

REGISTERED
 TRADE
 MARK

FRIDAY, FEBRUARY 24, 1978



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

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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	HEW/HSA			HEW/HSA
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	HEW/PHS			HEW/PHS

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

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

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

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

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment shows (1) a title change from Confidential Assistant to the Secretary to Special Assistant to the Secretary to more accurately reflect the duties of the position; and (2) an exception under Schedule C of the position of Special Assistant to the Solicitor because it is confidential in nature.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT.

William Bohling, 202-632-4533. Accordingly 5 CFR 213.3312(a) (1) and (2) are amended and (b)(4) is added as set out below:

§ 213.3312 Department of the Interior.

(a) Office of the Secretary.

(1) Four Confidential Assistants to the Secretary.

(2) Five Special Assistants to the Secretary.

* * *

(b) Office of the Solicitor. * * *

(4) One Special Assistant to the Solicitor.

* * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,

Executive Assistant
to the Commissioners.

[FR Doc. 78-4708 Filed 2-23-78; 8:45 am]

[1505-01]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 230—NONFOOD ASSISTANCE PROGRAM

Appendix—Initial Apportionment of Food Service Equipment Funds Pursuant to Child Nutrition Act of 1966, for Fiscal Year 1978

Correction

In FR Doc. 78-3183 appearing at page 5794 in the issue for Friday, February 10, 1978, on page 5795, second table heading which reads "Section 5(B)—Continued" should read "Section 5(E)—Continued".

[3410-02]

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

[Lemon Reg. 133, 134; Amdt. 11]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 26-March 4, 1978, and increases the quantity of such lemons that may be so shipped during the period February 19-25. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 26, 1978, and the amendment is effective for the period February 19-25, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION:
Findings. Pursuant to the marketing

agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on February 21, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is similar to last week.

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

§ 910.434 Lemon Regulation 134.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 26, 1978, through March 4, 1978, is established at 240,000 cartons.

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

§ 910.433 [Amended]

Paragraph (a) of § 910.433 Lemon Regulation 133 (43 FR 6914) is amended to read as follows: "The quantity of lemons grown in California and Arizo-

na which may be handled during the period February 19, 1978, through February 25, 1978, is established at 255,000 cartons."

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

Dated: February 22, 1978.

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

[FR Doc. 78-5165 Filed 2-23-78; 11:32 am]

[3410-34]

Title 9—Animals and Animal Products

CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment to the regulations under the Virus-Serum-Toxin Act expands, clarifies, and explains the criteria for interpreting results obtained when the chicken inoculation test for pathogens has been conducted on test birds. Reactions of test birds to a product being tested are used as a basis for evaluating that product, but the present regulations are too limited in that they do not give adequate guidance for the performance of such tests, and do not adequately explain how the results obtained from the tests affect a given serial or subserial of a product. This amendment corrects this deficiency.

EFFECTIVE DATE: This amendment becomes effective March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, Md. 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION:

PROPOSAL PUBLISHED

On November 18, 1977, a proposed notice of amendment to Part 113 of Title 9 was published in 42 FR 59509. The proposed notice contained changes in paragraph (f) of § 113.36 of the regulations which contains the requirements for detection of pathogens by the chicken inoculation test.

The proposed changes provided for a repeat test when the results of a test are "inconclusive". It was also proposed that the term "sicken or die" be

replaced by the terms "do not remain healthy" and "unfavorable reactions". In the opinion of Veterinary Services, these terms would provide for a broader test criterion and would be more appropriate in the case of some products. The proposed amendment also provided for the inclusion of subserials as well as serials of a product in the regulations since the test prescribed therein is performed on both serials and subserials.

It was further proposed that a serial or subserial of a product being tested would be declared unsatisfactory if control test birds remain healthy and unfavorable reactions which are found to be attributable to the test product occur in the vaccinates. However, if the control birds do not remain healthy, or if the vaccinates exhibit unfavorable reactions which are not found to be attributable to the test product, it was proposed that the test be declared "inconclusive".

Comments on this amendment were solicited and one favorable response was received. No objections were submitted.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendment of Part 113 of Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted.

In § 113.36, paragraph (f) is revised to read as follows:

§ 113.36 Detection of pathogens by the chicken inoculation test.

(f) If the controls remain healthy and unfavorable reactions attributable to the product occur in the vaccinates, the serial or subserial tested is unsatisfactory. If the controls do not remain healthy or if unfavorable reactions not attributable to the product occur in the vaccinates, or both, the test shall be declared inconclusive and may be repeated: *Provided*, That, if the test is not repeated, the serial of subserial tested shall be considered unsatisfactory.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

Done at Washington, D.C., this 17th day of February 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation

Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-4832 Filed 2-23-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0144]

PART 264a—RESERVE BANK DIRECTORS—ACTIONS AND RESPONSIBILITIES

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: As a result of enactment of the Federal Reserve Reform Act of 1977, provisions of the U.S. Code relating to acts affecting a personal financial interest were amended to apply to directors of Federal Reserve Banks. Under the amended statute, a director of a Federal Reserve Bank is prohibited from participating personally and substantially in any particular matter in which the director, the director's spouse or minor child, or other individuals or organizations identified in the statute, have a financial interest. However, such prohibition shall not apply, if the director has first advised the Board of Governors of the Federal Reserve System of the nature and circumstances of the particular matter, has made full disclosure of the financial interest involved, and has received in advance a written determination by the Board of Governors that the financial interest "is not so substantial as to be deemed likely to affect the integrity of the services" which the Federal Reserve System may expect from such director. The statute further provides that such prohibition shall not apply if, by general rule or regulation published in the FEDERAL REGISTER, the financial interest has been exempted by the Board of Governors as being "too remote or too inconsequential" to affect the integrity of directors' services.

This rule is promulgated by the Board of Governors for the purpose of implementing and providing guidance concerning the recently amended statute. Specifically, the rule contains prohibitions against director participation in particular matters, sets forth proposed procedures under which a director may obtain an ad hoc exemption pursuant to the statute, and identifies certain financial interests of directors that the Board has exempted from coverage by the statute as being too remote or too inconsequential to affect the integrity of directors' services.

EFFECTIVE DATE: February 17, 1978; comments due, April 14, 1978.

ADDRESS: Interested persons are invited to review the rule and to submit comments (indicating docket No. R-0144) to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Thomas J. O'Connell, Counsel to the Chairman, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2791.

SUPPLEMENTARY INFORMATION:

The Board believes that the following additional information with respect to the rule is in the public interest. Directors of Federal Reserve Banks are charged by law with the responsibility for supervising and controlling the operations of the Federal Reserve Banks, under the general supervision of the Board of Governors of the Federal Reserve System, and for assuring that the affairs of the Banks are administered fairly and impartially. The Federal Reserve Act provides that Reserve Bank directors will be selected with due consideration to the interests of various segments of the population and economy, thus assuring that the Federal Reserve System will receive the benefit of the experienced judgment of individuals from a broad spectrum of the communities that will be affected by actions of the System. For example, the Federal Reserve Act provides that each head office of a Reserve Bank will have nine directors. Three are designated class A directors and are required to be "chosen by and representative of" member banks of the Board of Governors System. Three are designated class B directors and are to be elected by the member banks; three are designated class C directors and are appointed by the Board of Governors. Both class B and C directors are to represent the public with "due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers." All directors are to be chosen "without discrimination on the basis of race, creed, color, sex, or national origin."

The Federal Reserve Act contemplates that directors will be gainfully employed in several designated areas of endeavor, but will devote a portion of their time to Federal Reserve Bank functions. The amended 18 U.S.C. 208 makes applicable to Reserve Bank directors a standard of conduct formulated primarily for application to individuals serving the Federal government full time and generally with no other substantial occupation or calling. While it is the judgment of the Board of Governors that the ethical standards historically adhered to by the boards of directors of Federal Re-

serve Banks have been in accord with the spirit of 18 U.S.C. 208, the unique position of Federal Reserve Bank directors was felt to warrant formulation by the Board of Governors of principal standards, as set forth in this rule, under which any potential conflicts could be resolved in a manner consistent with the interests of the public, the Federal Reserve System, and the directors involved.

Pursuant to the authority contained in 5 U.S.C. 553(b)(B), this rule is being published as a final rule without prior general notice of proposed rulemaking, but with opportunity after receipt of comments for later amendments. The Board has for good cause found that this rule must be adopted immediately in view of the present applicability of 18 U.S.C. 208 to directors of Reserve Banks and the desirability of promulgating an immediately applicable rule for the guidance of such directors at this date. Interested persons are invited to review the rule and to submit relevant data, views, comments, or arguments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 14, 1978. All material submitted should include the docket number R-0144. Copies of any comments received will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)). Consideration will be given to any comments received and the Board will amend the rule as determined necessary or desirable.

Title 12, CFR is amended by adding Part 264a to read as follows:

PART 264a—RESERVE BANK DIRECTORS—ACTIONS AND RESPONSIBILITIES

Sec.

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AUTHORITY: 18 U.S.C. 208, as amended by the Federal Reserve Reform Act of 1977, Pub. L. No. 95-138, sec. 205, 91 Stat. 1387; 12 U.S.C. 248.301.

§ 264a.1 Purpose.

Directors of Federal Reserve Banks are charged by law with the responsibility of supervising and controlling the operations of the Reserve Banks, under the general supervision of the Board of Governors, and for assuring that the affairs of the Banks are administered fairly and impartially. The Federal Reserve Act provides that Reserve Bank directors will be selected with due consideration to the interests of various segments of the population and the economy, thus assuring that

the Federal Reserve System will receive the benefit of the experienced judgment of individuals from a broad spectrum of the communities that will be affected by actions of the System. For example, the provisions of section 4 of the Federal Reserve Act, as amended by the Federal Reserve Reform Act of 1977, provide that both class B and C directors shall be chosen to represent the public and with "due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers." Section 4 further provides that class A directors "shall be chosen by and be representative of the stockholding banks" of the Federal Reserve System. Recognizing that Reserve Bank directors may have, in their private capacities, business, consumer, or other interests to which legitimate attention is to be given; but recognizing also that these same individuals have fiduciary responsibilities as directors of Reserve Banks, this regulation is promulgated for the purpose of assuring preservation of and adherence to the intent of both the Federal Reserve Act and section 208 of Title 18, United States Code.

§ 264a.2 Definitions.

For purposes of this part, the following definitions shall apply:

(a) The term "director," unless otherwise indicated, means a head office or branch director of a Federal Reserve Bank.

(b) The term "Board of Governors" means the Board of Governors of the Federal Reserve System.

(c) The term "board" means the board of directors of a Federal Reserve Bank.

(d) The term "related person" means (1) a partner of a director, (2) any organization in which the director is serving as an officer, director, trustee, partner or employee, or (3) any person or organization with whom the director is negotiating or has any arrangement concerning prospective employment.

(e) The term "participate" means to act through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or as is otherwise within the meaning of the provisions of 18 U.S.C. 208.

(f) The term "particular matter" means a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other subject within the meaning of the provisions of 18 U.S.C. 208.

§ 264a.3 Prohibition against Director participation in particular matters.

(a) Pursuant to the provisions of 18 U.S.C. 208(a), no director may participate personally and substantially in a particular matter in which, to the di-

director's knowledge, the director, the director's spouse or minor child, or related persons have a financial interest unless such action is otherwise permitted by 18 U.S.C. 208(b) and §§264a.4 or 264a.5 of this part.

(b) Except as provided by 18 U.S.C. 208(b) and §§264a.4 or 264a.5 of this part, no director shall participate in deliberations or decisions of a Reserve Bank board when the question presented is whether the board should approve or ratify an extension of credit by a Reserve Bank to a bank which is, in the opinion of the President of the Reserve Bank, in a hazardous financial condition, and

(1) Where the director has knowledge that he, his spouse, or minor child has a financial interest in the proposed transaction as a result of:

(i) Being a borrower or applicant for credit from the borrowing bank, other than consumer credit as defined in Regulation Z (12 CFR 226.2 (p));

(ii) Maintaining a depository relationship with the borrowing bank in an amount exceeding that covered by federal deposit insurance; or

(iii) Owning stock, stock options, bonds, notes or other forms of indebtedness issued by the borrowing bank, the market value of which exceeds \$100,000 or represents more than 1 percent of the value of that class of stock, stock option, bond, note, or other form of indebtedness issued by the borrowing bank.

(2) Where the director has a financial interest in the proposed transaction as a result of:

(i) Service by the director as an officer or director of the borrowing bank;

(ii) Service by the director as an officer or director of another bank that is known by the director to be located in the same geographic market for local banking services as the borrowing bank and is known by the director to be in direct and substantial competition with the borrowing bank;

(iii) Service by the director as an officer or director of another bank that is known by the director:

(A) To have outstanding or to be negotiating an extension of credit from, or to, the borrowing bank, other than federal funds or foreign exchange transactions; or

(B) To maintain a correspondent or depository relationship with the borrowing bank in an amount exceeding that covered by federal deposit insurance; or

(iv) Service by the director as one of the principal officers of any business enterprise that constitutes the director's primary business or professional occupation where such business enterprise is known by the director:

(A) To have outstanding or to be negotiating a direct extension of credit or direct line of credit from the borrowing bank;

(B) To maintain a principal depository relationship with the borrowing bank in an amount exceeding that covered by federal deposit insurance; or

(C) To own stock, stock options, bonds, notes or other forms of indebtedness issued by the borrowing bank, the market value of which exceeds \$100,000 or represents more than 1 percent of the value of that class of stock, stock options, bonds, notes or other form of indebtedness issued.

(3) Where the director has knowledge that a partner of the director has a financial interest in the proposed transaction; or

(4) Where the director has a financial interest in the proposed transaction as a result of the director's participation in current negotiations or arrangements concerning prospective employment with the borrowing bank.

(c) It is recognized that a Reserve Bank board can, within the spirit and letter of its responsibilities, delegate to appropriate officials of the Reserve Bank authority to act with respect to extensions of credit to individual banks determined to be in hazardous financial condition, thus avoiding both ratification by the Board and applicability to the directors of the prohibitions of this section. Such delegation would not preclude continued advice to the board of appropriate information regarding bank conditions in the district so as to enable the board fully to perform its general oversight responsibilities.

§ 264a.4 Granting of ad hoc exemptions.

(a) The prohibitions of 18 U.S.C. 208 and § 264a.3 of this part shall not apply if the director first advises the Board of Governors of the nature and circumstances of the particular matter before the board and makes full disclosure of the financial interest involved and receives in advance a written determination made by the Board of Governors, or its designee, pursuant to 18 U.S.C. 208(b)(1), that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Federal Reserve System may expect from such director.

(b) Telegraphic communications from the President, First Vice President, Secretary or General Counsel of a Reserve Bank to the Board of Governors on behalf of a director and setting forth the precise nature of both the particular matter before the board and the financial interest involved shall be considered to meet the director's duty of full disclosure set forth in paragraph 264a.4(a). Telegraphic response to the same identified officials of the Reserve Bank by the Board of Governors, or its designee, shall be deemed to meet the requirement of a written determination by the Board of Governors set forth in paragraph 264a.4.

§ 264a.5 Exemption of remote or inconsequential financial interests.

(a) Pursuant to the provisions of 18 U.S.C. 208(b)(2), certain actions of directors of Federal Reserve Banks may be exempted from the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part, if by general rule or regulation published in the FEDERAL REGISTER, the financial interest involved has been determined to be too remote or too inconsequential to affect the integrity of directors' services. Financial interests will be viewed as too remote or too inconsequential:

(1) In circumstances in which a director's action on a matter will not directly, substantially, and predictably affect the financial interest; or

(2) In circumstances in which a director's independence of judgment will not be affected by the financial interest.

(b) The Board of Governors has determined that the financial interests of a director, the director's spouse or minor child, or related persons in the following matters are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters:

(1) Deliberations concerning and ratification of ordinary and routine extensions of credit to a member bank that have previously been made by officials of the Reserve Bank under appropriate provisions of the Federal Reserve Act, regulations and policies of the Board of Governors and the Federal Reserve Banks, and the established operating procedures at the director's Reserve Bank;

(2) Deliberations concerning or affecting a financial institution, to the extent the financial interest in such matters results from:

(i) Maintenance at the financial institution of a checking or other deposit account covered by federal insurance;

(ii) A fiduciary relationship involving the utilization of the financial institution's trust or investment advisory services;

(iii) The receipt from the financial institution of consumer credit, as that term is defined in Regulation Z (12 CFR 226.2(p)); or

(iv) Participation in federal funds or foreign exchange transactions with the financial institution;

(3) Deliberations concerning or affecting a financial institution or other enterprise to the extent the financial interest results from ownership of stock, stock options, bonds, notes, or other forms of indebtedness, the market value of which is less than \$100,000 and represents less than 1 percent of the value of that class of stock, stock option, bond, note or other form

of indebtedness issued by the financial institution or other enterprise.

(c) Section 264a.3(b) of this part specifically identifies certain financial interests, the existence and knowledge of which will preclude a director from participating in deliberations or decisions of a Reserve Bank board (except through recourse to the procedures set forth in § 264a.4) when the question presented is whether the board should approve or ratify an extension of credit by a Reserve Bank to a bank which is, in the opinion of the President of the Reserve Bank, in hazardous financial condition. Financial interests identified in § 264a.3(b) are viewed by the Board as offering a clear potential for conflict. The Board has determined that any other financial interest that a director, the director's spouse or minor child, or related persons may have in such extensions of credit to banks in hazardous condition are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters. These would include, for example, financial interests that might result from:

(1) A director's ownership of stock of a bank or business that may have an interest in the condition of the borrowing bank; or

(2) A director's service as a director or trustee of a business or other organization, other than a bank, that may, itself or through a subsidiary, have an interest in the condition of the borrowing bank.

(d) The functions of directors often include their participation in discussions concerning (1) international, national, and regional economic and financial conditions, (2) monetary policy, (3) general conditions, trends or issues with respect to bank credit, (4) establishment of rates to be charged for all advances and discounts by Federal Reserve banks, subject to review and determination of the Board of Governors pursuant to the Federal Reserve Act, and (5) statutes and proposed or pending legislation in which the Federal Reserve System has a legitimate interest. The foregoing matters are not particular matters of the type described in 18 U.S.C. 208 and, therefore, that statute is not applicable to participation in such matters. However, even if the statute were held to be applicable to participation in such matters, the Board of Governors has determined that the financial interests of a director, the director's spouse or minor child, or related persons in such matters are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. 208(a) and § 264a.3 of this part shall

not apply to a director's participation in such matters.

(e) Nothing in this section shall preclude a director from refraining, to the extent consistent with responsibilities imposed upon the directors by the Federal Reserve Act, from participation in a particular matter. The Board hereby gives notice of its intention to undertake a continuing review of the experience of Reserve Bank boards under this regulation with a view to assuring preservation of and adherence to the intent of both the Federal Reserve Act and 18 U.S.C. 208, as amended. In the course of such review, particular attention will be given to the provisions of this section.

NOTE.—A Guide to Conduct for Directors of Federal Reserve Banks and Branches of Federal Reserve Banks appears in the Notices section of this issue of the FEDERAL REGISTER.

Board of Governors of the Federal Reserve System, February 17, 1978.

THEODORE E. ALLISON,
Secretary.

[FR Doc. 78-4999 Filed 2-23-78; 8:45 am]

[7535-01]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 760—FLOOD INSURANCE

Miscellaneous Amendments

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration is revising its flood insurance regulations to conform to the recent statutory amendments to the Flood Disaster Protection Act of 1973. These amendments rescind the former prohibitions in that Act against granting loans secured by property located in a designated special flood hazard area unless the community in which the property is located was participating in the National Flood Insurance Program. New requirements for notices to be given to member-borrowers are also imposed by the amendments. Recommended notices are set out in the revised regulations.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Frederick S. Lipton, Office of the General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, 202-632-4870.

SUPPLEMENTARY INFORMATION: Sections 3(a)(4) and 202(b) of the

Flood Disaster Protection Act of 1973 ("the 1973 Act") were amended by section 703 of the Housing and Community Development Act of 1977 (Pub. L. 95-128) ("the 1977 Act"). Prior to its amendment by the 1977 Act, section 202(b) required the National Credit Union Administration to prohibit by regulation any Federal credit union or federally-insured State credit union (referred to collectively as "federally-insured credit unions") from making any loan secured by improved real estate or a mobile home located or to be located in a special flood hazard area, as designated by the Secretary of the Department of Housing and Urban Development, unless the community in which such property is located was then participating in the National Flood Insurance Program ("NFIP"). Section 703(a) of the 1977 Act removes this prohibition against making such loans in cases where the community in which the property is located is not participating in the NFIP. Section 703(a) also provides that the National Credit Union Administration shall by regulation require that as a condition of making, increasing, extending or renewing such loans, federally-insured credit unions notify the purchaser or lessee that the property is located in a special flood hazard area and whether, in the event of a disaster caused by flood, Federal disaster relief assistance will be available for such property.

Certain exemptions to the prohibitions previously contained in section 202(b) of the 1973 Act were provided for by the Housing Authorization Act of 1976. Section 760.2 of the flood insurance regulations (12 CFR § 760.2) was previously revised to reflect these exemptions. Due to the amendments to section 202(b) contained in the 1977 Act, these exemptions are no longer necessary. Therefore, subsection (a) of § 760.2 has been deleted, and the succeeding subsections redesignated (a) through (d).

As explained above, section 703 of the 1977 Act removes the prohibition against a federally-insured credit union from making loans to finance improved real estate or mobile homes located in a designated special flood hazard area where the surrounding community does not participate in the NFIP. However, such loans made in a community that is participating in the NFIP remain subject to the requirements in section 102(b) of the 1973 Act that the building or mobile home and any personal property securing such loan be covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or the maximum limit of coverage made available under the 1973 Act with respect to the particular type of property, whichever is less.

In addition, for property located in a special flood hazard area where the

surrounding community is participating in the NFIP, section 1364 of the National Flood Insurance Act of 1968 requires that a federally-insured credit union notify the purchaser or lessee (or obtain written assurances that the seller or lessor has notified the purchaser or lessee) of the special flood hazards, in writing, a reasonable period in advance of the signing of the mortgage or other similar security agreement covering the loan.

The notice provisions of section 1364 were implemented by subsection (e) of the flood insurance regulations (12 CFR § 760.2(e)). That subsection, redesignated subsection (d), is still applicable. The newly designated subsection (d) is also amended to reflect the new notice requirements in the 1977 Act, and to require that member-borrowers provide the federally-insured credit union with a written statement acknowledging the receipt of such required notices.

