disposal facility property boundary is maintained at such quality as specified by the State. ()

(2) A State may designate a groundwater source for use other than as a drinking water supply for human consumption if:

(i) The source is impractical for use as a drinking water supply due to the extent of its contamination, its depth, or the potential yield of the aquifer; or, after public hearings, it is determined that adequate alternative drinking water supplies are available for all users in the affected area into the foreseeable future, taking into account projected population growth, the extent, location, and nature of existing sources of drinking water, and other potential sources of ground water pollution, and

(ii) The waters of an adjacent State or country will not be endangered and adequate hydrogeologic conditions exist separating the ground water to be designated from waters to be protected so that protected waters are not endangered.

§ 257.3-4 Air.

The facility controls air emissions (including emissions by evaporation, sublimation, and oxidation) so as to comply with all applicable Federal, State, and local air regulations and to protect public health and welfare, and complies with the following prohibitions:

(a) Open burning of residential, commercial, institutional, and industrial solid waste is prohibited.

(b) Open burning of other solid waste (e.g. agricultural and silvicultural) is prohibited unless in compliance with State and local regulations.

§ 257.3-5 Application to land used for the production of food chain crops.

A facility for the beneficial utilization of solid waste by application to land used for the production of food chain crops complies with the following in addition to the other criteria contained in this regulation.

(a) *Cadmium.* Any site that is currently or will in the future be used for the production of food chain crops complies with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) (i) The annual application of cadmium from solid waste does not exceed the maximum additions below.

*Years**	*Maximum annual Cd addition* (kg/ha)*
Present to Dec. 31, 1981	2.0
Jan. 1, 1982 to Dec. 31, 1985	1.25
Beginning Jan. 1, 1986	0.5

*NOTE.—Comments are requested on the public health and environmental implications of this phased approach. Comments are also requested on the ability of locally implemented industrial waste pretreatment programs to reduce solid waste cadmium concentrations to levels which will permit continued land application on food chain crops within the schedule shown.

(ii) The maximum cumulative amount of cadmium applied to any hectare of land does not exceed: 5 kilograms on soils with a Cation Exchange Capacity (CEC) of less than 5, 10 kilograms on soils whose CEC is between 5 and 15, and 20 kilograms on soils whose CEC exceeds 15.

(iii) Solid waste containing cadmium concentrations in excess of 25 mg/kg dry weight is not applied to sites where tobacco, leafy vegetables, or root crops are or will be grown for direct human consumption.

(iv) Solid waste containing cadmium is applied so that the pH of the solid waste and soil mixture is maintained at 6.5 or greater.

(2) The land application of solid waste containing cadmium is acceptable is the resulting level of cadmium in the crops and meats marketed for human consumption are analyzed prior to marketing and shown to be

comparable to those levels present in similar crops or meats produced locally where solid waste has not been applied. A contingency plan is necessary which identifies alternative courses of action which may be taken if crop cadmium levels are not found to be comparable (e.g., restrictions on crop marketing, future land use, and sludge application rates). The contingency plan must also provide adequate safeguards to preclude risks from alternative land uses following the closure of the disposal site. This alternative is only available to those facilities which demonstrate that they possess the necessary resources and expertise to adequately manage and monitor their operations.

(b) *Pathogens.* (1) If solid waste of concern due to its pathogen content is applied directly to the surface of the land it is stabilized to reduce public health hazards.

(2) Land which has received solid waste of concern due to its pathogen content is not used for the production of human food crops which are normally eaten raw (except crops such as orchard fruits, where there is no contact between the solid waste and the crop) for at least one year following application or longer.

(c) *Pesticides and persistent organics.* The application of solid waste containing pesticides on land that is currently or will in the future be used for the production of food chain crops does not result in pesticide residues in or on crops in excess of the tolerances set pursuant to Section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. 346a) and the regulations thereunder (40 CFR Part 180) and Section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. 348) and the regulations thereunder (21 CFR Part 561).The application of solid wastes containing persistent organics on land that is currently or will in the future be used for the production of food chain crops does not result in persistent organic levels in or on foods in excess of those established by FDA (21 CFR Part 109).

(d) *Direct ingestion.* Solid waste of concern due to its pathogen, toxic organic or heavy metal content (e.g., lead and PCB) is not applied to a site so that the freshly applied solid waste may be directly ingested by animals raised for milk or by humans.

§ 257.3-6 Disease vectors.

The facility protects public health by controlling disease vectors. This shall be accomplished through minimizing the availability of food and harborage for vectors through the periodic application of cover material or other techniques where appropriate.

§ 257.3-7 Safety.

The facility does not pose a safety hazard to facility employees and users and to the public in accordance with the following:

(a) *Explosive gases.* The concentrations of explosive gases in facility structures (excluding gas control or recovery system components), or in the soil at the facility property boundary do not reach the lower explosive limits for the gases.

(b) *Toxic or asphyxiating gases.* Toxic or asphyxiating gases are not allowed to migrate off site, or accumulate in facility structures (excluding gas control or recovery components) in concentrations harmful to human, animal, or plant life.

(c) *Fires.* All fires are extinguished expeditiously; and fire hazards are minimized through proper site construction and design, and the periodic application of cover material where appropriate.

(d) *Bird hazards to aircraft.* Disposal facilities which receive putrescible wastes that may attract birds are not located (1) within 3,048 meters of any runway used or planned to be used by turbojet aircraft, or (2) within 1,524 meters of any runway used or planned to be used only by piston-type aircraft, unless it is determined that the disposal facility does not pose a bird hazard to aircraft. Determinations shall be made on a case-by-case basis for those facilities which are not within the above distances but are within the conical surfaces described by Federal Aviation Regulations Part 77 as applied to an individual airport.

(e) *Access.* Entry to the facility is controlled so as to minimize exposure of the public to hazards of heavy equipment operation and exposed waste.

§ 257.4 Effective date.

These Criteria become effective 30 days after final publication.

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