A new subsection (e) has been added to § 760.2 which sets forth suggested forms of notices that will, if used, comply with the notice provisions required by both the 1973 and 1977 Acts. Although use of the exact language set forth in Appendix A to subsection (e) is not mandatory, such language is suggested in light of the fact that the authorities responsible for administering both the NFIP and Federal Disaster Relief Assistance Program (e.g., the Small Business Administration and the Federal Insurance Administration) have approved such language. If a federally-insured credit union desires to make substantive changes to the notices set forth in Appendix A to subsection (e), it should obtain approval from all involved authorities.

The Administrator for good cause finds that (1) the procedures prescribed by the provisions of 5 U.S.C. 553 relating to notice and public procedure are unnecessary and contrary to the public interest, since the amendments to the flood insurance regulations relieve restrictions and conform to present statutory provisions and (2) publication of said amendments for the 30 day period prior to the effective date as specified in 5 U.S.C. 553(d) is unnecessary for the same reasons.

Accordingly, the Administrator hereby revises § 760.0 and subsections (a) through (d) of § 760.2 of the National Credit Union Administration Rules and Regulations (12 CFR §§ 760.0 and 760.2) and adds subsection (e) to § 760.2, to read as set forth below, effective February 24, 1978.

LAWRENCE CONNELL,
Administrator.

FEBRUARY 10, 1978.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766), Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789) and Sec. 703(a), 91 Stat. 1144 (42 U.S.C. 4104a).

1. Section 760.0 is amended as set forth below:

§ 760.0 Scope.

In enacting the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) ("the Act") on December 31, 1973, the Congress found that annual losses throughout the nation from floods and mudslides are increasing at an alarming rate, partly as a result of the accelerating development of, and concentration of population in, areas of flood hazards. The most recent amendments to that Act were contained in the Housing and Community Development Act of 1977 (Pub. L. 95-128), signed on October 12, 1977. The Congress further found that a component part of this accelerating development has been the availability of financial assistance, including real estate loans by Federal credit unions, federally-insured State credit unions and other financial institutions, thus encouraging construction in flood prone areas. Accordingly, the Flood Disaster Protection Act, as amended, imposes certain conditions on the making of such loans by federally supervised, regulated or insured credit unions and other financial institutions, requiring in substance that the property securing such loans be covered by adequate flood insurance, where the community in which the property is located is participating in the National Flood Insurance Program. To implement these requirements, the Federal financial supervisory agencies designated in the Act, including the National Credit Union Administration, were directed, pursuant to section 102(b) and 202(b) of the Act, to issue appropriate regulations with respect to institutions under their supervisory jurisdiction. This regulation is intended to comply with that legislative mandate and is issued pursuant to sections 102(b) and 202(b) of the Flood Disaster Protection Act of 1973, as amended.

2. Section 760.2 is amended as set forth below:

a. By deleting paragraph (a) and by redesignating paragraphs (b) through (e) as paragraphs (a) through (d);

b. By deleting the letter (e) in the newly designated paragraph (c) and substituting therefor the letter (d); and

c. By revising newly designated paragraph (d), and adding a new paragraph (e) as set forth below:

§ 760.2 Implementation.

(d) Each Federal credit union and each federally-insured State credit union, as a condition of making, in-

creasing, extending or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, whether or not the community in which such an area is located is participating in the National Flood Insurance Program, shall:

(1) Notify the member-borrower of such special flood hazards, in writing, a reasonable period in advance of the signing of the mortgage or other similar security agreement covering the loan. The notice shall state that the property securing the loan is in an area so identified. In lieu of the notification required in this paragraph, a Federal credit union or a federally-insured State credit union may obtain satisfactory written assurances from the seller or lessor, which are acknowledged by the borrower, that such seller or lessor has notified the borrower, prior to the execution of any mortgage or other similar security agreement, that the property securing the loan is in an area so identified;

(2) Notify the member-borrower of whether, in the event of a federally-declared disaster caused by flood to such property, Federal disaster relief assistance will be available for such property; and

(3) Require that the member-borrower, prior to the signing of such loan document, provide to the Federal credit union or the federally-insured State credit union a written statement acknowledging that the member-borrower has received the notices required by this section. A suggested form of such acknowledgement is set out in Appendix A of paragraph (e).

(e) A Federal credit union or a federally-insured State credit union providing the appropriate forms of notices set out in Appendix A below to a member-borrower within a reasonable period of time, as prescribed in paragraph (d) of this section, will be considered to be in compliance with the notice requirements of this section. In addition to providing the appropriate forms of notices set out in Appendix A below, a Federal credit union or a federally-insured State credit union must retain a copy of form (3), Statement of the Member-Borrower, set out in Appendix A, signed and dated by the member-borrower, in its files until the underlying loan has been repaid in full.

APPENDIX A

(1) NOTICE TO BORROWER OF SPECIAL FLOOD HAZARD AREA

Notice is hereby given to _____ that the improved real estate or mobile home described in the attached instrument is or will be located in an area designated by the Secretary of the Department of Housing and Urban Development as a special

flood hazard area. This area is delineated on _____'s Flood Insurance Rate Map (FIRM) or, if the FIRM is unavailable, on the Flood Hazard Boundary Map (FHBM). This area has a 1% chance of being flooded within any given year. The risk of exceeding the 1% chance increases with time periods longer than one year. For example, during the life of a 30 year mortgage, a structure located in a special flood hazard area has a 26% chance of being flooded.

(2) NOTICE TO BORROWER ABOUT FEDERAL FLOOD DISASTER ASSISTANCE

[Lender Check (a) or (b)]

☐ (a) Notice in participating communities

The improved real estate or mobile home securing your loan is or will be located in a community that is now participating in the National Flood Insurance Program. In the event that such property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance may be available. However, such assistance will not be available if your community is not participating in the National Flood Insurance Program at the time such assistance would be approved (unless such approval is granted within one year from the date your community was identified by the Secretary of the Department of Housing and Urban Development as being flood prone). This assistance, usually in the form of a loan with a favorable interest rate, may be available for damages incurred in excess of the amount of your flood insurance.

☐ (b) Notice in nonparticipating community

The improved real estate or mobile home securing your loan is or will be located in a community that is not now participating in the National Flood Insurance Program. This means that you are not eligible for Federal flood insurance. In the event that your property is damaged by flooding in a federally-declared disaster, Federal disaster relief assistance will not be available (unless approval for such assistance is granted within one year from the date your community was identified by the Secretary of the Department of Housing and Urban Development as being flood prone). In other words, Federal flood disaster relief assistance will be available only if, at the time such assistance would be approved, your community is participating in the National Flood Insurance Program, or approval for such assistance is granted within one year from the

date your community was identified as being flood prone.

(3) STATEMENT OF THE MEMBER-BORROWER

I, _____ a member of the _____ Credit Union, hereby acknowledge that on the date indicated below I have received a Notice To Borrower of Special Flood Hazards, indicating that the property securing my loan is in an area identified as having special flood hazards, and a Notice to Borrower About Federal Flood Disaster Assistance, indicating whether such assistance will or will not be available for such property.

Dated: _____

[Signature and address of member-borrower.]

[FR Doc. 78-4911 Filed 2-23-78; 8:45 am]

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 29387; Regulation ER-1045, Amdt. 62]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Part

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule corrects an error made in ER-1036, December 19, 1977, in the computation of certain minimum military charter rates for foreign and overseas air transportation services performed for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC). This correction reduces the minimum rate for one-way, cargo charters performed with DC-8-61/63F aircraft from 26.840 to 26.150 cents per ton-mile.

DATES: Adopted: February 15, 1978. Effective: December 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard S. Friedman, Postal and Military Rates Section, B.F.R., B-66b, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, Phone: 202-673-5368.

SUPPLEMENTARY INFORMATION: MAC has brought to our attention an error in ER-1036 in the computation of the minimum rates for one-way, cargo charters performed with DC-8-61/63F aircraft. The commercial backhaul savings were added instead of deducted in the computation of the one-way cargo rate for stretched jets on Appendix C to ER-1036. The commercial backhaul savings of 0.3453 cents should have been deducted from the sub-total of the one-way live and ferry backhaul rate of 26.4949 cents to produce a total one-way cargo charter rate of 26.1496, or 26.150 cents per ton-mile for pay purposes.

Since this rule amendment merely corrects a computational error in ER-1036, the Board finds that good cause exists to make this Part 288 amendment effective on less than thirty (30) days notice and, also, to make the corrected one-way, cargo charter rate for DC-8-61/63F aircraft effective December 27, 1977, the effective date of ER-1036.

In consideration of the above, the Board is amending Part 288 of the Economic Regulations (14 CFR Part 288), effective as follows:

1. Amend paragraph (a)(1) of section 288.7 to change the rates as follows:

§ 288.7 Reasonable level of compensation.

(a) For Charter services in foreign and overseas transportation, and in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, other than specified in paragraph (c) of this section, the following minimum rates are adopted:

(1) Performed with turbine-powered aircraft:

RULES AND REGULATIONS

Amended Rates Effective December 27, 1977

Aircraft Type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible Rates $\frac{1}{2}$		Mixed passenger-cargo rates, per revenue plane-mile $\frac{1}{2}$	
	Round Trip	One Way	Round Trip	One Way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round Trip	One Way
Regular Turbojets: (165 ACL) Passengers - Pallets 165 and 0 117 and 3 105 and 4 93 and 5 81 and 6 63 and 7 51 and 8 0 and 12	3.733c	7.044c	14.788c	29.045c	3.733c	17.027c	\$6.160 5.939 5.883 5.828 5.772 5.689 5.633 5.398	\$11.622 11.325 11.251 11.177 11.103 10.991 10.917 10.601
DC-8-61/63F: (219 ACL) Passengers - Pallets 219 and 0 159 and 5 65 and 13 47 and 14 0 and 18	3.378	6.373	13.314	26.150	3.378	15.362	7.398 7.012 6.409 6.293 5.991	13.956 13.442 12.635 12.481 12.078
B-727 Pacific Interisland $\frac{3}{4}$ Passengers - Pallets 105 and 0 61 and 2 50 and 3 46 and 4 0 and 7	4.457	8.512	22.772	45.316	4.457	27.326	4.679 4.437 4.376 4.354 4.099	8.938 8.611 8.529 8.499 8.157
B-727 All Other: $\frac{3}{4}$ Passengers - Pallets 105 and 0 61 and 2 50 and 3 46 and 4 0 and 7	5.027	9.602	25.463	50.671	5.027	30.554	5.279 4.987 4.914 4.889 4.583	10.082 9.680 9.579 9.542 9.120

Amended Rates Effective December 27, 1977

Aircraft Type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible Rates ^{1/}		Mixed passenger-cargo rates, per revenue plane-mile ^{1/ 2/}	
	Round Trip	One Way	Round Trip	One Way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round Trip	One Way
Regular Turbojets: (180 ACL) Passengers - Pallets 180 and 0 128 and 3 115 and 4 101 and 5 88 and 6 69 and 7 54 and 8 0 and 12	3 460c	6.510c	14.788c	29.043c	3.460c	17.027c	\$6.227 5.986 5.926 5.865 5.805 5.714 5.647 5.398	\$11.718 11.393 11.312 11.231 11.150 11.028 10.937 10.601
DC-8-61/63F: (250 ACL) Passengers - Pallets 250 and 0 182 and 5 74 and 13 54 and 14 0 and 18	3 060 ^{4/}	5.742 ^{4/}	13.314 ^{4/}	26.150 ^{4/}	3.060 ^{4/}	15.362 ^{4/}	7.650 7.196 6.483 6.347 5.991	14.356 13.732 12.754 12.567 12.078

- ^{1/} Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of \$75 per seat changed on each segment. If a flight is converted with less than 10 days' notice, the one-way rates shall apply to each leg of the converted round trip.
- ^{2/} For the Coral Sea variable mixed operation the conversion charge shall be \$207 per cargo pallet in lieu of a seat charge.
- ^{3/} Shall also apply to the L-382/L-100-L-720/50 and CW-990 aircraft.
- ^{4/} Also applies to wide-bodied (B-747, DC-10, and L-1011 equipment).

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4835 Filed 2-23-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegations of Authority From the Commissioner of Food and Drugs

REGIONAL FOOD AND DRUG DIRECTORS, ET AL.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends delegations of authority relating to reports of minor violations and defective or noncomplying electronic products. This action is taken to redelegate to field officials authority relating to assemblers of diagnostic x-ray systems for issuing reports of minor violations and notification of defective or noncomplying electronic products. The amendments will provide for more effective enforcement operations.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: The amendment to § 5.37(a)(4) (21 CFR 5.37(a)(4)) modifies the delegations to agree with current position titles. The amendment to § 5.37(b) adds Regional Food and Drug Directors and District Directors to the delegates as the authority relates to assemblers of diagnostic x-ray systems. The amendment to § 5.89 (21 CFR 5.89) adds Regional Food and Drug Directors, District Directors, and Chiefs of District Compliance Branches to the delegates as the authority relates to assemblers of diagnostic x-ray systems.

Further redelegation of the authority delegated is not authorized. Au-

thority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 354 through 360F, 82 Stat. 1173-1186 (42 U.S.C. 263b through 263n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In § 5.37 by revising paragraphs (a)(4) and (b), to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) * * *

(4) The Director and Deputy Director of the Bureau of Medical Devices and the Associate Director for Compliance and the Director of the Division of Compliance Operations of that Bureau.

* * * * *

(b) The Director and Deputy Director of the Bureau of Radiological Health and the Director of the Division of Compliance of that Bureau are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings, and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

2. By revising § 5.89 to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and the Regional Food and Drug Directors and District Directors are authorized to perform all such functions relating to assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

(b) The Director of the Division of Compliance of the Bureau of Radiolo-

gical health is authorized to notify manufacturers of defects in, and non-compliance of electronic products under section 359(e) of the Public Health Service Act and under 1003.11(a) of this chapter; and the Chiefs of District Compliance Branches are authorized to perform all such functions relating to assemblers of diagnostic x-ray systems, as defined in 1020.30(b) of this chapter.

Effective date: This regulation shall be effective February 24, 1978.

(Secs. 354 through 360F, 82 Stat. 1173-1186 (42 U.S.C. 263b through 263n).)

Dated: February 15, 1978.

JOSEPH P. HILE,
Associate Commissioner
for Compliance.

[FR Doc. 78-4891 Filed 2-23-78; 8:45 am]

[1505-01]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0487]

PART 310—NEW DRUGS

New Drugs Requirement for Labeling Directed to the Patient

Correction

In FR Doc. 78-2300 appearing at page 4214 in the issue for Tuesday, January 31, 1978, make the following corrections:

(1) In § 310.501, paragraph (a)(2)(iv), in the second line, the word "or" should be "of".

(2) In § 310.501, paragraph (a)(3)(viii), in the 10th line, after the word "stroke" insert a comma.

(3) In the same paragraph, in the 25th line, after the word "marketed" insert ").".

[4110-03]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

[Docket No. 77N-0013]

PART 73a—STANDARDS OF CONDUCT: FOOD AND DRUG ADMINISTRATION SUPPLEMENT

Supplement Standards of Conduct; Food and Drug Administration

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: This is a revision of the Food and Drug Administration (FDA) Supplement to the Department of Health, Education, and Welfare Standards of Conduct Regulations. Based

on experience in FDA, a need has been recognized to further amend and clarify standards of conduct regulations to re-enforce public confidence in the integrity of decisions rendered by FDA employees. This action extends the coverage of employees who must file financial interest statements, protects against inadvertent violations of 18 U.S.C. 208, establishes "exception" procedures for employees, and provides for public disclosure of all approved exceptions.

DATES: The revision shall be effective February 24, 1978; comments by April 10, 1978.

ADDRESS: Although the Notice of Proposed Rule Making is being dispensed with for the reasons cited in the Supplementary Information section, consideration will be given to any written comments which are submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, on or before April 10, 1978. Copies of all comments received will be available for public inspection during regular business hours at the office of the Hearing Clerk.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Price, FDA Conflict of Interest Review Officer, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1935.

SUPPLEMENTARY INFORMATION: Because of FDA's regulatory responsibilities, a decision was made in 1972 to supplement the HEW Standards of Conduct regulation and make specific provisions regarding the financial interests of FDA employees. In the *FEDERAL REGISTER* of November 16, 1972 (37 FR 24347), the Secretary of HEW approved an FDA supplement to the Department of Health, Education, and Welfare Standards of Conduct. Since that time, these supplemental regulations, combined with the regulations of the Department, have been generally adequate to safeguard against both actual and apparent conflict of interest among FDA employees. However, the expanded importance and visibility of FDA's regulatory activities—along with the continuing desire of that agency to take every possible precaution to assure the integrity of its decisions—makes it desirable at this time to revise the FDA Supplement to:

1. Extend the coverage of "control activity" employees (i.e., employees who must file financial interest statements and whose financial holdings are restricted) to include all employees at GS-11 and above in FDA and in the FDA Division of the Office of the General Counsel, as well as certain FDA employees in positions at grades below GS-11.

2. Emphasize that no employee may participate in a Government matter relating to his or her financial interest, thus protecting against inadvertent violations of 18 U.S.C. 208.

3. Establish "exception" procedures for "control activity" employees whose situations meet prescribed criteria, and authorize the Commissioner of Food and Drugs to approve such exceptions, including situations involving professional employees in the Food and Drug Division of the Office of the General Counsel; and

4. Provide for public disclosure of all approved exceptions in the FDA Public Records and Documents Center.

The principal changes in the regulations are as follows:

1. They establish a procedure to permit control activity employees under certain circumstances to hold what would otherwise be prohibited financial interests. No exception will be granted where there would be a potential for an actual conflict of interest or a direct relationship between the employee's official duties and the regulated activities of the organization in which the financial interest is held. An exception will be permitted only when the financial interest was acquired by marriage or inheritance or when the interest was held prior to a reorganization, change in regulations, or similar circumstances beyond the control of the employee, that resulted in the financial interest becoming prohibited. Moreover, no Bureau Director, Deputy Bureau Director, or higher ranking agency official could be granted an exception because officials of this rank participate in decisions affecting the entire range of the agency's activities. The purpose of this exception procedure is to allow the retention of otherwise prohibited financial interests in unusual cases where retention poses no risk of actual conflict of interest, and disposal would be a hardship on the employee.

2. They provide that all exceptions to the conflict of interest prohibitions that are granted by the Commissioner shall be placed on display in the Public Records and Documents Center of FDA.

3. They emphasize that no employee may participate in a governmental matter involving a financial interest that he had been permitted to hold, unless specific permission to do so had been granted by the Commissioner. For example, while an FDA employee other than a control activity employee may hold a small (less than \$5,000) interest in a regulated company, permission to hold such an interest does not allow the employee to participate in matters that may affect the company.

4. A number of editorial changes have been made in the existing regulations to clarify their intent.

The additional sections being added to Part 73a are not numbered in sequence, but bear the same numerical designation as the related provisions in Part 73, the Department Standards of Conduct.

On November 1, 1974, a draft of the proposed changes in the conflict of interest regulations affecting FDA personnel was sent to 6,900 FDA full-time, part-time, and temporary employees, FDA unions and employee organizations, staff of the Assistant General Counsel for FDA, and 10 representatives of consumer organizations. Twenty employees and one consumer group offered comments on the draft changes. Of the 21 responses, 13 commented specifically on the existing or draft regulation, and the other comments were broad expressions of reservations or support. All of the comments were carefully considered, and the regulations have incorporated a number of the suggested changes. These regulations reflect the comments that were adopted and subsequently approved by the U.S. Civil Service Commission on September 25, 1975.

Dated: February 14, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Therefore, Title 45 of the Code of Federal Regulations is amended by revising Part 73a to read as follows:

PART 73a—STANDARDS OF CONDUCT: FOOD AND DRUG ADMINISTRATION SUPPLEMENT

Subpart A—General Provisions

Sec.

- 73a.735-101 Principles and purpose.
- 73a.735-103 Responsibilities.
- 73a.735-104 Advice and guidance.

Subpart B—Miscellaneous Provisions

- 73a.735-201 Control activity employees formerly associated with organizations subject to FDA regulation.

Subpart C—[Reserved]

Subpart D—Outside Employment

- 73a.735-401 General provisions.

Subpart E—Financial Interests

- 73a.735-501 General provisions.
- 73a.735-502 Employees in regulatory activities.
- 73a.735-504 Exceptions.

Subparts F Through I—[Reserved]

Subpart J—Statements of Employment and Financial Interest

- 73a.735-1004 Submission and review of statements.

AUTHORITY: Part 73a is issued under 45 CFR 73.735-105.

Subpart A—General Provisions

§ 73a.735-101 Principles and Purpose.

(a) To assure that the business of the Food and Drug Administration

(FDA) is conducted effectively, objectively, and without improper influence or appearance thereof, all employees must be persons of integrity and observe the highest standards of conduct. Because of FDA's special regulatory responsibilities to the consumer and industry, its employees must be especially alert to avoid any real or appearance of conflict of their private interests with their public duties. Their actions must be unquestionable and free from suspicion of partiality, favoritism, or any hint of conflicting interests. This supplement recognizes FDA's public obligation to set reasonable and fair safeguards for the prevention of employee conflicts of interest. It is necessary to meet FDA's regulatory responsibilities and to otherwise assure full protection of the public confidence in the integrity of its employees.

(b) Since FDA is a unique consumer protection and regulatory agency within the Department, the DHEW Standards of Conduct need further supplementation to reflect this role. Therefore, for purposes of implementing the DHEW Standards of Conduct regulations within the FDA, this supplement provides interpretive definitions and additional requirements. As further guidance to its employees and supervisory officials, FDA will issue internal procedural instructions in accordance with this supplement.

§ 73a.735-103 Responsibilities.

(a) A "control activity" employee shall be personally responsible for assuring that he does not hold an interest in any organization whose FDA-regulated activities constitute more than an insignificant part of its business as defined in § 73a.735-502(b)(2). The Associate Commissioner for Administration (or his designee) is available to assist such employees in obtaining corporate data necessary to make such a determination.

(b) Other employees are similarly responsible for observing the financial interest retention requirements in §§ 73a.735-501(b) and 73a.735-502(a)(2).

§ 73a.735-104 Advice and guidance.

(a) The Associate Commissioner for Administration (or his designee) shall provide day-to-day guidance and assistance to employees and supervisors on matters covered by regulations in Part 73 and this part of this chapter.

(b) The FDA Conflict of Interest Review Board shall review and make recommendations to the Commissioner on requests for exceptions to conflict of interest policies and procedures in regulations in this part and Part 73 of this chapter.

Subpart B—Miscellaneous Provisions

§ 73a.735-201 Control activity employees formerly associated with organizations subject to FDA regulation.

(a) For a period of 1 year after FDA appointment, or appointment to the Food and Drug Division, Office of the General Counsel, a control activity employee who was employed in a regulated organization within 1 year before FDA employment shall not participate in any regulatory action before FDA that involves the former employer organization. Exceptions may be authorized only under paragraph (e) of this section.

(b) A control activity employee who was previously employed in a regulated organization shall not participate in any regulatory action before FDA in which the employee had participated personally and substantially in behalf of the former employer organization, e.g., drug investigations/applications, food additive petitions, matters dealing with compliance in areas of radiation-producing products or medical devices. Exceptions may be authorized only under paragraph (e) of this section.

(c) Employment in a regulated organization includes contractual relationships, e.g., attorneys who may have represented an FDA-regulated firm or industry or an association of such firms and individuals who may have served a firm, industry or association in a consultant capacity.

(d) Within 30 days after assignment to a control activity position, an employee shall submit to his supervisor detailed information concerning former industry employers, and dates and substance of involvement in such regulatory matters as may be subject to the prohibition in paragraph (b) of this action.

(e) The Commissioner may grant individual exceptions to paragraphs (a) and (b) of this section whenever he determines that strict application would not be in the best interests of the United States. A memorandum of any exception granted shall be filed for public inspection in the Public Records and Documents Center, Food and Drug Administration, Room 4-68, 5600 Fishers Lane, Rockville, Md. 20857, within 10 days after the Commissioner's decision. The memorandum shall include the employee's name, title, grade, summary of official duties, prior pertinent industry involvement, a brief description of the specific regulatory action in which the employee has been permitted to participate, and a statement explaining why such strict application of the subpart would not be in the best interests of the United States.

Subpart C—[Reserved]

Subpart D—Outside Employment

§ 73a.735-401 General provisions.

(a) Employees of the Food and Drug Administration shall obtain advance approval for all outside employment, whether paid or unpaid. Employment, as used in this section, does not include:

(1) Memberships in charitable, religious, social, fraternal, recreational, public service, civic, or similar nonbusiness organizations.

(2) Memberships in professional organizations. (Officeholding, however, requires advance approval.)

(3) Performance of duties in the Armed Forces Reserve or National Guard.

(b) Control activity employees (defined in § 73a.735-502) will not generally be granted approval to:

(1) Manage or direct an organization whose activities are subject to FDA regulation, or

(2) Be employed in an organization whose business activities are subject to FDA regulation unless:

(i) The regulated activities of the organization are an insignificant part of its total operations, i.e., the regulated products of the organization constitute no more than 10 percent of its annual gross sales, and

(ii) The outside employment is in nonregulated activities of the organization.

(c) All other employees will generally be granted approval to engage in outside employment which is compatible with the full performance of their FDA duties and responsibilities and which will not give rise to a real or apparent conflict of interest. Permissible employment includes but is not limited to:

(1) Employment where the sale of FDA-regulated products is incidental to the purpose of the establishment, e.g., hotels, theaters, bowling alleys, and sports arenas.

(2) Sales and clerical occupations relating to regulated products, e.g., supermarkets, drugstores, department stores, liquor stores.

(3) Trade, industrial, and service occupations relating to regulated products, e.g., gasoline service station attendant, line production or assembly work, cook, waiter, waitress, hospital attendant, snack bar vendor, warehouseman.

(d) All employees will generally be granted approval to engage in paid or unpaid outside employment which contributes to their technical or professional development, e.g.,

(1) Medical, dental, and veterinary practices.

(2) Pharmacy practice after meeting the following conditions which will serve to protect against possible conflicts or apparent conflicts of interest

and to avoid other problems resulting in embarrassment to the employee or FDA:

(i) The primary purpose of the part-time employment is to contribute to the overall professional development of the employee and generally enhance his capability to better perform his current FDA duties.

(ii) The part-time duties will be confined generally to dispensing Rx drugs and related professional pharmacy duties.

(iii) The employee will avoid unrelated nonprofessional duties such as supervision or management of store operations, contractual or purchasing responsibilities (except normal "out-of-stock" requisitioning) and repacking and relabeling of bulk items.

(iv) The employee will demonstrate a high degree of discretion and judgment in his contacts with customers and representatives of regulated industry and competitor firms so as to avoid giving the impression that:

(a) His part-time actions, recommendations, opinions, or remarks are official points of view;

(b) He is using his FDA position for private gain by oral misrepresentations and false claims of the company's products;

(c) He is making a Government decision outside official channels, e.g., to customers, prescribing physicians, buyers, distributors;

(d) He or other FDA representatives will give preferential treatment to any regulated organization or representatives of such organizations, or that FDA employees have not exercised complete independence or impartiality in carrying out their regulatory and consumer protection responsibilities; or

(e) His part-time work is creating an adverse effect on the image of FDA or discrediting the integrity of official FDA regulatory decisions.

Subpart E—Financial Interests

§ 73a.735-501 General provisions.

(a) No restrictions are placed on ownership of diversified mutual funds.

(b) An FDA employee, other than a control activity employee (defined in § 73a.735-502), may have financial interests:

(1) In an organization whose FDA-regulated activities are an insignificant part of its total operations, i.e., no more than 10 percent of the organization's annual gross sales are in products regulated by FDA; or

(2) In an organization whose FDA-regulated business activities are a significant part of its total business operations: *Provided, That:*

(i) The holding is less than \$5,000 (value or cost at time of initial reporting);

(ii) The holding represents less than 1 percent of the total outstanding stock shares of that organization, and

(iii) No more than 50 percent of the employee's total investment value is concentrated in organizations whose FDA-regulated business activities are a significant part of their business operations.

(c) Notwithstanding the provisions of this part permitting employees to hold financial interests in organizations subject to FDA regulation, an employee holding such an interest shall not participate in an official matter whose outcome would have a direct and predictable effect on his financial interest. However, this prohibition is not applicable to:

(1) Diversified mutual funds, which are exempted from 18 U.S.C. 208 by § 73.735-501(a) of this chapter.

(2) Financial interests for which the Commissioner has in advance granted a written exception on the ground that the public interest would be served if a particular employee is allowed to participate in an official matter whose outcome may have a direct and predictable effect on the employee's financial interest. Such exemptions will be granted only in exceptional circumstances. Any determination to authorize such exceptions shall be made in accordance with 18 U.S.C. 208(b)(1) and documented for public inspection in accordance with § 73a.735-504.

§ 73a.735-502 Employees in regulatory activities.

(a) An employee in regulatory activities ("control activity" employee) may hold financial interests in an FDA-regulated organization only if either of the following conditions are met:

(1) The regulated activities of the organization are an "insignificant" part of its total business operations, or

(2) Written approval for an individual exception is granted by the Commissioner in accordance with § 73a.735-504; however, such approval will not be considered unless all of the following conditions are met:

(i) Retention of the financial interest does not give rise to an actual conflict of interest;

(ii) Acquisition of the financial interest occurred by marriage or inheritance, or the interest was held prior to an FDA reorganization, change in regulations, or similar circumstances beyond the control of the employee that resulted in the interest becoming prohibited;

(iii) No direct relationship exists between the employee's official duties and the regulated activities of the organization in which the financial interest is held;

(iv) The employee occupies a position below that of Bureau/Deputy Bureau Director (or Assistant/Deputy General Counsel, Food and Drug Division, Office of the General Counsel); and

(v) The employee agrees to refrain from engaging, either directly or indirectly, in transactions that are designed to increase the value of his "excepted" financial interest.

(b) To administer provisions within this Part, the following interpretations apply:

(1) A "control activity" employee ("control activity" positions are identified in Appendix C to Part 73 of this chapter), means one who:

(i) Occupies an FDA position classified at GS-11 or above, or PHS Commissioned Officer 0-3 or above, or equivalent;

(ii) Occupies an FDA position below GS-11 with duties of a nature that the employee could in the discharge of his official duties and responsibilities cause an economic advantage for or impose a handicap on a non-Federal enterprise (includes investigators, inspectors, regulatory analysts);

(iii) Occupies a position at GS-11 or above in the Office of the Assistant General Counsel, Food and Drug Division.

(2) "Insignificant" (part of an organization's total business operations) means that the FDA-regulated products constitute no more than 10 percent of the organization's annual gross sales.

§ 73a.735-504 Exceptions.

(a) A control activity employee who can satisfy all of the conditions specified in § 73a.735-502(a)(2) may submit a request to retain a prohibited financial interest. Any such request must be submitted no later than 30 days after the event that results in the employee holding the prohibited financial interest. Such requests for exception should be forwarded in writing through supervisory channels to the Associate Commissioner for Administration for review by the FDA Conflict of Interest Review Board and subsequent recommendation to the Commissioner. All decisions on requests for exceptions shall be in writing and a copy furnished to the employee involved.

(b) A memorandum of each approved exception shall be filed in the Public Records and Documents Center for public inspection. Such public disclosure shall be made within 10 days after the Commissioner's decision. The following is an example of the format of such memorandum (in a hypothetical employee situation):

(1) Employee: Joe Doe.

(2) Title: Research Chemist.

(3) Grade/Salary: GS-14.

(4) Organization: Bureau of Biologics, Food and Drug Administration, Bethesda, Md.

(5) Date of employee's request for exception: _____.

(6) Date of Commissioner's approval: _____.

(7) Basis for exception: Employee owns financial interest in the ABC Foods Corporation, and permanent retention is normally prohibited under FDA/HEW conflict of interest regulations for such an employee. The employee, however, acquired this financial interest prior to his reassignment to FDA on —, which was part of a major Department reorganization transferring certain functions from NIH to the FDA (i.e., FDA's Bureau of Biologics). At the time of acquisition and immediately prior to the reorganization, the employee's financial interest was allowable under Department regulations. The employee's official duties are fully confined to the matters under the jurisdiction of the Bureau of Biologics, and his official duties do not involve any contact with the food industry. The Commissioner has determined that an exception is warranted under the following criteria:

(i) Acquisition occurred prior to Department reorganization;

(ii) Financial interest retention will not give rise to an actual conflict of interest situation;

(iii) There is no direct relationship between the employee's official duties and the regulated activities of ABC Foods;

(iv) The employee occupies a position below that of Bureau or Deputy Bureau Director (or equivalent position in the Office of the Commissioner); and

(v) The employee agrees to refrain from engaging in any direct or indirect transactions that are designed to increase the value/shares of the "excepted" ABC Foods interests.

This exception is considered equitable to the employee involved, and retention of the ABC Foods interest will not in any way impair the interests of the Government or of the public.

(c) In interpreting the requirement of § 73a.735-502(a)(2)(v), events not involving employee discretion (e.g., accepting dividends in the form of cash or additional shares) do not constitute transactions designed to increase the value/shares of an "excepted" financial interest. A transaction involving discretion, e.g., exercise of stock options, may be made only if proposed to the Associate Commissioner for Administration and approved by the Conflict of Interest Review Board as an amendment to the original exception. A memorandum recording such approval shall be made public in accordance with paragraph (b) of this section.

(d) An employee may temporarily retain a prohibited financial interest pending review of a written request for an exception submitted in accordance with this section.

(e) Except as provided in § 73a.735-501(c), no employee may participate in

an official matter whose outcome will have a direct and predictable effect on a financial interest held by him. This prohibition applies to official matters handled before and after approval of an exception under this section.

Subparts F Through I—[Reserved]

Subpart J—Statements of Employment and Financial Interests

§ 73a.735-1004 Submission and review of statements.

(a) Employees occupying control activity positions shall file Form HEW-473 "Confidential Statement of Employment and Financial Interests" with the Associate Commissioner for Administration within 30 days after entrance in this category and annually thereafter as of June 30, or such other dates as the Secretary, with the concurrence of the Civil Service Commission, may approve. Prior to the due date, the Associate Commissioner for Administration shall advise "control activity" employees of the annual filing requirement through normal administrative channels. The annual reporting requirement shall commence as of June 30, 1977.

(b) The Associate Commissioner for Administration (or his designee) shall serve as the principal reviewing official for Outside Activity Forms, HEW-520 and 521, and shall make final determinations on matters arising from activities reported on Form HEW-473.

By April 10, 1978, interested persons may file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably in quadruplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this rule. Comments received may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Public Health Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact statement is on file with the Hearing Clerk, Food and Drug Administration.

[FR Doc. 78-4879 Filed 2-23-78; 8:45 am]

[4910-22]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice No. 78-4]

PART 392—DRIVING OF MOTOR VEHICLES

Notice of Policy Statement

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Policy Statement of Maximum Driving Distance Guidelines for Interstate Motor Carriers.

SUMMARY: Notice is given that the FHWA is establishing maximum mileage guidelines to support the objectives of the 55 mph speed limit as well as § 392.6 of the Federal Motor Carrier Safety Regulations (FMCSR), governing hours of service.

EFFECTIVE DATE: February 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

SUPPLEMENTARY INFORMATION:

A number of complaints have been received from motorists alleging that trucks are tailgating automobiles and executing other hazardous maneuvers to gain speed. Many truck drivers claim that they are compelled to complete excessively long runs, which result in unlawful speeds and/or hours of service violations.

The national maximum speed limit was established in 1974, and has been strongly reaffirmed by President Carter. The operative law, title 23 U.S.C. 141, requires that each State annually certify to the Secretary of Transportation that it is enforcing the 55 mph speed limit. The national maximum speed limit has proven its value in terms of energy and lifesaving benefits.

When maximum speed limits were reduced to 55 mph, approximately a 20 percent reduction, it was expected that shorter mileage trips would be assigned. From driver's correspondence, it appears otherwise; drivers are still expected to accomplish distances that were previously undertaken. Therefore, drivers are either compelled to speed or exceed the hours of service regulations. That lower speeds do reduce the number and severity of accidents has recently been verified by a research report, "Safety Aspects of the National 55 mph Speed Limit," authored by the Pennsylvania State University. Deaths decreased most on highways where speed limits changed the most, particularly the Interstate Highway System.

Section 392.6 of the FMCSR states that, "No motor carrier shall schedule a run . . . between points in such period of time as would necessitate the

¹ Safety Aspects of the National 55 mph Speed Limit, available from National Technical Information Service, Springfield, Va. 22151, Accession No. PB 267 989/AS, Paper Copy Price \$6.75.

vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated."

Considering the life-saving potential that can result from observance of the 55 mph speed limit, the Bureau of Motor Carrier Safety (BMCS) is adopting a policy that trips of between 450 to 500 miles completed within 10 hours are questionable and will have to be documented by motor carriers upon request of BMCS personnel. Trips of over 500 miles are assumed by BMCS to be incapable of being completed without violations of the 55 mph speed limit or hours of service regulations.

On trips of 450 miles or less, where drivers average 50 mph or more, the carrier must be able to document that trips can be made within the speed limit and in the time allotted for that trip.

In those instances where it is established that carriers are operating excessively long runs or allowing violations of the national speed limit, appropriate compliance action will be taken.

Issued on February 13, 1978.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

[FR Doc. 78-4793 Filed 2-23-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE
COMMISSION

SUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[Service Order No. 1302]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co.
Authorized to Operate Over Tracks of Chi-
cago, Milwaukee, St. Paul & Pacific Railroad
Co. at Oshkosh, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1302).

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) serving Oshkosh, Wis., are inoperable because of heavy snow which is depriving industries located adjacent to the MILW tracks of railroad service. Service Order No. 1302 authorizes the Chicago & North Western Transportation Co. to operate over tracks of the MILW in Oshkosh in order to restore railroad service to these shippers.

DATES: Effective 3 p.m., February 17, 1978. Expires 11:59 p.m., February 24, 1978.

FOR FURTHER INFORMATION
CONTACT:

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

SUPPLEMENTARY INFORMATION:
The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of February 1978.

The lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) serving Oshkosh, Wis., have become inoperable because of heavy snow. Numerous shippers located adjacent to the tracks of the MILW have been deprived of essential railroad service because of the inability of the MILW to switch the industries at Oshkosh. The Chicago & North Western Transportation Co. (CNW) has agreed to operate over the tracks of the MILW at Oshkosh in order to restore essential railroad service to these shippers. The MILW has consented to such use of its tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring operation of CNW trains over these tracks of the MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1302 Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis.

(a) The Chicago & North Western Transportation Co. (CNW) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) at Oshkosh, Wis., for the purpose of serving industries located adjacent to such tracks.

(b) *Application.* The provisions of this order shall apply to interstate, intrastate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the MILW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 3 p.m., February 17, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 24, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

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

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

[FR Doc. 78-4956 Filed 2-23-78; 8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 274 (Sub No. 2)]

PART 1121—ABANDONMENT OF RAILROAD
LINES AND DISCONTINUANCE OF SERVICE

Report, Order and Restatement of Rules

AGENCY: Interstate Commerce Commission.

ACTION: Restatement of rules.

SUMMARY: The Commission is restating the National Subsidy Standards to conform with the Commission's new Uniform System of Accounts for Railroad Companies (USOA). Comments are invited on substantive changes and whether in light of the new USOA, the formulas for apportioning costs may be refined.

EFFECTIVE DATE: January 1, 1978. Comments must be received on or before March 15, 1978.

ADDRESS: Comments should be mailed to: Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423, attention: Ex Parte 274 (Sub 2).

The Commission invites comments on those areas in which substantive changes were made or a party believes substantive changes may have been made. Interested parties are also asked to consider whether the formulas for apportioning costs (section 1121.43) may be refined in light of the new USOA. An original and 19 copies of the comments should be submitted to the address above.

FOR FURTHER INFORMATION
CONTACT:

Edward Schack, Acting Deputy Di-

rector, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, 202-274-7245, or James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, Interstate Commerce Commission, Washington, D.C. 20423, 202-254-7552.

SUPPLEMENTARY INFORMATION:

REPORT OF THE COMMISSION

Pursuant to the enactment of the Railroad Revitalization and Regulatory Reform Act of 1976, (4R Act) Pub. L. 94-210, the Interstate Commerce Commission and its Rail Services Planning Office jointly instituted a rulemaking proceeding entitled Ex Parte 274 (Sub-No. 2) for the purpose of developing and promulgating new regulations governing the abandonment of railroad lines and the discontinuance of service.

In the report and order served on November 10, 1976, in Ex Parte 274 (Sub-No. 2), published at 41 FR, November 4, 1976, page 48520, the abandonment regulations in Part 1121 of Chapter X of Title 49 of the Code of Federal Regulations were replaced in full by new regulations designed to implement rigid time limits on the processing of abandonment applications imposed by 4R Act, to expand the type of notice required by a railroad proposing to abandon a line or discontinue service, and to provide an opportunity for parties wishing to preserve a line, with respect to which the Commission has found that the public convenience and necessity permit abandonment or discontinuance, to offer financial assistance to the railroad.

In response to several petitions for reconsideration, several clarifying modifications were adopted by the Commission in its report and order served May 3, 1977, published at 42 FR, May 7, 1977, page 25327.

Subpart D of the abandonment regulations is known as the National Subsidy Standards. These Standards are based on and refer directly to the Commission's Uniform System of Accounts for Railroad Companies (USOA). The Commission was directed in Section 307 of the 4R Act to establish a new Uniform System of Accounts for Railroad Companies; the new USOA (49 CFR 1201A) was adopted by the Commission on June 13, 1977 and became effective on January 1, 1978. As a result, the Commission is restating Subpart D to conform with the new USOA. The restated standards include a conversion table to help "bridge" from the old to the new accounting system. The Commission intends no substantive change in the National Subsidy Standards other than the following which were required by the new USOA:

The new USOA determines freight-train car costs by car type. The restat-

ed standards calculate freight-train car costs by each car type, rather than the present method of calculation which is based on an average of all car types; and

Certain incomes presently reported as revenues are treated in the restated standards as reductions to costs to conform with the new USOA. This change will affect the calculation of the administrative costs.

The following substantive change has been made:

The Standards had formerly prescribed that a subsequent subsidy year's estimate would be based on the third quarter Financial Status Report. In many instances, this third quarter Report may not be issued until after the end of the subsidy year, and would not be available for use in estimating the subsequent year's subsidy. As a result, the Standards have been changed to specify that the last Financial Status Report issued during the first ten months of the subsidy year will be used as the basis of the subsequent year's estimate. This is consistent with the provisions of the Regional Subsidy Standards (49 CFR, Part 1125).

These and other changes in the Standards relate only to the calculation of revenues attributable and on-branch costs. Off-branch costs will be calculated on a new cost-determination formula which is not yet completed. A new off-branch formula will be published when the new costing procedures for railroads which are currently being developed are completed.

Although the restated standards became effective January 1, 1978, parties to existing subsidy agreements may agree to continue to use the present standards for the remainder of the current subsidy year.

ORDER

At the Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 23rd day of January, 1978.

Ex Parte No. 274 (Sub-No. 2)

ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

Further consideration having been given to the matters and things involved in this proceeding and the Commission, on the date hereof, having issued its report on further consideration, which report is made a part hereof:

It is ordered, That the regulations prescribed in Part 1121 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and they are hereby, amended as set forth in the regulations attached hereto;

It is further ordered, That this order shall become effective on January 1, 1978;

It is further ordered, That parties to existing rail service continuation agreements may agree to continue to use the existing regulations in Subpart D of Part 1121 for the remainder of the period covered by those agreements;

It is further ordered, That the Commission invites comments on those areas in which substantive changes were made or a party believes substantive changes may have been made, and on whether the formulas for apportioning costs (section 1121.43) may be refined in light of the new uniform system of accounts;

It is further ordered, That an original and 19 copies of such comments shall be filed with the Office of Proceedings, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423, attention: Ex Parte 274 (Sub 2) by March 15, 1978;

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register. This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Because of the statutory delegations of authority, this proceeding is under the joint authority of the Interstate Commerce Commission and its Rail Services Planning Office, Alan M. Fitzwater, Director.

By the Commission.

H. GORDON HOMME, Jr.
Acting Secretary.

1. Section 1121.11 is amended by adding paragraph (c) to read as follows:

§ 1121.11 Definitions.

* * * * *

(c) "GMA" means the General Managers Association of Chicago

* * * * *

§ 1121.24 [Amended]

2. In § 1121.24, the reference to "§ 1121.43(c)" is changed to "§ 1121.44(c)".

§ 1121.32 [Amended]

3. In § 1121.32(d)(1), change the reference "§§ 1121.41-1121.44" to "§§ 1121.41-1121.45", also in the last line of paragraph (d)(1), change the reference "§ 1121.45" to "§ 1121.46".

§ 1121.38 [Amended]

4. In § 1121.38, change the following references:

(A). In paragraph (b)(2)(i), change "§ 1121.45" to "§ 1121.46".

(B). In paragraph (e), change "§ 1121.45" to "§ 1121.46".

§ 1121.40 [Amended]

5. In § 1121.40 (c)(2), change the reference "§ 1121.46" to "§ 1121.47".

6. The Table of Contents for Subpart D is amended as follows:

Subpart D—Standards for Determining Costs, Revenues, and Return on Value

Sec.	
1121.41	Revenue and Income Attributable to Branch Lines
1121.42	Calculation of Avoidable Costs
1121.43	Apportionment Rules for the Assignment of Expenses to On-Branch Costs
1121.44	Valuation of Rail Properties
1121.45	Reasonable Return
1121.46	Submission of Revenue and Cost Data
1121.47	Financial Status Reports

7. Sections 1121.41-1121.46, including the headings are revised in their entirety and a new § 1121.47 is added to Subpart D to read as follows:

§ 1121.41 Revenue and income attributable to branch lines.

The revenue attributable to the rail properties is the total of the revenues assigned to the branch in accordance with this section, plus any subsidy payments that would cease upon discontinuance of service on the branch, for the subsidy year. The revenues assigned shall be derived from the following accounts:

(a) *Account 101-Freight.* The revenue assigned under this account shall be the actual revenues, including transit revenues, accruing to the railroad, derived from waybills and other source

documents, for all traffic that:

(1) Originates or terminates on the branch;

(2) Originates or terminates on the branch and is handled off the branch on the system but not on another carrier; and

(3) Originates or terminates on the branch and is handled on another carrier.

All traffic that is received or forwarded through interchange at a point on the branch, including ferry operations, shall be considered as originating or terminating on the branch. The revenues of all other bridge or overhead traffic shall be attributed to the branch on the ratio of miles moved on the branch to miles moved on the system, provided, however, that the parties may agree on a mutually acceptable usage charge for bridge traffic in lieu of the mileage apportionment.

(b) *Account 104—Switching; Account 105—Water transfers; Account 106—Demurrage; Account 110—Incidental; Account 121—Joint Facility-Credit; Account 122—Joint Facility-Debt; Account 506—Revenues from Properties Used in Other Than Carrier Operations; Account 510—Miscellaneous Rent Income; Account 519—Miscellaneous Income.* The revenues assigned under these accounts shall be the actual revenues accruing to the railroad that are directly attributable to the branch.

(c) *Conversion Chart For Revenue Accounts*

Revenue account title	Previous account No.	Present account No.
Freight.....	101,109	101
Switching	110	104
Water transfers.....	113	105
Demurrage.....	137	106

Revenue account title	Previous account No.	Present account No.
Incidental.....	130, 132, 133, 135, 138, 139, 141, 142, 143	110
Joint facility-credit.....	151	121
Joint facility-debt.....	152	122
Revenues from property used in other than carrier operations, less expenses.....	502, 511	506, 534
Miscellaneous rent income.....	510	510
Miscellaneous income.....	519	519

§ 1121.42 Calculation of avoidable costs.

This section defines: Which cost elements are eligible for inclusion in the calculation of avoidable costs; the conditions under which certain cost elements become eligible for inclusion; and the basis of apportioning those cost elements which are not assigned to the branch on an actual expense basis. The avoidable costs of providing freight service on a branch shall be the total of the costs assigned to the branch in accordance with this section. Those expenses apportioned under this section shall be derived from the latest Form R-1 or Form R-2 of the railroad filed with the ICC prior to the conclusion of the subsidy year, and assigned to the branch according to the procedures set forth in § 1121.43 of these regulations. When the term "Actual" is specified as the basis for assigning an expense, it shall mean that the only costs which can be assigned to the account are those costs which are incurred solely as a result of the continuation of rail freight service on the branch. The accounts in the following charts, which list only the "freight-only" account numbers, shall include the portion of common expenses that have been apportioned to freight service.

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
(a) Maintenance of way and structures			
(1) Administration:			
<i>Track</i>			
Salaries and wages	201	11-13-02	Actual.
Materials		21-13-02	Do.
Purchased services		41-13-02	Do.
Other expenses		61-13-02	Do.
<i>Bridges and buildings</i>			
Salaries and wages	201	11-13-03	Do.
Materials		21-13-03	Do.
Purchased services		41-13-03	Do.
Other expenses		61-13-03	Do.
<i>Signals</i>			
Salaries and wages	201	11-13-04	Do.
Materials		21-13-04	Do.
Purchased services		41-13-04	Do.
Other expenses		61-13-04	Do.
<i>Communications</i>			
Salaries and wages	201	11-13-05	Do.
Materials		21-13-05	Do.
Purchased services		41-13-05	Do.
Other expenses		61-13-05	Do.
<i>Other</i>			
Salaries and wages	201	11-13-06	Do.
Materials		21-13-06	Do.
Purchased services		41-13-06	Do.
Other expenses		61-13-06	Do.
(2) Repair maintenance and other roadway—running	202	11-11-10	Do.
Salaries and wages		21-11-10	Do.
Materials		39-11-10	Do.
Repairs by others—DR		40-11-10	Do.
Purchased services		41-11-10	Do.
Other expenses		61-11-10	Do.
<i>Roadway—switching</i>			
Salaries and wages	202	11-12-10	Do.
Materials		21-12-10	Do.
Repairs by others—DR		39-12-10	Do.
Purchased services		40-12-10	Do.
Other expenses		41-12-10	Do.
<i>Tunnels and subways—running</i>			
Salaries and wages	206	11-11-11	Do.
Materials		21-11-11	Do.
Repairs by others—DR		39-11-11	Do.
Purchased services		40-11-11	Do.
Other expenses		41-11-11	Do.
<i>Tunnels and subways—switching</i>			
Salaries and wages	206	11-12-11	Do.
Materials		21-12-11	Do.
Repairs by others—DR		39-12-11	Do.
Purchased services		40-12-11	Do.
Other expenses		41-12-11	Do.
<i>Bridges and culverts—running</i>			
Salaries and wages	208-210	11-11-12	Do.
Materials		21-11-12	Do.
Repairs by others—DR		39-11-12	Do.
Purchased services		40-11-12	Do.
Other expenses		61-11-12	Do.
<i>Bridges and culverts—switching</i>			
Purchased services		41-11-12	Do.
Other expenses		61-11-12	Do.
Salaries and wages	208-210	11-12-12	Do.
Materials		21-12-12	Do.
Repairs by others—DR		39-12-12	Do.
Purchased services		40-12-12	Do.
Other expenses		61-12-12	Do.
Ties—running—material	212	21-11-13	Do.
Ties—switching—material	212	21-12-13	Do.
Rails—running—material	214	21-11-14	Do.
Rails—switching—material	214	21-12-14	Do.
Other track material—running—material	216	21-11-15	Do.
Other track material—switching—material	216	21-12-15	Do.
Ballast—running—material	218	21-11-16	Do.
Ballast—switching—material	218	21-12-16	Do.
<i>Track laying and surfacing—running</i>			
Salaries and wages	220	11-11-17	Do.
Materials		21-11-17	Do.
Repairs by others—DR		39-11-17	Do.
Repairs for others—CR		40-11-17	Do.
Purchased services		41-11-17	Do.
Other expenses		61-11-17	Do.
<i>Track laying and surfacing—switching</i>			
Salaries and wages	220	11-12-17	Do.
Materials		21-12-17	Do.
Repairs by others—DR		39-12-17	Do.
Repairs for others—CR		40-12-17	Do.
Purchased services		41-12-17	Do.
Other expenses		61-12-17	Do.
<i>Road property damaged—running</i>			
Salaries and wages	202-220, 249	11-11-48	Do.
Materials		21-11-48	Do.
Repairs by others—DR		39-11-48	Do.
Repairs for others—CR		40-11-48	Do.
Purchased services		41-11-48	Do.
Other expenses		61-11-48	Do.
<i>Road property damaged—switching</i>			
Salaries and wages	202-220, 249	11-12-48	Do.
Materials		21-12-48	Do.
Repairs by others—DR		39-12-48	Do.
Repairs for others—CR		40-12-48	Do.
Purchased services		41-12-48	Do.
Other expenses		61-12-48	Do.
<i>Road property damaged—other</i>			
Salaries and wages	221, 227-247	11-13-48	Do.
Materials		21-13-48	Do.
Repairs by others—DR		39-13-48	Do.
Repairs for others—CR		40-13-48	Do.
Purchased services		41-13-48	Do.
Other expenses		61-13-48	Do.
<i>Signals and interlockers—running</i>			
Salaries and wages	249	11-11-19	Do.
Materials		21-11-19	Do.
Repairs by others—DR		39-11-19	Do.
Repairs for others—CR		40-11-19	Do.
Purchased services		41-11-19	Do.
Other expenses		61-11-19	Do.

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
<i>Signals and interlockers—switching</i>			
Salaries and wages.....	249	11-12-19	Do.
Materials.....		21-12-19	Do.
Repairs by others—DR.....		39-12-19	Do.
Repairs for others—CR.....		40-12-19	Do.
Purchased services.....		41-12-19	Do.
Other expenses.....		61-12-19	Do.
<i>Communications systems</i>			
Salaries and wages.....	247	11-13-20	Do.
Materials.....		21-13-20	Do.
Repairs by others—DR.....		39-13-20	Do.
Repairs for others—CR.....		40-13-20	Do.
Purchased services.....		41-13-20	Do.
Other expenses.....		61-13-20	Do.
<i>Electric power systems</i>			
Salaries and wages.....	253, 257, 304	11-13-21	Do.
Materials.....		21-13-21	Do.
Repairs by others—DR.....		39-13-21	Do.
Repairs for others—CR.....		40-13-21	Do.
Purchased services.....		41-13-21	Do.
Other expenses.....		61-13-21	Do.
<i>Highway grade crossings—running</i>			
Salaries and wages.....	273	11-11-22	Do.
Materials.....		21-11-22	Do.
Repairs by others—DR.....		39-11-22	Do.
Repairs for others—CR.....		40-11-22	Do.
Purchased services.....		41-11-22	Do.
Other expenses.....		61-11-22	Do.
<i>Highway grade crossings—switching</i>			
Salaries and wages.....	273	11-12-22	Do.
Materials.....		21-12-22	Do.
Repairs by others—DR.....		39-12-22	Do.
Repairs for others—CR.....		40-12-22	Do.
Purchased services.....		41-12-22	Do.
Other expenses.....		61-12-22	Do.
<i>Station and office buildings</i>			
Salaries and wages.....	227	11-13-23	Do.
Materials.....		21-13-23	Do.
Repairs by others—DR.....		39-13-23	Do.
Repairs for others—CR.....		40-13-23	Do.
Purchased services.....		41-13-23	Do.
Other expenses.....		61-13-23	Do.
<i>Station buildings—locomotives</i>			
Salaries and wages.....	235, 253 and 257	11-13-24	Do.
Materials.....		21-13-24	Do.
Repairs by others—DR.....		39-13-24	Do.
Repairs for others—CR.....		40-13-24	Do.
Purchased services.....		41-13-24	Do.
Other expenses.....		61-13-24	Do.
<i>Shop buildings—freight cars</i>			
Salaries and wages.....	235, 253 and 257	11-13-25	Do.
Materials.....		21-13-25	Do.
Repairs by others—DR.....		39-13-25	Do.
Repairs for others—CR.....		40-13-25	Do.
Purchased services.....		41-13-25	Do.
Other expenses.....		61-13-25	Do.
<i>Operating expense group and accounts</i>			
Repairs for others—CR.....		40-13-25	Do.
Purchased services.....		41-13-25	Do.
Other expenses.....		61-13-25	Do.
<i>Shop buildings—other equipment</i>			
Salaries and wages.....	255, 253 and 257	11-13-26	Do.
Materials.....		21-13-26	Do.
Repairs by others—DR.....		39-13-26	Do.
Repairs for others—CR.....		40-13-26	Do.
Purchased services.....		41-13-26	Do.
Other expenses.....		61-13-26	Do.
<i>Locomotive servicing facilities</i>			
Salaries and wages.....	231, 233	11-13-27	Do.
Materials.....		21-13-27	Do.
<i>Locomotive servicing facilities</i>			
Repairs for others—DR.....		39-13-27	Do.
Repairs for others—CR.....		40-13-27	Do.
Purchased services.....		41-13-27	Do.
Other expenses.....		61-13-27	Do.
<i>Miscellaneous buildings and structures</i>			
Salaries and wages.....	221, 229, 239, 285, 304	11-13-28	Do.
Materials.....		21-13-28	Do.
Repairs by others—DR.....		39-13-28	Do.
Repairs for others—CR.....		40-13-28	Do.
Purchased services.....		41-13-28	Do.
Other expenses.....		61-13-28	Do.
<i>Coal terminals</i>			
Salaries and wages.....	243	11-13-29	Do.
Materials.....		21-13-29	Do.
Repairs by others—DR.....		39-13-29	Do.
Repairs for others—CR.....		40-13-29	Do.
Purchased services.....		41-13-29	Do.
Other expenses.....		61-13-29	Do.
<i>Ore terminals</i>			
Salaries and wages.....	243	11-13-30	Do.
Materials.....		21-13-30	Do.
Repairs by others—DR.....		39-13-30	Do.
Repairs for others—CR.....		40-13-30	Do.
Purchased services.....		41-13-30	Do.
Other expenses.....		61-13-30	Do.
<i>TOFC/COFC terminals</i>			
Salaries and wages.....	244	11-13-31	Do.
Materials.....		21-13-31	Do.
Repairs by others—DR.....		39-13-31	Do.
Repairs for others—CR.....		40-13-31	Do.
Purchased services.....		41-13-31	Do.
Other expenses.....		61-13-31	Do.
<i>Other marine terminals</i>			
Salaries and wages.....	241	11-13-32	Do.
Materials.....		21-13-32	Do.
Repairs by others—DR.....		39-13-32	Do.
Repairs for others—CR.....		40-13-32	Do.
Purchased services.....		41-13-32	Do.
Other expenses.....		61-13-32	Do.

RULES AND REGULATIONS

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
<i>Motor vehicle loading and distribution facilities</i>			
Salaries and wages.....	227	11-13-33	Do.
Materials.....		21-13-33	Do.
Repairs by others—DR.....		39-13-33	Do.
Repairs for others—CR.....		40-13-33	Do.
Purchased services.....		41-13-33	Do.
Other expenses.....		61-13-33	Do.
<i>Facilities for other specialized service operations</i>			
Salaries and wages.....	227, 237	11-13-35	Do.
Materials.....		21-13-35	Do.
Repairs by others—DR.....		39-13-35	Do.
Repairs for others—CR.....		40-13-35	Do.
Purchased services.....		41-13-35	Do.
Other expenses.....		61-13-35	Do.
<i>Roadway machines</i>			
Salaries and wages.....	269	11-13-36	Daily repair costs per GMA, for each type of machine used on the branch line sec. 1121.43(a)(1).
Materials.....		21-13-36	Do.
Repairs by others—DR.....		39-13-36	Do.
Repairs for others—CR.....		40-13-36	Do.
Purchased services.....		41-13-36	Do.
Other expenses.....		61-13-36	Do.
<i>Small tools and supplies</i>			
Salaries and wages.....	271	11-13-37	Assign supplies on the basis of daily costs per GMA, for each type of machine used on the branch; small tool assign to maintenance of way 11-11/12-10 through 17, and 48, sec. 1121.43(a)(2).
Materials.....		21-13-37	Do.
Repairs by others—DR.....		39-13-37	Do.
Repairs for others—CR.....		40-13-37	Do.
Purchased services.....		41-13-37	Do.
Other expenses.....		61-13-37	Do.
<i>Snow removal</i>			
Salaries and wages.....	272	11-13-38	Actual.
Materials.....		21-13-38	Do.
Repairs by others—DR.....		39-13-38	Do.
Repairs for others—CR.....		40-13-38	Do.
Purchased services.....		41-13-38	Do.
Other expenses.....		61-13-38	Do.
Fringe benefits—running.....	277, 457	12-11-00	11-11-XX, sec. 1121.43(a)(3)(i).
Fringe benefits—switching.....	277, 457	12-12-00	11-12-XX, sec. 1121.43(a)(3)(ii).
Fringe benefits—other.....	277, 457	12-13-00	11-13-XX, sec. 1121.43(a)(3)(iii).
<i>Casualties and insurance—running</i>			
Other casualties.....	274	52-11-00	Actual.
Insurance.....	275	53-11-00	Do.
<i>Casualties and insurance—switching</i>			
Other casualties.....	274	51-12-00	Do.
Insurance.....	275	52-12-00	Do.
Lease rentals—debit—running.....		31-11-00	Do.
Lease rentals—debit—switching.....		31-12-00	Do.
Lease rentals—credit—running.....		32-11-00	Do.
Lease rentals—credit—switching.....		32-12-00	Do.
Lease rentals—debit—other.....		33-11-00	Do.
Lease rentals—credit—other.....		33-12-00	Do.
Joint facility rent—debit—running.....		33-11-00	Do.
Joint facility rent—debit—switching.....		33-12-00	Do.
<i>Casualties and insurance—other</i>			
Other casualties.....	274, 420	52-13-00	Do.
Insurance.....	275	53-13-00	Do.
Joint facility rent—debit—other.....		34-11-00	Do.
Joint facility rent—credit—running.....		34-12-00	Do.
Joint facility rent—credit—switching.....		34-13-00	Do.
Joint facility rent—debit—other.....		35-11-00	Do.
Other rents—debit—running.....		35-12-00	Do.
Other rents—debit—switching.....		35-13-00	Do.
Other rents—debit—other.....		36-11-00	Do.
Other rents—credit—running.....		36-12-00	Do.
Other rents—credit—switching.....		36-13-00	Do.
Other rents—credit—other.....		62-11-00	Do.
Depreciation—running.....	266	62-12-00	Do.
Depreciation—switching.....	266, 305	62-13-00	Do.
Depreciation—other.....	278	37-11-00	Do.
Joint facility—debit—running.....		37-12-00	Do.
Joint facility—debit—switching.....		37-13-00	Do.
Joint facility—debit—other.....		38-11-00	Do.
Joint facility—credit—running.....		38-12-00	Do.
Joint facility—credit—switching.....		38-13-00	Do.
Joint facility—credit—other.....		38-13-00	Do.
<i>Dismantling retired road property—running</i>			
Salaries and wages.....	270	11-11-39	Do.
Materials.....		21-11-39	Do.
Purchased services.....		41-11-39	Do.
Other expenses.....		61-11-39	Do.
<i>Dismantling retired road property—switching</i>			
Salaries and wages.....	270	11-12-39	Do.
Materials.....		21-12-39	Do.
Purchased services.....		41-12-39	Do.
Other expenses.....		61-12-39	Do.
<i>Dismantling retired road property—other</i>			
Salaries and wages.....	270, 306	11-13-39	Do.
Materials.....		21-13-39	Do.
Purchased services.....		41-13-39	Do.
Other expenses.....		61-13-39	Do.

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
<i>Other—running</i>			
Salaries and wages	281-282, 274	11-11-99	Do.
Materials		21-11-99	Do.
Purchased services		41-11-99	Do.
Other expenses		61-11-99	Do.
<i>Other—switching</i>			
Salaries and wages	281-282, 274	11-12-99	Do.
Materials		21-12-99	Do.
Purchased services		41-12-99	Do.
Other expenses		61-12-99	Do.
<i>Other—other</i>			
Salaries and wages	281-282, 274	11-13-99	Do.
Materials		21-13-99	Do.
Purchased services		41-13-99	Do.
Other expenses		61-13-99	Do.
(b) Maintenance of equipment			
(1) Locomotives:			
<i>Administration</i>			
Salaries and wages	301	11-21-01	Do.
Materials		21-21-01	Do.
Purchased services		41-21-01	Do.
Other expenses		61-21-01	Do.
<i>Repairs and maintenance</i>			
Salaries and wages	311	11-21-41	Road diesel and road electric locomotive gross ton miles. Yard diesel and yard electric locomotive unit hours, \$1121.43(b)(1).
Materials		21-21-41	Do.
Repairs by others—DR		39-21-41	Do.
Repairs for others—CR		40-21-41	Do.
Purchased services		41-21-41	Do.
Other expenses		61-21-41	Do.
<i>Machinery repair</i>			
Salaries and wages	302	11-21-40	Actual.
Materials		21-21-40	Do.
Repairs by others—DR		39-21-40	Do.
Repairs for others—CR		40-21-40	Do.
Purchased services		41-21-40	Do.
Other expenses		61-21-40	Do.
<i>Equipment damaged</i>			
Salaries and wages	311	11-21-48	Do.
Materials		21-21-48	Do.
Repairs by others—DR		39-21-48	Do.
Repairs for others—CR		40-21-48	Do.
Purchased services		41-21-48	Do.
Other expenses		61-21-48	Do.
Fringe benefits	335, 457	12-21-00	11-21-XX, sec. 1121.43(b)(1).
<i>Other—casualties and insurance</i>			
Other casualties	332	52-21-00	Actual.
Insurance		53-21-00	Do.
Lease rentals—debit		31-21-00	Do.
Lease rentals—credit		32-21-00	Do.
Joint facility rent—debit		33-21-00	Do.
Joint facility rent—credit		34-21-00	Do.
Other rents—debit		35-21-00	Do.
Other rents—credit		36-21-00	Do.
Joint facility—debit		37-21-00	Do.
Joint facility—credit		38-21-00	Do.
Depreciation	331, 305	62-21-00	All locomotives, locomotive unit hours, sec. 1121.43(b)(2).
<i>Dismantling retired property</i>			
Salaries and wages	306, 329	11-21-39	Actual.
Materials		21-21-39	Do.
Purchased services		41-21-39	Do.
Other expenses		61-21-39	Do.
<i>Other</i>			
Salaries and wages	339, 332	11-21-99	Do.
Materials		21-21-99	Do.
Purchased services		41-21-99	Do.
Other expenses		61-21-99	Do.
(2) Freight cars:			
<i>Administration</i>			
Salaries and wages	301	11-22-01	Do.
Materials		21-22-01	Do.
Purchased services		41-22-01	Do.
Other expenses		61-22-01	Do.
<i>Machinery repair</i>			
Salaries and wages	302	11-22-40	Do.
Materials		21-22-40	Do.
Repairs by others—DR		39-22-40	Do.
Repairs for others—CR		40-22-40	Do.
Purchased services		41-22-40	Do.
Other expenses		61-22-40	Do.
<i>Equipment damage</i>			
Salaries and wages	314	11-22-48	Do.
Materials		21-22-48	Do.
Repairs by others—DR		39-22-48	Do.
Repairs for others—CR		40-22-48	Do.
Purchased services		41-22-48	Do.
Other expenses		61-22-48	Do.
Fringe benefits	335, 457	12-22-00	11-22-XX, sec. 1121.43(b)(3)(III).
<i>Other—casualties and insurance</i>			
Other casualties	332	52-22-00	Actual.
Insurance		53-22-00	Do.
Lease rentals—debit		33-22-00	Do.
Lease rentals—credit		34-22-00	Do.
Joint facility rent—debit		35-22-00	Do.
Joint facility rent—credit		36-22-00	Do.
Other rents—debit		37-22-00	Do.
Other rents—credit		38-22-00	Do.

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
<i>Dismantling retired property</i>			
Salaries and wages	306, 329	11-22-39	Do.
Materials		21-22-39	Do.
Purchased services		41-22-39	Do.
Other expenses		61-22-39	Do.
<i>Other</i>			
Salaries and wages	330, 339, 332	11-22-99	Do.
Materials		21-22-99	Do.
Purchased services		41-22-99	Do.
Other expenses		61-22-99	Do.
Freight car costs per day and per mile:			
Repair and maintenance			
Salaries and wages	314	11-22-42	These accounts are used to develop the cost per car day and per car mile for each type of car, sec. 1121.42(g).
Materials		21-22-42	Do.
Repairs by others—DR		39-22-42	Do.
Repairs for others—CR		40-22-42	Do.
Purchased services		41-22-42	Do.
Other expenses		61-22-42	Do.
Lease rentals—DR	536	31-22-00	Do.
Lease rentals—CR	503	32-22-00	Do.
Depreciation	331, 305	62-22-00	Do.
Other rents—DR	536	35-22-00	Do.
Other rents—CR	503	36-22-00	Do.
(3) Other equipment:			
<i>Administration</i>			
Salaries and wages	301	11-23-01	Actual
Materials		21-23-01	Do.
Purchased services		41-23-01	Do.
Other expenses		61-23-01	Do.
Repair and maintenance:			
Trucks, trailers and containers—revenue service			
Salaries and wages	318	11-23-43	Do.
Materials		21-23-43	Do.
Repairs by others—DR		39-23-43	Do.
Repairs for others—CR		40-23-43	Do.
Purchased services		41-23-43	Do.
Other expenses		61-23-43	Do.
Floating equipment—revenue service			
Salaries and wages	323	11-23-44	Do.
Materials		21-23-44	Do.
Repairs by others—DR		39-23-44	Do.
Repairs for others—CR		40-23-44	Do.
Purchased services		41-23-44	Do.
Other expenses		61-23-44	Do.
Computer and data processing			
Salaries and wages	Various accounts.	11-23-46	Do.
<i>Operating expense group and accounts</i>			
Materials		21-23-46	Do.
Repairs by others—DR		39-23-46	Do.
Repairs for others—CR		40-23-46	Do.
Purchased services		41-23-46	Do.
Other expenses		61-23-46	Do.
<i>Machinery</i>			
Salaries and wages	302	11-23-40	Do.
Materials		21-23-40	Do.
Repairs by others—DR		39-23-40	Do.
Repairs for others—CR		40-23-40	Do.
Purchased services		41-23-40	Do.
Other expenses		61-23-40	Do.
Work and other non revenue equipment			
Salaries and wages	326, 328	11-23-47	Do.
Materials		21-23-47	Do.
Repairs by others—DR		39-23-47	Do.
Repairs for others—CR		40-23-47	Do.
Purchased services		41-23-47	Do.
Other expenses		61-23-47	Do.
<i>Equipment damaged</i>			
Salaries and wages	318, 323, 326, 328	11-23-48	Do.
Materials		21-23-48	Do.
Repairs by others—DR		39-23-48	Do.
Repairs for others—CR		40-23-48	Do.
Purchased services		41-23-48	Do.
Other expenses		61-23-48	Do.
Fringe benefits	335, 457	12-23-00	11-23-XX sec. 1121.43(b)(3)(II).
<i>Other casualties and insurance</i>			
Other casualties	332	52-23-00	Actual
Insurance	333	53-23-00	Do.
Lease rentals—DR	539, 540	31-23-00	Do.
Lease rentals—CR	506, 507	32-23-00	Do.
Joint facility rent—DR	541	33-23-00	Do.
Joint facility rent—CR	508	34-23-00	Do.
Other rents—DR	539, 540	35-23-00	Do.
Other rents—CR	506, 507	36-23-00	Do.
Depreciation	331, 305	62-23-00	Do.
Joint facility—DR	336	37-23-00	Do.
Joint facility—CR	337	38-23-00	Do.
<i>Dismantling retired property</i>			
Salaries and wages	306, 329	11-23-39	Do.
Materials		21-23-39	Do.
Purchased services		41-23-39	Do.
Other expenses		61-23-39	Do.
<i>Other</i>			
Salaries and wages	339, 332	11-23-99	Do.
Materials	339	21-23-99	Do.
Purchased services	339	41-23-99	Do.
Other expenses	339, 332	61-23-99	Do.

(c) Transportation
(1) Train operations:

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
<i>Administration</i>			
Salaries and wages	371	11-31-01	Do.
Materials		21-31-01	Do.
Purchased services		41-31-01	Do.
Other expenses		61-31-01	Do.
<i>Engine crews</i>			
Salaries and wages	392	11-31-56	Do.
Materials	402	21-31-56	Train hours, sec. 1121.43(c)(1)(i).
Purchased services	402	41-31-56	Actual.
Other expenses	402	61-31-56	Do.
<i>Train crews</i>			
Salaries and wages	401	11-31-57	Do.
Materials	402	21-31-57	Train hours, sec. 1121.43(c)(1)(i).
Purchased services	402	41-31-57	Actual.
Other expenses	402	61-31-57	Do.
<i>Dispatching trains</i>			
Salaries and wages	372	11-31-58	Do.
Materials		21-31-58	Do.
Purchased services		41-31-58	Do.
Other expenses		61-31-58	Do.
<i>Operating signals and interlockers</i>			
Salaries and wages	404	11-31-59	Do.
Materials		21-31-59	Do.
Purchased services		41-31-59	Do.
Other expenses		61-31-59	Do.
<i>Operating drawbridges</i>			
Salaries and wages	406	11-31-60	Do.
Materials		21-31-60	Do.
Purchased services		41-31-60	Do.
Other expenses		61-31-60	Do.
<i>Highway crossing protection</i>			
Salaries and wages	405	11-31-61	Do.
Materials		21-31-61	Do.
Purchased services		41-31-61	Do.
Other expenses		61-31-61	Do.
<i>Train and inspection and lubrication</i>			
Salaries and wages	314, 402, 311	11-31-62	Train hours, Sec. 1121.43(c)(1)(i).
Materials		21-31-62	Do.
Purchased services		41-31-62	Actual.
Other expenses		61-31-62	Do.
<i>Locomotive fuel</i>			
Salaries and wages	394	11-31-67	Diesel locomotive unit hours, Sec. 1121.43(c)(1)(ii).
Materials		21-31-67	Do.
Purchased services		41-31-67	1121.43(c)(1)(ii).
Other expenses		61-31-67	Do.
<i>Electric power purchased or produced for motive power</i>			
Salaries and wages	395, 445	11-31-68	Electric locomotive unit hours, sec. 1121.43(c)(1)(iii).
Materials	395, 445	21-31-68	Do.
Purchased services	395, 396, 445	41-31-68	1121.43(c)(1)(iii).
Other expenses	395, 445	61-31-68	Do.
<i>Servicing locomotives</i>			
Salaries and wages	400	11-31-69	Locomotive unit miles, sec. 1121.43(c)(1)(iv).
Materials		21-31-69	Do.
Purchased services		41-31-69	Do.
Other expenses		61-31-69	Do.
Freight lost or damaged—solely related	418, 419	51-31-00	Actual.
<i>Clearing wrecks</i>			
Salaries and wages	415	11-31-63	Do.
Materials		21-31-63	Do.
Purchased services		41-31-63	Do.
Other expenses		61-31-63	Do.
Fringe benefits	409, 457	12-31-00	11-31-XX, sec. 1121.43(c)(4)(i).
<i>Other casualties and insurance</i>			
Other casualties	416, 417, 420	52-31-00	Actual.
Insurance	414	53-31-00	Do.
Joint facility—DR	412	37-31-00	Do.
Joint facility—CR	413	38-31-00	Do.
<i>Other</i>			
Salaries and wages	402, 411, 420	11-31-99	Do.
Materials		21-31-99	Do.
Purchased services		41-31-99	Do.
Other expenses		61-31-99	Do.
<i>(2) Yard operations:</i>			
<i>Administration</i>			
Salaries and wages	371	11-32-01	Do.
Materials		21-32-01	Do.
Purchased services		41-32-01	Do.
Other expenses		61-32-01	Do.
<i>Switch crews</i>			
Salaries and wages	378, 380	11-32-64	Do.
Materials	389	21-32-64	Locomotive unit hours, sec. 1121.43(c)(2)(i).
Purchased services	389	41-32-64	Actual.
Other expenses	389	61-32-64	Do.
<i>Controlling operations</i>			
Salaries and wages	377	11-32-65	Do.
Materials	389	21-32-65	Do.
Purchased services	389	41-32-65	Do.
Other expenses	389	61-32-65	Do.

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
<i>Yard and terminal clerical</i>			
Salaries and wages	377	11-32-66	Actual.
Materials	389	21-32-66	Do.
Purchased services	389	41-32-66	Do.
Other expenses	389	61-32-66	Do.
<i>Operating switches, signals, retarders and humps</i>			
Salaries and wages	379	11-32-59	Do.
Materials	389	21-32-59	Do.
Purchased services	389	41-32-59	Do.
Other expenses	389	61-32-59	Do.
<i>Locomotive fuel</i>			
Salaries and wages	382	11-32-67	Diesel locomotive unit hours, sec. 1121.43(c)(2)(ii)
Materials		21-32-67	Do.
Purchased services		41-32-67	Do.
Other expenses		61-32-67	Do.
<i>Electric power purchased or produced for motive power</i>			
Salaries and wages	383, 445	11-32-68	Electric locomotive unit hours, sec. 1121.43(c)(2)(iii).
Materials	383, 445	21-32-68	Do.
Purchased services	383, 384, 445	41-32-68	Do.
Other expenses	383, 445	61-32-68	Do.
<i>Servicing locomotives</i>			
Salaries and wages	388	11-32-69	Locomotive unit hours, sec. 1121.43(c)(2)(i).
Materials		21-32-69	Do.
Purchased services		41-32-69	Do.
Other expenses		61-32-69	Do.
Freight lost or damaged—solely related	418, 419	51-32-00	Actual.
<i>Clearing wrecks</i>			
Salaries and wages	415	11-32-63	Do.
Materials		21-32-63	Do.
Purchased services		41-32-63	Do.
Other expenses		61-32-63	Do.
Fringe benefits	409, 457	12-32-00	11-32-XX, sec. 1121.43-(c)(4)(ii).
<i>Other casualties and insurance</i>			
Other casualties	416, 420	52-32-00	Actual.
Insurance	414	53-32-00	Do.
Joint facility—DR	390, 412	37-32-00	Do.
Joint facility—CR	391, 413	38-32-00	Do.
<i>Other</i>			
Salaries and wages	411, 420	11-32-99	Do.
Materials		21-31-99	Do.
Purchased services		41-32-99	Do.
Other expenses		61-32-99	Do.
<i>(3) Train and yard operations common:</i>			
<i>Cleaning car interiors</i>			
Salaries and wages	402	11-32-70	Do.
Materials		21-32-70	Do.
<i>Purchased services</i>			
Salaries and wages		41-32-70	Do.
Materials		21-32-71	Do.
Purchased services		41-32-71	Do.
Other expenses		61-32-71	Do.
<i>Carloading devices and grain doors</i>			
Salaries and wages	402	11-33-72	Do.
Materials		21-33-72	Do.
Purchased services		41-33-72	Do.
Freight lost or damaged—all other	418, 419	51-33-00	Do.
Fringe benefits	409	12-33-00	11-33-XX, sec. 1121.43(c)(4)(iii).
<i>(4) Specialized service operations:</i>			
<i>Administration</i>			
Salaries and wages	371, 408, 443	11-34-01	Actual.
Materials		21-34-01	Do.
Purchased services		41-34-01	Do.
Other expenses		61-34-01	Do.
<i>Pick-up and delivery, marine line haul, and rail substitute service</i>			
Salaries and wages	408, 421, 422	11-34-73	Do.
Materials		21-34-73	Do.
Purchased services		41-34-73	Do.
Other expenses		61-34-73	Do.
<i>Loading and unloading and local marine</i>			
Salaries and wages	375, 408, 421	11-34-74	Do.
Materials		21-34-74	Do.
Purchased services	422 and 443	41-34-74	Do.
Other expenses		61-34-74	Do.
<i>Protective services</i>			
Salaries and wages	402, 421, 422, 443	11-34-75	Do.
Materials		21-34-75	Do.
Purchased services		41-34-75	Do.
Other expenses		61-34-75	Do.
Freight lost or damaged—Solely related	418, 419	51-34-00	Do.
Fringe benefits	409, 457, 449	12-34-00	11-34-XX, sec. 1121.43-(c)(4)(iv).
<i>Casualties and insurance</i>			
Other casualties	416, 420	52-34-00	Actual.
Insurance	414	53-34-00	Do.
Joint facility—DR	412, 447	37-34-00	Do.
Joint facility—CR	413, 448	38-34-00	Do.
<i>Other</i>			
Salaries and wages	411, 442, 446, 420	11-34-99	Do.
Materials		21-34-99	Do.
Purchased services		41-34-99	Do.
Other expenses		61-34-99	Do.
<i>(5) Administrative support operations:</i>			

Operating expense group and accounts	Previous account No.	Present account No.	Basis of assignment to on-branch costs
Administration			
Salaries and wages	371	11-35-01	Do.
Materials		21-35-01	Do.
Purchased services		41-35-01	Do.
Other expenses		61-35-01	Do.
Employees performing clerical and accounting functions			
Salaries and wages	373	11-35-76	Do.
Materials	376	21-35-76	Do.
Purchased services	376	41-35-76	Do.
Other expenses	376	61-35-76	Do.
Communication systems operation			
Salaries and wages	373, 407	11-35-77	Do.
Materials	376, 407	21-35-77	Do.
Purchased services	376, 407	41-35-77	Do.
Other expenses	376, 407	61-35-77	Do.
Loss and damage claims processing			
Salaries and wages	418, 419	11-35-78	Number of claims, sec. 1121.43(c)(3)(I).
Materials		21-35-78	Do.
Purchased services		41-35-78	Do.
Other expenses		61-35-78	Do.
Fringe benefits	409, 457	12-35-00	11-35-XX, sec. 1121.43-(c)(4)(V).
Joint facility—DR	412, 447	37-35-00	Actual.
Joint facility—CR	413, 448	38-35-00	Do.
Casualties and insurance			
Other casualties	416, 420	52-35-00	Do.
Insurance	414	53-35-00	Do.
Other			
Salaries and wages	411, 420	11-35-99	Do.
Materials	411	21-35-99	Do.
Purchased services	411	41-35-99	Do.
Other expenses	411, 420	61-35-99	Do.
(d) General Administrative			
Officers—general administration			
Salaries and wages	351, 451, 452	11-61-01	Do.
Materials		21-61-01	Do.
Purchased services		41-61-01	Do.
Other expenses		61-61-01	Do.
Accounting, auditing and finance			
Salaries and wages	452, 451	11-61-86	Do.
Materials		21-61-86	Do.
Purchased services		41-61-86	Do.
Other expenses		61-61-86	Do.
Management services and data processing			
Salaries and wages	452, 451	11-61-87	Do.
Materials		21-61-87	Do.
Purchased services		41-61-87	Do.
Other expenses		61-61-87	Do.
Marketing			
Salaries and wages	352	11-61-88	Do.
Materials		21-61-88	Do.
Purchased services		41-61-88	Do.
Other expenses		61-61-88	Do.
Sales			
Salaries and wages	352	11-61-89	Do.
Materials		21-61-89	Do.
Purchased services		41-61-89	Do.
Other expenses		61-61-89	Do.
Industrial development			
Salaries and wages	356, 452, 451	11-61-90	Do.
Materials		21-61-90	Do.
Purchased services		41-61-90	Do.
Other expenses		61-61-90	Do.
Personnel and labor relations			
Salaries and wages	452, 451	11-61-91	Do.
Materials		21-61-91	Do.
Purchased services		41-61-91	Do.
Other expenses		61-61-91	Do.
Legal and secretarial			
Salaries and wages	452, 454, 274	11-61-92	Do.
Materials	332 and 420	21-61-92	Do.
Purchased services		41-61-92	Do.
Other expenses		61-61-92	Do.
Public relations and advertising			
Salaries and wages	353, 354	11-61-93	Do.
Materials		21-61-93	Do.
Purchased services		41-61-93	Do.
Other expenses		61-61-93	Do.
Research and development			
Salaries and wages	Various accounts	11-61-94	Do.
Materials		21-61-94	Do.
Purchased services		41-61-94	Do.
Other expenses		61-61-94	Do.
Fringe benefits	359, 456, 457	12-61-00	11-61-XX, sec. 1121.43(d)(1).
Casualties and insurance			
Other casualties	None	52-61-00	Actual
Insurance	357, 455	53-61-00	Do.
Writedown of uncollectible accounts	706, 707	63-61-00	Do.
Other taxes except on corporate income or payroll	532	65-61-00	Do.
Joint facility—DR	461	37-61-00	Do.
Joint facility—CR	462	38-61-00	Do.
Other			
Salaries and wages	355, 360, 460	11-61-99	Do.
Materials	351, 451, 452	21-61-99	Do.
Purchased services	and 453	41-61-99	Do.
Other expenses		61-61-99	Do.

(e) *Deadheading, taxi, and hotel costs.* The costs assigned under this subsection shall be the actual costs incurred as a result of providing service to the branch line for deadheading, taxi, and hotel costs. The amounts included under this subsection shall not be included under other subsections of these regulations.

(f) *Overhead movement costs.* The costs assigned under this subsection shall be the actual costs incurred in moving overhead in order to provide service to the branch. The amounts shown under this subsection shall not be included under other subsections of these regulations.

(g) *Freight car costs.* For Class I railroads, the on-branch costs for time-mileage freight cars shall be calculated on the basis of the railroad's average costs per day and per mile. The costs per day and per mile shall be calculated separately for each type of car specified in Ex Parte 334 (Car Service Compensation—Basic Per Diem Charges—Formula Revision In Accordance With the Railroad Revitalization and Regulatory Reform Act of 1976). These costs shall include: Account 11-22-42—Salaries and wages—freight cars—repairs and maintenance; Account 21-22-42—Materials—freight cars—repairs and maintenance; Account 39-22-42—Repairs billed by others (Debit)—freight cars—repairs and maintenance; Account 40-22-42—Repairs billed to others (Credit)—freight cars—repairs and maintenance; Account 41-22-42—Other purchased services—freight cars—repairs and maintenance; Account 61-22-42—Other expenses—freight cars—repairs and maintenance; Account 31-22-00—Lease rentals (Debit)—freight cars; Account 32-22-00—Lease Rentals (Credit)—freight cars; Account 35-22-00—Other rents (Debit)—freight cars; Account 26-22-00—Other rents (Credit)—freight cars; and Account 62-22-00—Depreciation—freight cars; and the return on investment in freight cars. The system total of the repair and maintenance accounts, all accounts designated XX-XX-42, and depreciation shall be divided into time related costs and mileage related costs on the basis of the present Rail Form A apportionment factors (i.e., 50 percent time and 50 percent mileage for repairs, and 60 percent time and 40 percent mileage for depreciation). Return on investment shall be treated as a 100 percent time-related cost. The system total receipts and payments for the hire of time mileage cars and the basic data used in the development of the car-day and car-mile factors shall be taken from the railroad's latest Form R-1 and company records. The specific steps to complete the calculations are as follows:

(1) The total system car days by car type shall be calculated by averaging

the railroad's freight car ownership at the beginning and ending of the year (R-1, schedule 710, columns (b) and (k)); multiplying the average by the standard active number of car days (346) as developed in ICC Docket No. 31358; subtracting car days on foreign lines (source: company records) and adding the foreign car days on home line (source: company records). This procedure shall be completed for each car type specified in Ex Parte 334.

(2) The total railroad car miles shall be calculated by adding the loaded car miles for railroad owned and leased cars (Form OSA, column (d), items 5-010 through 5-027) to the empty car miles for railroad owned and leased cars (Form OSA, column (d), items 5-110 through 5-127). The total car miles, loaded and empty shall be calculated for each car type specified in Ex Parte 334.

(3) The cost per car-day shall be calculated for each type of time-mileage car by adding 50 percent of the total freight car repair costs for each car type (R-1, schedule 415, column (b)); 60 percent of the depreciation costs for each car type (R-1, schedule 415, column (c)); 100 percent of return on investment, which shall be calculated by obtaining the net depreciated investment for each car type and multiplying it by the interest rate which applied to the latest equipment trust certificates, conditional sales agreement, or lease entered into by the railroad for the purchase or lease of freight cars; the time portion of the railroad's payments for hire of time-mileage freight cars (R-1, schedule 366, columns (h) and (i)); subtracting the time portion of the railroad's receipts for hire to time-mileage freight cars (R-1, schedule 366, columns (d) and (e)); and dividing the result by the total car days for each car type developed in paragraph (1).

(4) The cost per mile shall be calculated for each type of time-mileage car by adding 50 percent of the total freight train car repair cost for each car type (R-1, schedule 415, column (b)); 40 percent of the total depreciation costs for each car type (R-1, schedule 415, column (c)); the mileage portion of the railroad's payments for the hire of time-mileage freight cars (R-1, schedule 366, column (g)); subtracting the mileage portion of the railroad's receipts for hire of time-mileage of freight cars (R-1, schedule 366, column (c)); and dividing the result by the total car miles for each car type developed in paragraph (2).

(5) The costs per car-day and per car-mile developed in paragraphs (3) and (4) of this section shall be applied to the total car-days and total car miles for each car type accumulated on the branch for all traffic originated and/or terminated on the branch and all bridge traffic handled by the

branch during the subsidy period which are attributed to time-mileage freight-train cars. The car-day and car-mile factors shall be furnished by the railroads. The on-branch costs for freight cars rented on a straight mileage basis shall be the railroad's total payments for mileage cars (R-1, schedule 366, column (f)), for each car type; divided by the total miles on which the charges were based. For Class II railroads, the on-branch costs for time-mileage and straight mileage freight cars shall be calculated in the same manner prescribed for Class I railroads, using the latest data available.

(h) *Return on investment—locomotives.* The return on investment in locomotives shall be separated between yard and road with a further separation between diesel and other (electric). The return on investment for each category of locomotives shall be calculated in accordance with the following procedure:

(1) The net investment for each category of locomotives shall be determined from the carrier's records.

(2) The current cost of capital used in the calculation of return on investment for locomotives shall be the rate of interest which applied to the latest equipment trust certificates, conditional sales agreements, or equipment lease agreements entered into by the railroad for the purchase or lease of new locomotives.

(3) The return on investment for all categories of locomotives is calculated by multiplying the net investment in step (1) above by the current costs of capital as determined in step (2).

(4) The return on investment shall be assigned to the branch on the basis of the ratio of locomotive unit hours on the branch to total locomotive unit hours on the system for the applicable classification of locomotive.

(i) *Revenue taxes.* The amount of revenue taxes shall be computed based on the amounts directly paid in those States that subject the railroad to a revenue tax.

(j) *Property taxes.* (1) The amount of property taxes shall be the amount levied against the property on the branch, in those States where a true ad valorem tax is levied, based on the value of certain kinds of railroad property, such as track, land, buildings, and other facilities.

(2) In States where property taxes are assessed on the basis of a formula of a State-wide valuation of property and the branch or branches are included in the valuation of the railroad operating the service, the tax on each branch shall be based on the distribution of the assessment by the State to that branch and the application of the appropriate tax rate or rates.

(3) In States where the real property taxes are assessed and levied against

the owner of the property but the rolling stock is assessed to the railroad operating the service on the basis of a formula of a State-wide valuation of property, the tax on rolling stock attributable to each branch shall be determined as follows:

(i) Find the percent which the cost of equipment as used in the formula is to the total of all property cost as used in the formula;

(ii) Apply that percentage to the total State assessment to determine the portion of the assessment attributable to rolling stock;

(iii) Allocate the rolling stock assessment thus determined to each branch on the basis of car and locomotive unit miles on the branch to total car and locomotive unit miles in the state;

(iv) Apply appropriate tax rate or rates to the allocated assessment thus determined.

(k) *Administrative costs.* The costs assigned under this account shall be the actual costs directly attributable to the administration of the subsidy program or at the option of the carrier, one percent of the total annual revenues attributed to the branch shall be allowable to cover all costs of administering the subsidy program.

(l) *Casualty reserve account.* The costs assigned under this account shall be any payments mutually agreed to by the person offering the subsidy and the railroad for the purpose of holding the subsidizer harmless from any liability under those accounts that are used to record any costs incurred by the railroad as a result of an accident.

(m) *Rehabilitation.* Rehabilitation costs shall not be included unless: (1) The track involved does not meet minimum Federal Railroad Administration (FRA) Class I safety standards (49 CFR Part 213), in which case the railroad will furnish a detailed estimate of the costs to rehabilitate the track to the minimum level with the abandonment application and provision to cover such costs shall be included in the subsidy agreement; or (2) the potential subsidizer requests a level of service which requires expenditures for rehabilitation.

(n) *Off-branch costs.* Until the ICC revises the Rail Form A cost procedure to facilitate the incorporation of the new USOA as well as review and if necessary change the theories contained within the present formula the procedure for determining the off-branch costs will use the existing Rail Form A formula applied to the latest Annual Report, Form R-1, that has been filed by the railroad using the prior unrevised accounting system. The development of the off-branch costs shall be as follows:

(1) Terminal costs, line-haul car costs, and interchange costs shall be considered as the off-branch avoidable costs of providing service over the re-

mainder of the railroad's system. These costs shall be computed by applying variable unit costs to the service units attributed to the branch traffic during the subsidy period.

(2) The following through-train, single-line, variable unit costs shall be developed by a Class I railroad by applying Rail Form A to data contained in its latest Form R-1 filed with the Commission:

(i) Normal Rail Form A carload terminal cost per carload by car type.

(ii) Modified Rail Form A, carload terminal cost per carload by car type (i.e., (A) substitute an intertrain switching cost separated between mileage and other than mileage cars, in place of a roadtrain to industry switching cost; (B) substitute modified car ownership costs per car-day for two days developed in accordance with §1121.42(g)(3) for the standard Rail Form A car ownership cost).

(iii) Rail Form A per hundredweight terminal cost.

(iv) Rail Form A cost per car-mile by car type.

(v) Rail Form A cost per ton-mile.

(vi) Rail Form A cost per car interchanged, separated between mileage and other than mileage cars.

These costs shall be applied by Class I railroads in accordance with the procedure set forth below in §1121.42(n)(3).

(3) Calculations by car type: (i) The sum of all terminal costs incurred off the branch line shall be calculated by multiplying the modified terminal cost per carload by car type, paragraph (n)(2)(ii) of this section, by the total number of carloads originated or terminated on the branch line during the subsidy year. To this amount add the normal terminal cost per carload by car type, paragraph (n)(2)(i) of this section, times the number of carloads which originated or terminated on the branch that are local to the railroad serving the branch.

(ii) The sum of the hundredweight terminal costs incurred off the branch line shall be calculated by multiplying the hundredweight of freight originated or terminated on the branch that are local to the railroad serving the branch.

(iii) The sum of the line-haul car-mile costs incurred off the branch line shall be calculated by multiplying the car-mile cost by car type, paragraph (n)(2)(iv) of this section, by the loaded car-miles generated off the branch line by cars originated or terminated on the branch during the subsidy year. Where overhead movements to and from the branch have been included in the on-branch cost calculation under other sections of §1121.42 the related loaded car-miles shall be excluded from this calculation.

(iv) The sum of the line-haul ton-mile costs shall be determined by mul-

tiplying the ton-mile cost, paragraph (n)(2)(v) of this section, by the total ton-miles of revenue freight incurred by the railroad on its lines, other than the branch lines, for revenue freight originated or terminated on the branch during the subsidy year.

(v) The interchange cost shall be calculated by multiplying the cost per car interchanged, paragraph (n)(2)(vi) of this section, by the number of carloads of traffic interchanged at a point off the branch line and originated or terminated on the branch.

(4) Class II line-haul railroads shall calculate off-branch costs as follows:

(i) The estimated system variable expenses shall be calculated by multiplying the sum of the total operating expenses, rents and taxes, including Federal Income Taxes (schedule 410, total of accounts 201 through 278, columns (b) and (c) and (d)) in the carrier's latest Annual Report (Form R-2) by 0.78, the three-year composite variability ratio for all Class I railroads.

(ii) The cost per ton-mile of revenue freight is calculated by dividing the amount developed in step (i) by the system total ton-miles of revenue freight (schedule 2601, L. 25, col. (d)) in the carrier's latest Annual Report (Form R-2).

(iii) The cost developed in step (ii) shall be applied to the total revenue ton-miles of traffic which is attributable to the branch and which moves over other portions of the railroad's system.

§1121.43 Apportionment rules for the assignment of expenses to on-branch costs.

The accounts specified under §§1121.42(a), (b), (c), and (d) as having an assignment basis other than "Actual" shall be apportioned according to the rules contained in this section.

(a) *Maintenance of Way and Structures—(1) Roadway machines.* All accounts designated XX-13-36 shall be assigned to the branch on the basis of the average repair costs, for each type of machine, included in the daily rental fees charged by the operating railroad or as published by the General Manager's Association of Chicago (GMA), based on the actual number of days each type of machine is used on the branch.

(2) *Small Tools and Supplies.* All accounts designated XX-13-37 shall be assigned to the branch as follows: (i) The costs of supplies, consumed in the operation of roadway machines, shall be assigned to the branch on the basis of the average costs of supplies per day, included in the daily rental fees charged by the operating railroad or as published by the GMA, multiplied by the actual number of days that the machine is used on the branch; (ii) the costs of small tools shall be assigned to

the branch on the basis of the ratio that the branch amounts in Accounts 11-11-10 through 11-11-17 and 11-11-48, plus 11-12-10 through 11-12-17 and 11-12-48 bear to the railroad's system total for the same accounts.

(3) *Fringe Benefits.* Fringe benefits shall be assigned to the branch separated between running, switching and other, on the ratio that the total branch salary and wages bear to the total system salaries and wages for each activity as follows:

(i) *Fringe Benefits—Running, Account 12-11-00,* total of all 11-11-XX accounts branch to system;

(ii) *Fringe Benefits—Switching, Account 12-12-00,* total of all 11-12-XX accounts branch to system; and

(iii) *Fringe Benefits—Other, Account 12-13-00,* total of all 11-13-XX accounts branch to system.

(b) *Maintenance of equipment—(1) Locomotive repairs and maintenance.* All accounts designated XX-21-41 shall be separated between yard and road with a further separation between diesel and other (electric). The costs for these accounts for yard locomotives shall be assigned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric yard locomotive unit-hours to the total system diesel and electric yard locomotive unit-hours. The costs for these accounts for road locomotives shall be assigned to the branch separately for diesel and electric locomotives on the basis of the ratio of branch diesel and electric locomotive gross ton-miles in road service to the total system diesel and electric locomotive gross ton-miles in road service. The costs assigned under these accounts for specialized equipment devoted exclusively to branch line service shall be the actual costs for the specific equipment used.

(2) *Locomotive Depreciation—Account 61-22-00,* shall be separated between yard and road with a further separation between diesel and other (electric). The cost shall be assigned to the branch on the ratio of locomotive unit hours on the branch to the total locomotive unit hours on the system for the particular type of locomotive used to serve the branch. The cost assigned under this account for specialized equipment devoted exclusively to branch line service shall be the actual cost for the specific equipment used.

(3) *Fringe Benefits.* Fringe benefits for locomotives and other equipment shall be assigned to the branch on the ratio that the total branch salary and wages bear to the system total salaries and wages for each type of equipment as follows: (i) *Locomotives—Account 12-21-00,* total of all 11-21-XX accounts branch to system.

(ii) *Other Equipment—Account 12-23-00,* total of all 11-23-XX accounts branch to system.

(iii) *Fringe benefits for freight cars* shall be calculated by first estimating the total in Account 11-22-42, Freight car repairs—salaries and wages, that is included in the total on branch costs for freight cars as determined from the car day and car mile cost calculations, in § 1121.42(g) of these regulations.

To this amount is added the branch totals in the balance of all 11-22-XX accounts. The ratio of this total branch account to the system total for all 11-22-XX accounts is applied to Account 12-22-00, Fringe Benefits—Freight Cars.

(c) *Transportation—(1) Train Operations—(i) Engine Crews—Materials, Account 21-31-56; Train Crews—Materials, Account 21-31-57; Train Inspection and Lubrication—Salaries and Wages, Account 11-31-62; and Materials—Account 21-31-62.* If the branch is served by a local/way or through train crew, the costs in these accounts shall be assigned to the branch on the ratio of train hours on the branch to the total system train hours.

(ii) *Locomotive Fuel—All accounts designated XX-31-67* shall be assigned to the branch on the ratio of road diesel locomotive unit hours on the branch to the total system road diesel locomotive unit hours.

(iii) *Electric Power Purchased or Produced for Motive Power—All accounts designated XX-31-68* shall be assigned to the branch on the ratio of road electric locomotive unit hours on the branch to the total system road electric locomotive unit hours.

(iv) *Servicing Locomotives—All accounts designated XX-31-69* shall be assigned to the branch on the ratio of road locomotive unit miles on the branch to the total system road locomotive unit miles.

(2) *Yard Operations—(i) Switch Crews—Materials, Account 21-32-64, and Servicing Locomotives, all accounts designated XX-32-69.* The costs for these accounts shall be assigned to the branch on the ratio of yard locomotive unit hours on the branch to the system total yard locomotive unit hours.

(ii) *Locomotive Fuel—All accounts designated XX-32-67* shall be assigned to the branch on the ratio of yard diesel locomotive unit hours on the branch to the total system yard diesel locomotive unit hours.

(iii) *Electric Power Purchased or Produced for Motive Power—All accounts designated XX-32-68* shall be assigned to the branch on the ratio of yard electric locomotive unit hours on the branch to the total system yard electric locomotive unit hours.

(3) *Administrative support operations. (i) Loss and Damage Claims Processing—All accounts designated XX-35-78* shall be assigned to the branch on the ratio of the number of

claims processed for loss or damage occurring on the branch to the total number of claims processed by the railroad.

(4) *Transportation Fringe Benefits.* Fringe benefits shall be assigned to the branch separated between train operations, yard operations, train and yard operations common, specialized service operations, and administrative support operations. The costs for each activity shall be assigned to the branch on the ratio that the total branch salary and wages bear to the total system salary and wages for each activity shown below.

(i) *Train Operations, Account 12-31-00,* total of all 11-31-XX accounts branch to system.

(ii) *Yard Operations, Account 12-32-00,* total of all 11-32-XX accounts branch to system.

(iii) *Train and Yard Operations Common, Account 12-33-00,* total of all 11-33-XX accounts branch to system.

(iv) *Specialized Service Operations, Account 12-34-00,* total of all 11-34-XX accounts branch to system.

(v) *Administrative Support, Account 12-35-00,* total of all 11-35-XX accounts branch to system.

(d) *General administrative. (1) Fringe Benefits, Account 12-61-00,* shall be assigned to the branch on the ratio that the total branch salary and wages in all 11-61-XX accounts bear to the system total salary and wages in all 11-61-XX accounts.

§ 1121.44 Valuation of rail properties.

The investment base to which the return element shall apply shall be the sum of:

(a) The allowable working capital computed at 15 days on-branch cash avoidable costs (on-branch avoidable costs less depreciation);

(b) The amount of current income tax benefits resulting from abandonment of the line which would have been applicable to the period of the subsidy agreement (this information to be furnished by the railroad and subject to audit by the person offering the subsidy); and

(c) The net liquidation value, for their highest and best use for non-rail purposes, of the rail properties on the line to be subsidized which are used and required for performance of the services requested by the person offering the subsidy. This value shall be determined by computing the current appraised market value of such properties for other than rail transportation purposes, less all costs of dismantling and disposition of improvements necessary to make the remaining properties available for their highest and best use and complying with applicable zoning, land use, and environmental regulations.

§ 1121.45 Reasonable return.

(a) A carrier not in reorganization shall furnish to the Commission and to any financially responsible person considering the offer of a rail service continuation payment, a statement, with substantiation, of its current cost of capital, after adjustment for the effects of current Federal and State income taxes.

(b) For a carrier in reorganization, the cost of capital for the purpose of the rail service continuation payment shall be the average yield on all railroad bonds for the week immediately preceding the execution of the subsidy agreement, as quoted by any standard investors' service, adjusted for the effects of Federal or State income taxes (if any), actually incurred by the carrier during the term of the agreement.

(c) The return element of the subsidy payment shall be computed by applying the cost of capital as determined above to the investment base determined pursuant to § 1121.44. The return shall be adjusted annually to reflect the carrier's actual current (cash) effective Federal and State income tax rate. In the event the carrier and the subsidizer cannot agree as to the amount of the return element, this amount will be determined by the Commission, and the Commission's determination shall be final.

§ 1121.46 Submission of revenue and cost data.

The following information shall be submitted by applicant as Exhibit 1 to an abandonment or discontinuance application (§ 1121.32(d)) and shall be developed in accordance with the methodology established in § 1121.41-45, as applicable. Such information, form, and methodology shall also be used by an offeror of financial assistance to formulate a Proposed Subsidy Payment (§ 1121.38).

	Base year operations	Projected subsidy year operations
Revenues attributable for		
1. Freight originated and/or terminated on branch		
2. Bridge traffic		
3. All other revenue and income		
4. Total revenues attributable (lines 1 through 3)		
Avoidable costs for		
5. On-branch costs (lines 5a through 5j)		
a. Maintenance of way and structures		
b. Maintenance of equipment		
c. Transportation		
d. General administrative		
e. Deadheading, taxi, and hotel		
f. Overhead movement		
g. Freight car costs		

	Base year operations	Projected subsidy year operations
h. Return on investment—locomotives		
Avoidable costs for		
1. Revenue taxes		
j. Property taxes		
6. Off-branch costs		
7. Total avoidable costs (line 5 plus line 6)		
Subsidization costs for		
8. Rehabilitation		
9. Administration costs (subsidy year only)		
10. Casualty reserve account		
11. Total subsidization costs (lines 8 through 10)		
Return on value for		
12. Valuation of property (lines 12a through 12c)		
a. Working capital		
b. Income tax benefits		
c. Net liquidation value		
13. Rate of return		
14. Total return on value (line 12 times line 13)		
15. Avoidable loss from operations (line 4 minus line 7)		
16. Estimated subsidy (line 4 minus lines 7, 11 and 14)		

¹ Projection shall include amounts necessary to attain FRA class I safety standard.

² Omit in applications pursuant to secs. 1121.32 and 1121.33.

§ 1121.47 Financial status reports.

Within 30 days after the end of each quarter of the subsidy year, each carrier which is party to a financial assistance agreement shall submit to the subsidizer a Financial Status Report for each line operated under subsidy. Such Financial Status Report shall be in the form prescribed below. Significant deviations from the negotiated estimates must be explained. Unless the parties agree otherwise, the last Financial Status Report issued within the first ten months of the subsidy period will be the basis for negotiating the financial assistance agreement for the subsequent subsidy year. The year-end report will be the basis of the subsidy payment adjustment. All data shall be developed in accordance with the methodology set forth in §§ 1121.41-1121.45. In the quarterly reports, the actual data for the year to date and a projection to the end of the subsidy year shall be shown for each item.

	Actual	Projected
Revenues for		
1. Freight originated and/or terminated on branch		
2. Bridge traffic		
3. All other revenue and income		
4. Total revenues (lines 1 through 3)		
Avoidable costs for		
5. On-branch costs (lines 5a through 5j)		
a. Maintenance of way and structures		
b. Maintenance of equipment		
c. Transportation		
d. General administrative		

	Actual	Projected
e. Deadheading, taxi, and hotel		
f. Overhead movement		
Avoidable costs for		
g. Freight car costs		
h. Return on investment—locomotives		
i. Revenue taxes		
j. Property taxes		
6. Off-branch costs		
7. Total avoidable costs (line 5 plus line 6)		
Subsidization costs for		
8. Rehabilitation		
9. Administrative costs		
10. Casualty		
11. Total subsidization costs (lines 8 through 10)		
Return on value		
12. Valuation of property (lines 12a through 12c)		
a. Working capital		
b. Income tax benefits		
c. Net liquidation value		
13. Rate of return		
14. Total return on value (line 12 times line 13)		
Subsidy payment		
15. Subsidy payment (line 4 minus lines 7, 11, and 14)		

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[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36622]

PART 1242—SEPARATION OF COMMON OPERATING EXPENSES BETWEEN FREIGHT SERVICE AND PASSENGER SERVICE FOR RAILROADS

Revision to the Rules Governing the Separation of Common Operating Expenses Between Freight Service and Passenger Service for Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Final Report and Order.

SUMMARY: The Interstate Commerce Commission has adopted a revision to the Rules Governing the Separation of Common Operating Expenses Between Freight Service and Passenger Service for Railroads (Separation Rules). This revision updates the current Separation Rules to conform to the revised Uniform System of Accounts operating expense structure.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter D. Vliet, Chief, Cost Analysis Branch, Section of Cost and Valuation, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-6175.

SUPPLEMENTARY INFORMATION:

BACKGROUND

By Notice of Proposed Rulemaking served under Docket No. 36622

(Notice) on September 1, 1977, and published in the *FEDERAL REGISTER* on September 9, 1977 (42 FR 45346), the Commission made public that it had under consideration a general revision of the Rules Governing the Separation of Common Operating Expenses Between Freight and Passenger Service for Railroads (Separation Rules) (49 CFR 1242). The purpose of this revision is to conform the Separation Rules to the revised Uniform System of Accounts for Railroads (USOA) (49 CFR 1201) served on June 24, 1977, under Docket No. 36367, effective January 1, 1978. All interested parties were given the opportunity to submit their views in writing by October 12, 1977.

The previous separation rules were based on fully shared costs in which freight and passenger services are each assigned its full and fairly allocated portion of total expenses. These rules were constructed on the premise that both freight and passenger services were to be provided in the long run and that the cost of providing one service should not be burdened with costs associated in any way with the other service. Further, Docket No. 34013, Rules to Govern the Assembling and Presenting of Cost Evidence, decided in July 1970, requires the exclusion of passenger deficits from freight costs for ratemaking purposes.

Also, the previous separation rules addressed the expense account assignment of solely related freight and solely related passenger expenses as well as expenses common to both services. This was necessary since the USOA did not provide separate accounts for each type of service.

The revised Separation Rules continue to use fully allocated cost concepts. Full costing is supported by the long-term nature of passenger service, which is evidenced by Federal, state, and local governments' increased commitments to continuing, improving, and expanding commuter and intercity passenger service.

The revised rules focus on the separation of only the common expense accounts between freight service and passenger service. The revised USOA (Docket No. 36367) provides a three-tier account structure for solely related freight, solely related passenger, and common services. Consequently, the revised Separation Rules need not address the assignment of solely related expenses.

The revised USOA utilizes a natural expense concept that maintains separate accounts for labor, material, and other expenses. The Separation Rules maintain this distinction and require the carrier to separate the common expenses on a natural expense basis.

The Separation Rules continue to use allocation bases that encompass operating statistics, solely related

freight/passenger ratios, and other common account apportionments. We have initiated certain refinements in order to be more specific, reduce the complexity of an already complex formula, and improve the rationale for allocation bases.

REPRESENTATIONS

We specifically solicited comments and suggestions from interested parties on the allocation bases used in the Separation Rules. As a result of written comments received in this proceeding, we have incorporated certain proposed changes in the Separation Rules. The specific representations are detailed below, followed by appropriate discussions and conclusions.

SEPARATION RULES AND SUBSIDY STANDARDS

Consolidated Rail Corp. (ConRail) had no objection to the proposed methodology for separating common operating expenses between freight service and passenger service. However, ConRail stated that the Separation Rules should not amend the Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments promulgated by the Rail Services Planning Office (RSPO) (49 CFR Part 1127).

QUARTERLY REPORTS

The Association of American Railroads (AAR) contended that the reference in § 1242.0 to quarterly reports should be deleted since there is no reference in the present separation rules and since the revised USOA makes no reference to quarterly reports.

REPORTING APPORTIONED COMMON EXPENSES

The AAR suggested that the last sentence in § 1242.0 be changed from the reference to reporting common apportionments to read, "The carrier shall report freight and passenger expenses to the Commission as required by annual or other reports."

NOTE ON CARRIER RELIEF

The AAR suggested that the note on page 17, dealing with individual carrier relief from any specific separation rule that is an undue accounting burden, be included as part of § 1242.0.

§ 1242.04, SPECIAL TESTS

The AAR suggested that § 1242.04, Special Tests, be introduced as follows: The results of special tests or specific information may be substituted for procedures described herein where a reasonable or improved separation of common expenses results.

NUMBER "98" IN FUNCTION ACCOUNT GROUP (§ 1242.05)

The AAR stated that the reference to function 98 in § 1242.05, Operating Expense Account Number Notation, is not included in the revised USOA and requires additional explanation.

WAY AND STRUCTURES ACCOUNTS 21-XX-13, 21-XX-14, 21-XX-15, AND 21-XX-18 (§ 1242.15)

The AAR maintained that under § 1242.15, accounts 21-17-13 to 21-18-16 should be revised to read XX-17-13 to XX-18-16, to provide for purchased services expenses related to these functions.

SEPARATION OF EXPENSES IN §§ 1242.26 AND 1242.28

The AAR suggested that the separation of §§ 1242.26 and 1242.28 be based on the separation of expenses relating to track structure.

SEPARATION OF EXPENSES IN §§ 1242.31, 1242.32, 1242.52, AND 1242.53

The AAR stated that the separation of §§ 1242.31 and 1242.32 should be based on 1242.14 and the separation of §§ 1242.52 and 1242.53 should be based on 1242.43 to eliminate possible distortion when only one solely related class of service exists with common service.

SEPARATION BASIS OF § 1242.34, ADMINISTRATION

The AAR recommended that under § 1242.34, Administration, account 62-26-00, Depreciation, be deleted since no valid relationship exists.

§ 1242.35, REPAIR AND MAINTENANCE

Under § 1242.35, Repair and Maintenance, AAR recommended the word "Where" be inserted immediately after (a), (b), and (c) to introduce the instructions. Also, an option to utilize locomotive ton miles or locomotive unit miles should be provided.

SEPARATION BASIS OF § 1242.43, ADMINISTRATION

Under § 1242.43, Administration, AAR recommended the elimination of computer and data processing equipment (XX-27-46) as a basis for allocation since no relationship exists between the functions of administration on the one hand and computers and data processing on the other.

SEPARATION BASIS FOR § 1242.79, COMMUNICATION SYSTEMS OPERATIONS

AAR maintained that the separation of common expenses under § 1242.79, Communications System Operations, should be the same as § 1242.18, Communication Systems.

SEPARATION BASIS FOR PUBLIC RELATIONS
AND ADVERTISING EXPENSES UNDER
§ 1242.84

Under § 1242.84, the AAR believed that Public Relations and Advertising expenses (XX-63-93) should be assigned to freight or passenger service only.

COMPLEXITY OF SEPARATION RULES

The AAR stated that railroads are concerned that several of the rules are unduly complicated. As an example, AAR mentions §§ 1242.14, and 1242.16, which respectively deal with the separation of Administration—other and Road property damaged—other.

DISCUSSION AND CONCLUSIONS

The issues raised by the respondents to this proceeding are discussed below.

SEPARATION RULES AND SUBSIDY
STANDARDS

Section 205(d)(5) of the Regional Rail Reorganization Act of 1973 (the Act) as amended by the Rail Revitalization and Regulatory Reform Act of 1976 (the 4R Act), directs the Rail Service Planning Office (RSPO) to determine and publish standards for the computation of subsidies for commuter rail service. Further, Section 205(d)(6) of the Act authorizes the RSPO to determine and publish standards for defining revenue attributable to rail properties, avoidable cost of providing service, and reasonable return on value. Accordingly, RSPO published Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments (Standards) (49 CFR 1127). These standards use a methodology of apportioning expenses based on specific accounts prescribed by the Uniform System of Accounts (USOA) (49 CFR 1201).

ConRail expressed concern that the revised Separation Rules would amend these subsidy standards. However, the revised Separation Rules base the common expense allocations on the revised USOA effective 1/1/78. RSPO will, under a separate rulemaking, align its published standards to the revised USOA. The revised subsidy standards may use allocations from the revised Separations Rules; however, the direct cause of changes to the Separation Rules and changes to the Subsidy Standards is the revised USOA.

QUARTERLY REPORTS

The AAR contended that we should delete the requirement in § 1242.0 that carriers use the Separation Rules in quarterly reports.

Ex Parte No. 290, Procedures Governing Rail Carriers General Increase Proceedings, (351 ICC 544) requires carriers to submit freight traffic cost data on the most recent four-quarter

period (beginning four months after the close of a calendar year quarter). This requires the apportionment of common expenses to freight and passenger services for periods which may not correspond to calendar years. As a result the Separation Rules must be used for reports other than annual but not for regular quarterly reporting to the Commission. Accordingly, we have revised Section 1240.0 to delete the reference to quarterly reports.

REPORTING APPORTIONED COMMON
EXPENSES

AAR suggested we change the last sentence in § 1242.0 from " . . . report common expense apportionments . . . " to " . . . report freight and passenger expenses . . . ".

This would materially alter the intent of the last sentence which is to ensure that carriers will maintain supportive data of common expense apportionments to freight and passenger services and report such apportionments when needed by the Commission. We have changed the last sentence in § 1242.0 to more clearly reflect this intention.

NOTE ON CARRIER RELIEF

The AAR suggested we insert the note on carrier relief in § 1242.0 rather than at the end of the Separation Rules. Since the note is an exception to the Separation Rules and requires carriers to fully support their requests, we have not changed the position of the note.

§ 1242.04, SPECIAL TESTS

The AAR's request for more flexibility to use special tests or specific information as a substitute for procedures described in the Separation Rules introduces a significant loophole which could undermine general uniformity of the rules as written. Further, the note discussing carrier relief provides the procedures that must be followed to deviate from the Separation Rules. Consequently, we have not changed § 1242.04.

NUMBER "98" IN FUNCTION ACCOUNT
GROUP (§ 1242.05)

The AAR's statement that the last paragraph § 1242.05 refers to function 98 reflects a misunderstanding about the intent of the number 98. The number "98" in the function account group is an aggregation of several functions which avoids the unnecessary detail of listing all the accounts which are aggregated to form one freight-passenger separation instruction. The number "98" is not contained in the USOA; its use is limited to the separation rules. We have modified the explanation of "98" to clarify its purpose.

WAY AND STRUCTURES ACCOUNTS 21-XX-
13, 21-XX-14, 21-XX-15, AND 21-XX-
18 (SECTION 1242.15)

We disagree with the AAR's request to change functions 13, 14, 15, and 16 to provide for purchased services of these functions. The Uniform System of Accounts shows these functions as material (21-XX-XX) functions only (40 CFR 1201). Accordingly, we have not changed Section 1242.15. If these functions are later opened to other natural expenses, we shall revise the Separation Rules accordingly.

SEPARATION OF EXPENSES IN §§ 1242.26
AND 1242.28

We concur with the AAR's recommendation that common expenses pertaining to §§ 1242.26, Miscellaneous Buildings and Structures, and 1242.28, Roadway Machines, Small Tools and Supplies, and Snow Removal, be separated on the basis of the separation of common track structure expenses. Virtually all of §§ 1242.26 and 1242.28 relate to maintenance of road and right-of-way. We have revised the instructions to §§ 1242.26 and 1242.28 accordingly. Further, we have deleted from the allocation basis of § 1242.10, Roadway Machines (XX-19-36) and Snow Removal (XX-19-38), so that this separation computation will be feasible.

SEPARATION OF EXPENSES IN §§ 1242.31,
1242.32, 1242.52, AND 1242.53

Sections 1242.31, 1242.32, 1242.52, and 1242.53 as written eliminate any distortion that may occur when only one solely related class of service exists. The alternatives listed in the instructions are in the order of preference. The least preferred is that suggested by the AAR. We believe the AAR's statement does not contradict the test. Accordingly, we have made no changes.

SEPARATION BASIS OF § 1242.34

We have deleted account 62-26-00, Depreciation, from the allocation basis for accounts XX-26-01, equipment administration (§ 1242.34). While some administration expense is connected with maintaining depreciation records, the amount is on a much lower ratio than for the other expenses listed as a basis of distributing administration.

§ 1242.35, REPAIR AND MAINTENANCE

We have revised § 1242.35 to include the word "Where" immediately after (a), (b), and (c). Also we restored the option to utilize either locomotive ton-miles or locomotive unit miles. These options were contained in the previous separation rules and provide railroads the choice of selecting the service unit which best reflect their operations.

SEPARATION BASIS OF § 1242.43,
ADMINISTRATION

We concur with the AAR on its request to eliminate computers and data processing equipment (XX-27-46) from the allocation basis for other equipment administration. Since virtually all maintenance and repair expenses associated with computers are purchased services, accounts XX-27-46, should not be used as a basis for apportioning administrative expense. Accordingly, we have deleted XX-27-46 from the allocation base.

SEPARATION BASIS FOR § 1242.79,
COMMUNICATION SYSTEMS OPERATIONS

We have revised § 1242.79 to adopt AAR's recommendation that the basis of allocation be the same as it is for Way and Structures—Other, Repair and Maintenance, Communication Systems (XX-13-20) (§ 1242.18). The basis for separation was essentially the same with the exception that § 1242.79 included administration support under the transportation activity. We see no fundamental difference and believe the AAR recommendation helps simplify the common expense separation.

SEPARATION BASIS FOR PUBLIC RELATIONS
AND ADVERTISING EXPENSES UNDER
§ 1242.84

We disagree with the AAR contention that public relations and advertising expenses (accounts XX-63-93) should be changed to exclude common expenses. If the only expenses are solely related to freight and/or passenger services, the expenses are assigned to the solely related account(s). However, in cases where common public relations and advertising expenses occur, their apportionment must be addressed by the Separation Rules.

COMPLEXITY OF SEPARATION RULES

The AAR expressed railroad concern about the complexity of many rules and cited two examples. We realize that the revised separation rules are more complex than the previous rules. This is due largely to an increased number of accounts and the natural expense account structure which maintains separate accounts for labor, material, and other natural expense elements.

We note that the AAR has not presented specific alternatives which would be equally or more appropriate. If experience with the new rules reveals any undue complexities, we will, of course, test alternatives to determine if acceptable results can be obtained from a simpler approach.

Accordingly, 49 CFR Part 1242 is revised as follows:

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

PART 1242—SEPARATION OF COMMON OPERATING
EXPENSES BETWEEN FREIGHT SERVICE
AND PASSENGER SERVICE FOR RAILROADS¹

LIST OF INSTRUCTIONS

Sec.

1242.0 Separation of common operating expenses.

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- 1242.01 Expenses solely related to freight service and passenger service.
- 1242.02 Common expenses.
- 1242.03 Made by accounting divisions.
- 1242.04 Special tests.
- 1242.05 Operating expense account number notation.
- 1242.06 Instructions for separation.

OPERATING EXPENSES—WAY AND STRUCTURES

- 1242.10 Administration—track (accounts XX-19-02).
- 1242.11 Administration—bridges and buildings (accounts XX-19-03).
- 1242.12 Administration—signals (accounts XX-19-04).
- 1242.13 Administration—communications (accounts XX-19-05).
- 1242.14 Administration—other (accounts XX-19-06).
- 1242.15 Roadway, tunnels and subways, bridges and culverts, ties, rails, other track material, ballast, track laying and surfacing, and road property damaged (accounts XX-17-10 to XX-18-12, inclusive; 21-17-13 to 21-18-16, inclusive; XX-17-17, XX-18-17, XX-17-48, and XX-18-48).
- 1242.16 Road property damaged—other (accounts XX-19-48).
- 1242.17 Signals and interlockers (accounts XX-17-19 and XX-18-19).
- 1242.18 Communication systems (accounts XX-19-20).
- 1242.19 Electric power systems (accounts XX-19-21).
- 1242.20 Highway grade crossings (accounts XX-17-22 and XX-18-22).
- 1242.21 Station and office buildings (accounts XX-19-23).
- 1242.22 Shop buildings—locomotives (accounts XX-19-24).
- 1242.23 Shop buildings—freight cars (accounts XX-13-25).
- 1242.24 Shop buildings—other equipment (accounts XX-19-26).
- 1242.25 Locomotive servicing facilities (accounts XX-19-27).
- 1242.26 Miscellaneous buildings and structures (accounts XX-19-28).
- 1242.27 Coal marine terminals, ore marine terminals, TOFC/COFC terminals, other marine terminals, motor vehicle loading and distribution facilities, and facilities for other specialized service operations (accounts XX-13-29 to XX-13-35, inclusive).
- 1242.28 Roadway machines, small tools and supplies, and snow removal (accounts XX-19-36 to XX-19-38, inclusive).

¹The accounts mentioned in this Part refer to and agree with Part 1201 of this chapter.

- 1242.29 Fringe benefits (accounts 12-17-00, 12-18-00, 12-19-00).
- 1242.30 Dismantling retired road property and depreciation (accounts XX-17-39, XX-18-39, XX-19-39, 62-17-00, 62-18-00, and 62-19-00).
- 1242.31 Lease rentals—debit and credit, and other rents—debit and credit (accounts 31-17-00, 31-18-00, 31-19-00, 32-17-00, 32-18-00, 32-19-00, 35-17-00, 35-18-00, 35-19-00, 36-17-00, 36-18-00, and 36-19-00).
- 1242.32 Joint facility rents—debit and credit and joint facility—debit and credit (accounts 33-17-00, 33-18-00, 33-19-00, 34-17-00, 34-18-00, 34-19-00, 37-17-00, 37-18-00, 37-19-00, 38-17-00, 38-18-00, and 38-19-00).
- 1242.33 Other expenses and casualties and insurance (accounts XX-17-99, XX-18-99, XX-19-99, 50-17-00, 50-18-00, and 50-19-00).

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- 1242.34 Administration (accounts XX-26-01).
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- 1242.36 Machinery repair and equipment damaged (accounts XX-26-40 and XX-26-48).
- 1242.37 Dismantling retired property and depreciation (accounts XX-26-39 and 62-26-00).
- 1242.38 Fringe benefits (account 12-26-00).
- 1242.39 Lease rentals—debit and credit, other rents—debit and credit, and repairs billed to others (accounts 31-26-00, 32-26-00, 35-26-00, 36-26-00, and 40-26-98).
- 1242.40 Joint facility rents—debit and credit, and joint facility—debit and credit (accounts 33-26-00, 34-26-00, 37-26-00, and 38-26-00).
- 1242.41 Other and casualties and insurance (accounts XX-26-99 and 50-26-00).

EQUIPMENT—FREIGHT CARS

- 1242.42 Administration, repair and maintenance, machinery repair, equipment damaged, dismantling retired property, fringe benefits, other casualties and insurance, lease rentals, joint facility rents, other rents, depreciation, joint facility, repairs billed to others, and other (accounts XX-22-01, XX-22-42, XX-22-40, XX-22-48, XX-22-39, 12-22-00, 50-22-00, 31-22-00 to 38-22-00 inclusive, 62-22-00, 40-22-98, and XX-22-99).

EQUIPMENT—OTHER EQUIPMENT

- 1242.43 Administration (accounts XX-27-01).
- 1242.44 Trucks, trailers, and containers—revenue service and floating equipment—revenue service (accounts XX-23-43 and XX-23-44).
- 1242.45 Passenger and other revenue equipment (accounts XX-27-45).
- 1242.46 Computers and data processing equipment (account XX-27-46).
- 1242.47 Machinery (accounts XX-27-40).
- 1242.48 Work and other nonrevenue equipment (accounts XX-27-47).
- 1242.49 Equipment damaged (accounts XX-27-48).
- 1242.50 Fringe benefits (account 12-27-00).
- 1242.51 Dismantling retired property and depreciation (accounts XX-27-39 and 62-27-00).
- 1242.52 Lease rentals—debit and credit, other rents—debit and credit, and re-

pairs billed to others—credit (accounts 31-27-00, 32-27-00, 35-27-00, 36-27-00, and 40-27-98).

1242.53 Joint facility rents—debit and credit and joint facility—debit and credit (accounts 33-27-00, 34-27-00, 37-27-00, and 38-27-00).

1242.54 Other and casualties and insurance (accounts XX-27-99 and 50-27-00).

TRANSPORTATION—TRAIN OPERATIONS

1242.55 Administration (accounts XX-51-01).

1242.56 Engine crews and train crews (accounts XX-51-56 and XX-51-57).

1242.57 Dispatching trains (accounts XX-51-58).

1242.58 Operating signals and interlockers, operating drawbridges, and highway crossing protection (accounts XX-51-59, XX-51-60, and XX-51-62).

1242.59 Train inspection and lubrication (accounts XX-51-62).

1242.60 Locomotive fuel, electric power purchased/produced for motive power, and servicing locomotives (accounts XX-51-67, XX-51-68, and XX-51-69).

1242.61 Freight lost or damaged—solely related (to train) (account 51-51-00).

1242.62 Clearing wrecks (accounts XX-51-63).

1242.63 Fringe benefits (account 12-51-00).

1242.64 Joint facility—debit and credit (accounts 37-51-00 and 38-51-00).

1242.65 Other and casualties and insurance (accounts XX-51-99 and 50-51-00).

TRANSPORTATION—YARD OPERATIONS

1242.66 Administration (accounts XX-52-01).

1242.67 Switch crews; controlling operations; yard and terminal clerical; operating switches, signals, retarders, and humps; locomotive fuel; electric power purchased/produced for motive power; and servicing locomotives (accounts XX-52-64, XX-52-65, XX-52-66, XX-52-67, XX-52-68, and XX-52-69).

1242.68 Freight lost or damaged—solely related (to yard) (account 51-52-00).

1242.69 Clearing wrecks (accounts XX-52-63).

1242.70 Fringe benefits (account 12-52-00).

1242.71 Joint facility—debit and credit (accounts 37-52-00 and 38-52-00).

1242.72 Other and casualties and insurance (accounts XX-52-99 and 50-52-00).

TRANSPORTATION—TRAIN AND YARD OPERATIONS COMMON

1242.73 Cleaning car interiors and freight lost and damaged—all other (accounts XX-53-70 and 51-53-00).

1242.74 Adjusting and transferring loads and car loading devices and grain doors (accounts XX-33-71 and XX-33-72).

1242.75 Fringe benefits (account 12-53-00).

TRANSPORTATION—SPECIALIZED SERVICE OPERATIONS

1242.76 Administration; pickup and delivery, marine line haul and rail substitute service; loading, unloading and local marine; protective services; freight lost or damaged—solely related; fringe benefits; casualties and insurance; joint facility—debit and credit; and other (accounts XX-34-01, XX-34-73, XX-34-74, XX-34-75, 51-34-00, 12-34-00, 50-34-00, 37-34-00, 38-34-00, and XX-34-99).

TRANSPORTATION—ADMINISTRATIVE SUPPORT OPERATIONS

1242.77 Administration (accounts XX-55-01).

1242.78 Employees performing clerical and accounting functions, and loss and damage claims processing (accounts XX-55-76 and XX-55-78).

1242.79 Communication systems operations (accounts XX-55-77).

1242.80 Fringe benefits (account 12-55-00).

1242.81 Joint facility—debit and credit (accounts 37-55-00 and 38-55-00).

1242.82 Other and casualties and insurance (accounts XX-55-99 and 50-55-00).

GENERAL AND ADMINISTRATION

1242.83 Officers—general superintendence; accounting, auditing and finance; management services and data processing; personnel and labor relations; legal and secretarial; research and development; writedown of uncollectible accounts; property taxes; other taxes except on corporate income or payrolls; and other (accounts XX-63-01, XX-63-86, XX-63-87, XX-63-91, XX-63-92, XX-63-94, 63-63-00, 64-63-00, 65-63-00, and XX-63-99).

1242.84 Marketing, sales, and public relations and advertising (accounts XX-63-88, XX-63-89, and XX-63-93).

1242.85 Fringe benefits (account 12-63-00).

1242.86 Industrial development (accounts XX-61-90).

1242.87 Joint facility—debit and credit and casualties and insurance (accounts 37-63-00, 38-63-00, and 50-63-00).

AUTHORITY: 49 U.S.C. 12, 20.

§ 1242.00 Separation of common operating expenses.

(a) Commencing with annual reports for the year 1978 or for any portion thereof until further order, all class I railroad companies including class I switching and terminal companies (§ 1240.1 of this chapter) subject to section 20 of the Interstate Commerce Act as amended shall separate operating expenses common to both freight service and passenger service in accordance with the regulation in this part.

(b) The carrier shall maintain records supporting its common operating expense apportionments to freight and passenger services. The carrier shall report common expense apportionments to the Commission as required.

GENERAL

§ 1242.01 Expenses solely related to freight service and passenger service.

The Uniform System of Accounts for Railroad Companies (49 CFR 1201) requires that carriers assign directly to freight service or to passenger service, including allied services, the expenses, taxes, and purchased services incurred solely for the benefit of either freight or passenger service.

§ 1242.02 Common expenses.

The Uniform System of Accounts also requires that carriers assign to common expense accounts the remain-

ing expenses, taxes and purchased services which are not solely related to either freight or passenger service. The following instructions govern the separation of common expense accounts between freight and passenger services.

§ 1242.03 Made by accounting divisions.

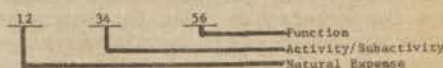
The separation shall be made by accounting divisions, where such divisions are maintained, and the aggregate of the accounting divisions reported for the quarter and for the year.

§ 1242.04 Special tests.

When the separation of common expense accounts between freight and passenger services is based upon special tests or service unit factors, such tests shall be made at sufficiently frequent intervals to represent actual operating conditions. The service unit factors used are those of the reporting period.

§ 1242.05 Operating expense account number notation.

(a) The operating expense account numbers consist of a six-digit coding structure divided into three two-digit groups. The first two-digit group denotes natural expenses; the second group denotes activities/subactivities for freight, passenger or common service; and the third group signifies applicable function assignment.



(b) For reporting purposes, four natural expense categories are utilized. The categories are: salaries and wages (accounts 11-XX-XX); material, tools, supplies, fuels and lubricants (accounts 21-XX-XX); purchased services (accounts 31-XX-XX to 41-XX-XX, inclusive); and general (accounts 61-XX-XX to 65-XX-XX, inclusive, 51-XX-XX, 52-XX-XX, 53-XX-XX and 12-XX-XX).

(c) The symbol "XX" in the first two-digit group is used throughout the separation instructions to denote more than one natural expense associated with the same activity/subactivity-function account structure. For reporting purposes, the natural expense account numbers represented by "XX" include:

- 11—Salaries and wages;
- 21—Materials, tools, supplies, fuels, and lubricants;
- 30 or 41—Purchased services;
- 30—Summation of certain purchased service accounts;
- 41—Other purchased services;
- 61—General.

(d) The "30" natural expense designation indicates a summation of spe-

cific purchased service accounts that are reported in total rather than individually. The specific accounts under the way and structures activity except for administration functions include 39-1X-XX, repairs billed by others, Dr.; 40-1X-XX, repairs billed to others, cr.; and 41-1X-XX, other purchased services. For the equipment activity excluding administration functions, the "30" designation denotes the summation of 39-2X-XX and 41-2X-XX.

(e) The "41" natural expense designation (other purchased services) is the purchased service category of the "XX" code for the following:

(1) Way and structures activity administration—function accounts,

(2) Equipment activity administration—function accounts,

(3) Transportation activity expense accounts, and

(4) General and administration activity expense accounts.

(f) The "61" general natural expense designation is applicable to all accounts with the "XX" symbol except transportation, train and yards accounts (XX-33/43/53-XX).

(g) The natural expense account number "50" is used throughout the separation instructions to indicate the summation of accounts 52-XX-XX, Other casualties, and 53-XX-XX, Insurance, that are reported as one item, "Casualties and Insurance," (50-XX-XX).

(h) The number "98" in the function account group (last two digits) is used in the separation rules to designate the summation of a natural expense consisting of more than one functional assignment that is reported as one item. This includes Repairs Billed to Others, Cr.—Equipment (40-2X-XX). For example, the locomotive subactivity contains accounts 40-(21/24/26)-40, 40-(21/24/26)-41, and 40-(21/24/26)-48 which are treated as 40-(21/24/26)-98.

§ 1242.06 Instructions for separation.

(a) Certain instructions for separating common expense accounts (dependent accounts) between freight and passenger services base the allocation on the proportional freight/passenger separation of other common expense accounts (independent accounts). The dependent account is frequently identified by an "XX" symbol in the natural expense position (first two digits) with corresponding independent accounts also identified by the "XX" natural expense symbol. Unless otherwise stated, the applicable natural expense shall be the same for both the dependent and independent accounts.

(b) To illustrate, § 1242.10 provides instructions for separating common Way and Structures, Administration—Track accounts (dependent accounts)

designated by XX-19-02. The separation is based on certain other common Way and Structures accounts including Roadway—Running, XX-17-10, and Roadway—Switching, XX-18-10.

(c) As § 1242.05 states, the "XX" symbol denotes the following natural expenses for Way and Structures administration functions:

- 11—Salaries and wages,
- 21—Materials, tools, supplies, fuels, and lubricants,
- 41—Other purchased services, and
- 61—General.

These natural expenses shall be individually applied to the separation rules in § 1242.10. In each case, the independent accounts providing the basis for freight/passenger separation of the dependent account shall have the same natural expense designation. For example, the basis of separating account 11-19-02, Salaries and Wages, Way and Structures, Administration—Track, would be based on certain independent accounts including 11-17/18-10, Salaries and Wages, Way and Structures, Running/Switching, Repair and Maintenance, Roadway.

OPERATING EXPENSES—WAY AND STRUCTURES

§ 1242.10 Administration—track (Accounts XX-19-02).

Separate common administration—track expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

- Roadway:
 - Running (XX-17-10)
 - Switching (XX-18-10)
- Ties:
 - Running (21-17-13)
 - Switching (21-18-13)
- Rails:
 - Running (21-17-14)
 - Switching (21-18-14)
- Other Track Materials:
 - Running (21-17-15)
 - Switching (21-18-15)
- Ballast:
 - Running (21-17-16)
 - Switching (21-18-16)
- Track Laying and Surfacing:
 - Running (XX-17-17)
 - Switching (XX-18-17)
- Road Property Damaged:
 - Running (XX-17-48)
 - Switching (XX-18-48)
 - Other (XX-19-48)
- Dismantling Retired Road Property:
 - Running (XX-17-39)
 - Switching (XX-18-39)
 - Other (XX-19-39)

§ 1242.11 Administration—bridges and buildings (Accounts XX-19-03).

Separate common administration—bridges and buildings expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

- Tunnels and Subways:
 - Running (XX-17-11)
 - Switching (XX-18-11)
- Bridges and Culverts:
 - Running (XX-17-12)
 - Switching (XX-18-12)
- Electric Power Systems (XX-19-21)
- Station and Office Buildings (XX-19-23)
- Shop Buildings:
 - Locomotives (XX-19-24)
 - Other Equipment (XX-19-26)
- Locomotive Servicing Facilities (XX-19-27)
- Miscellaneous Buildings and Structures (XX-19-28)

§ 1242.12 Administration—signals (Accounts XX-19-04).

Separate common administration—signals expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

- Signals and Interlockers:
 - Running (XX-17-19)
 - Switching (XX-18-19)

§ 1242.13 Administration—Communications (Accounts XX-19-05).

Separate common administration—communications expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

- Communications Systems (XX-19-20)

§ 1242.14 Administration—other (Accounts XX-19-06).

Separate common administration—other expenses between freight and passenger services in the same proportion as the common expenses of the following accounts are separated between freight and passenger services:

- Administration:
 - Track (XX-19-02)
 - Bridges and Buildings (XX-19-03)
 - Signals (XX-19-04)
 - Communications (XX-19-05)

§ 1242.15 Roadway, tunnels and subways, bridges and culverts, ties, rails, other track material, ballast, track laying and surfacing, and road property damaged (Accounts XX-17-10 to XX-18-12 inclusive, 21-17-13 to 21-18-16 inclusive, XX-17-17, XX-18-17, XX-17-48, and XX-18-48).

The expenses for running and switching subactivities shall be separated between freight service and passenger service as follows:

(a) *Switching tracks.* (1) Yard: Expenses for yards used in common by freight and passenger services shall be apportioned on the basis of the respective switching locomotive unit-hours in the common yards. (2) Way: Where the tracks at any one location are used in common by both freight and passenger services, expenses may be assigned to that service which makes the dominant use of them.

(b) *Running tracks.* The expenses of tracks used in common by both services shall be apportioned on the basis of gross ton-miles (including locomotive ton-miles) handled over these tracks in the respective services.

§1242.16 Road property damaged—other (Accounts XX-19-48).

Separate common expenses in proportion to the total common expenses assigned to freight/passenger from the following Way and Structures accounts:

- Road Property Damaged—Running (XX-17-48)
- Road Property Damaged—Switching (XX-18-48)

§1242.17 Signals and interlockers (Accounts XX-17-19 and XX-18-19).

Separate common expenses on the basis of the total train-hours in running service, and/or the yard-switching plus train switching hours in the switching service over the tracks on which the common signals and interlockers are used.

§1242.18 Communication systems (Accounts XX-19-20).

Separate common expenses on the basis of the common expense separation in:

- Way and Structures—Administration—Track, Bridges and Culverts, and Signals (Accounts XX-19-02 to XX-19-04, inclusive)
- Equipment—Administration—Locomotives and Other Equipment (Accounts XX-26-01 and XX-27-01)
- Transportation—Administration—Train, Yard, and Administrative Support (Accounts XX-51-01, XX-52-01, and XX-55-01)
- Dispatching Trains (Accounts XX-51-58)

§1242.19 Electric power systems (Accounts XX-19-21).

Separate common expenses on basis of common expenses of electric power purchased or produced for motive power (Accounts XX-51-68 and XX-52-68).

§1242.20 Highway grade crossings (Accounts XX-17-22 and XX-18-22).

Separate running and switching common expenses according to distribution of the running and switching portions only of common expense accounts listed in §1242.10, Administration—Track (Accounts XX-19-02).

§1242.21 Station and office buildings (Accounts XX-19-23).

If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, separate the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. If the sum of the direct freight and the direct

passenger expenses does not aggregate to more than 50 percent of the total charges for an accounting division, the common expenses should be separated on the basis of special test. Where common expenses exist in an accounting division but the direct expenses are applicable to only one service, i.e., freight or passenger, the common expenses shall be separated on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, the common expenses shall be separated on the basis of a special study.

§1242.22 Shop Buildings—locomotives (Accounts XX-19-24).

Separate common expenses according to distribution of common expenses in the following accounts:

- Machinery Repair (XX-26-40)
- Locomotive—Repair and Maintenance (XX-26-41)

§1242.23 Shop buildings—freight cars (Accounts XX-13-25).

These accounts pertain solely to freight service and contain no common expense for separation herein.

§1242.24 Shop buildings—other equipment (Accounts XX-19-26).

Assign directly to freight (or as particular facts suggest otherwise).

§1242.25 Locomotive servicing facilities (Accounts XX-19-27).

Separate common expenses according to distribution of common expenses in the following accounts:

- Locomotive Fuel (XX-51-67 and XX-52-67)
- Electric Power Purchased or Produced for Motive Power (XX-51-68 and XX-52-68)
- Servicing Locomotives (XX-51-69 and XX-52-69)

§1242.26 Miscellaneous building and structures (Accounts XX-19-28).

Separate common expenses as specific facts indicate or according to distribution of common expenses listed in §1242.10, Administration—Track (Accounts XX-19-02).

§1242.27 Coal marine terminals, ore marine terminals, TOFC/COFC terminals, other marine terminals, motor vehicle loading and distribution facilities, and facilities for other specialized service operations (Accounts XX-13-29 to XX-13-35, inclusive).

These accounts pertain solely to freight service and contain no common expenses for separation herein.

§1242.28 Roadway machines, small tools and supplies, and snow removal (Accounts XX-19-36 to XX-19-38, inclusive).

Separate common expenses according to distribution of common expenses listed in §1242.10, Administration—Track (Accounts XX-19-02).

§1242.29 Fringe benefits (Accounts 12-17-00, 12-18-00, and 12-19-00).

Separate common expenses in the running subactivity in the same proportion as the salaries and wages, way and structures, common expenses in all accounts with a designated running subactivity. Separate common expenses in the switching subactivity in the same proportion as the salaries and wages, way and structure, common expense accounts with a designated switching activity. Separate common expenses in the other subactivity in the same proportion as the salaries and wages, way and structures, common expenses in all accounts with a designated other subactivity.

§1242.30 Dismantling retired road property and depreciation (Accounts XX-17-39, XX-18-39, XX-19-39, 62-17-00, 62-18-00, and 62-19-00).

Separate common expenses in each account for each subactivity (running, switching and other) in proportion to the separation of common repair and maintenance expenses associated with the particular common properties depreciated and/or dismantled.

§1242.31 Lease rentals—debit and credit and other rents—debit and credit (Accounts 31-17-00, 31-18-00, 31-19-00, 32-17-00, 32-18-00, 32-19-00, 35-17-00, 35-18-00, 35-19-00, 36-17-00, 36-18-00, and 36-19-00).

(a) Separate common debit expense accounts in each subactivity (running, switching and other) in proportion to the separation of solely related freight or passenger service in each account. If there are no solely related expenses in an account or if the solely related expenses are assignable entirely to freight or to passenger service, separate common debit expense accounts on the basis of the same percentages calculated for the separation of administration—other (Accounts XX-19-06).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administration—other (Accounts XX-19-06).

§1242.32 Joint facility rents—debit and credit and joint facility—debit and credit (Accounts 33-17-00, 33-18-00, 33-19-00, 34-17-00, 34-18-00, 34-19-00, 37-17-00, 37-18-00, 37-19-00, 38-17-00, 38-18-00, and 38-19-00).

(a) Solely related (freight or passenger service) debit expense accounts in each subactivity (running, switching and other) shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use by other carriers. Common debit expenses shall be separated on the basis of the percentage separations of the solely related expenses in each individual account. If there are no solely re-

lated expenses or if the solely related expenses are assigned entirely to freight or to passenger service, separate common debit expenses on the same percentages calculated for the separation of administrative—other (Accounts XX-19-06).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administrative—other (Account XX-19-06).

§ 1242.33 Other expenses and casualties and insurance (Accounts XX-17-99, XX-18-99, XX-19-99, 50-17-00, 50-18-00, and 50-19-00).

Separate common expenses on the basis of the percentages calculated for the separation of administrative—other (Accounts XX-19-06).

OPERATING EXPENSES—EQUIPMENT

LOCOMOTIVES

§ 1242.34 Administration (Accounts XX-26-01).

Separate common expenses according to distribution of common expenses in the following accounts:

Repair and Maintenance (XX-26-41)
Machinery Repair (XX-26-40)
Equipment Damage (XX-26-48)
Dismantling Retired Property (XX-26-39)

§ 1242.35 Repair and maintenance (Accounts XX-26-41).

(a) Where the carrier maintains records of the repairs by individual locomotive units or classes of locomotive units:

(1) If individual locomotive units or classes of locomotive units are used exclusively in road-freight, road-passenger, yard-freight, or yard-passenger service, the separation shall be actual.

(2) If individual locomotive units or classes of locomotive units are used interchangeably (common) in road-freight (including train-switching), road passenger (including train switching), yard-freight or yard-passenger service, separate the heavy shop repairs between these services on the basis of run-out unit miles of individual locomotive units or classes of locomotive units since the previous shopping; and separate the cost of running repairs between such services on the basis of the miles run by the individual locomotive unit or class of locomotive unit in each service during the accounting period for which the separation is being made.

(b) Where the carrier maintains records of heavy shop repair costs by individual locomotive units or classes of locomotive units, but does not maintain records of the cost of running repairs by individual locomotive units:

(1) The heavy shop repairs shall be separated as indicated in (a) above.

(2) The common expenses of running repairs shall be separated among

road-freight (including train switching), road-passenger (including train switching), yard-freight and yard-passenger services on the basis of locomotive unit miles or locomotive ton-miles for the accounting period for which the separation is being made.

(c) Where the carrier does not maintain records of either heavy shop repairs or running repairs by individual locomotive units or classes of locomotive units: The expenses shall be separated among road-freight service (including train-switching), road-passenger service (including train switching), yard freight, and yard-passenger services, on the basis of locomotive unit-miles or locomotive ton-miles for the accounting period for which the separation is being made.

§ 1242.36 Machinery repair and equipment damaged (Accounts XX-26-40 and XX-26-48).

Separate common expenses according to separation of common expenses in repair and maintenance (Accounts XX-26-41).

§ 1242.37 Dismantling retired property and depreciation (Accounts XX-26-39 and 62-26-00).

Separate common expenses in each account in proportion to the separation of common repair and maintenance expenses associated with the particular common properties depreciated and/or dismantled.

§ 1242.38 Fringe benefits (Account 12-26-00).

Separate common expenses in proportion to the split of common salaries and wages in administration, locomotive repair and maintenance, machinery repair, equipment damaged, and dismantling retired road property (Accounts 11-26-01, 11-26-41, 11-26-40, 11-26-48, and 11-26-39).

§ 1242.39 Lease rentals—debit and credit, other rents—debit and credit, and repairs billed to others (Accounts 31-26-00, 32-26-00, 35-26-00, 36-26-00 and 40-26-98).

(a) Separate common debit expense accounts in proportion to the assignment of solely related freight or passenger service in each individual debit account. If there are no solely related expenses or if the solely related expenses are assigned entirely to freight or passenger service, separate common debit expense accounts on the same percentage basis calculated for the separation of administrative (Accounts XX-26-01).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administrative (Accounts XX-26-01).

§ 1242.40 Joint facility rents—debit and credit, and joint facility—debit and credit (Accounts 33-26-00, 34-26-00, 37-26-00 and 38-26-00).

(a) Solely related freight and passenger debit expense accounts shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use by other carriers. Common debit expenses shall be separated on the basis of the percentage separation of the solely related expenses; or if the solely related expenses are assigned entirely to freight or passenger service, separate common expenses on the same percentages calculated for the separation of administrative (Accounts XX-26-01).

(b) Separate all common credit expense accounts on the same percentages calculated for the separation of administrative (Accounts XX-26-01).

§ 1242.41 Other and casualties and insurance (Accounts XX-26-99 and 50-26-00).

Separate common expenses on the basis of percentages calculated for the separation of administrative (Accounts XX-26-01).

FREIGHT CARS

§ 1242.42 Administration, repair and maintenance, machinery repair, equipment damaged, dismantling retired property, fringe benefits, other casualties and insurance, lease rentals, joint facility rents, other rents, depreciation, joint facility, repairs billed to others, and other (Accounts XX-22-01, XX-22-42, XX-22-40, XX-22-48, XX-22-39, 12-22-00, 50-22-00, 31-22-00 to 38-22-00 inclusive, 62-22-00, 40-22-98 and XX-22-99).

These accounts pertain solely to freight service and contain no common expenses for separation herein.

OTHER EQUIPMENT

§ 1242.43 Administration (Accounts XX-27-01).

Separate common expenses according to freight/passenger separation of the following accounts:

Passenger and Other Revenue Equipment (XX-27-45)
Work and Other Non-Revenue Equipment (XX-27-47)

§ 1242.44 Trucks, Trailers, and Containers (revenue service) and floating equipment (revenue service) (Accounts XX-23-43 and XX-23-44).

These accounts pertain solely to freight service and contain no common expenses for separation herein.

§ 1242.45 Passenger and other revenue equipment (Accounts XX-27-45).

Separate as particular facts suggest.

§ 1242.46 Computers and data processing equipment (Accounts XX-27-46).

If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, separate the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. If the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses shall be separated on the basis of a special test. If common expenses exist in an accounting division but the direct expenses are applicable to only one service, i.e., freight or passenger, the common expenses shall be separated on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, follow the intent of the above instructions.

§ 1242.47 Machinery (Accounts XX-27-40).

Separate common expenses on the basis of the freight/passenger separation of administration (Accounts XX-27-01).

§ 1242.48 Work and other non-revenue equipment (Accounts XX-27-47).

Separate common expenses according to distribution of common expenses in Way and structures—administration—other (Accounts XX-19-06).

§ 1242.49 Equipment damaged (Account XX-27-48).

Separate common expenses according to distribution of common expenses in machinery, passenger and other revenue equipment, computer and data processing equipment and work and other non-revenue equipment accounts (Accounts XX-27-40, XX-27-45, XX-27-46, and XX-27-47).

§ 1242.50 Fringe benefits (Account 12-27-00).

Separate common expenses in proportion to the percentage separation of common salaries and wages in administration (Account XX-27-01).

§ 1242.51 Dismantling retired property and depreciation (Accounts XX-27-39 and 62-27-00).

Separate common expenses in proportion to the separation of common repair and maintenance expenses associated with the particular common property depreciated and/or dismantled.

§ 1242.52 Lease rentals—debit and credit, other rents—debit and credit, repairs billed to others—credit (Accounts 31-27-00, 32-27-00, 35-27-00, 36-27-00, and 40-27-98).

(a) Separate common debit expense accounts in proportion to the separation of solely related (freight or passenger service) in each individual account. If there are no solely related expenses or if the solely related expenses are assignable entirely to freight or passenger service, separate common debit expense accounts on the same percentages calculated for the separation of administration (Account XX-27-01).

(b) Separate common credit expense accounts on the basis of the same percentages calculated for the separation of administration (Account XX-27-01).

§ 1242.53 Joint facility rents—debit and credit and joint facility—debit and credit (Accounts 33-27-00, 34-27-00, 37-27-00 and 38-27-00).

(a) Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use made of the facility by other carriers. Common debit expense accounts shall be separated on the basis of the percentage separation of the solely related expenses in each individual account. If there are no solely related expenses or if the solely related expenses are assigned entirely to freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Account XX-27-01).

(b) Separate all common credit expense accounts on the basis of the same percentages calculated for the separation of administration (Account XX-27-01).

§ 1242.54 Other and casualties and insurance (Accounts XX-27-99 and 50-27-00).

Separate common expenses on the basis of the percentages calculated for the separation of administration (Account XX-27-01).

**OPERATING EXPENSES—TRANSPORTATION
TRAIN OPERATIONS**

§ 1242.55 Administration (Account XX-51-01).

Separate common expenses according to distribution of common expenses in the following accounts:

- Engine Crews (XX-51-56)
- Train Crews (XX-51-57)
- Dispatching Trains (XX-51-58)
- Operating Signals and Interlockers (XX-51-59)
- Operating Drawbridges (XX-51-60)
- Highway Crossing Protection (XX-51-61)
- Train Inspection and Lubrication (XX-51-62)
- Locomotive Fuel (XX-51-67)
- Electric Power Purchased/Produced for Motive Power (XX-51-68)
- Servicing Locomotives (XX-51-69)
- Clearing Wrecks (XX-51-63)

§ 1242.56 Engine crews and train crews (Accounts XX-51-56 and XX-51-57).

Separate common expenses on the basis of direct assignment or if there are no directly assignable expenses, separate on the basis of train hours, including train switching hours.

§ 1242.57 Dispatching trains (Account XX-51-58).

Separate common expenses on the basis of train hours, including train switching hours.

§ 1242.58 Operating signals and interlockers, operating drawbridges, highway crossing protection (Accounts XX-51-59, XX-51-60 and XX-51-61).

Separate common expenses on the basis of total train hours (including train switching hours) of the particular common operating divisions or track segment on which the common signals, interlockers, drawbridges and highway crossings are located.

§ 1242.59 Train inspection and lubrication (Account XX-51-62).

Separate common expenses on basis of directly assigned expenses. If there are no directly assignable expenses, separate on the basis of train miles.

§ 1242.60 Locomotive fuel, electric power purchased/produced for motive power and servicing locomotives (Accounts XX-51-67, XX-51-68 and XX-51-69).

Separate common expenses in each account on basis of direct expenses. If there are no direct expenses, separate on the basis of train hours and way-switching service hours.

§ 1242.61 Freight lost or damaged—solely related (to train) (Account 51-51-00).

Separate common expenses on the basis of proportion of the solely related expenses assigned to freight and passenger services or on the basis of a special study.

§ 1242.62 Clearing wrecks (Account XX-51-63).

Separate common expenses according to specific circumstances.

§ 1242.63 Fringe benefits (Account 12-51-00).

Separate common expenses in proportion to the percentage separation calculated for the salaries and wages account—administration (Account 11-51-01).

§ 1242.64 Joint facility—debit and credit (Accounts 37-51-00 and 38-51-00).

(a) Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carrier, regardless of the use made of the facility by other carriers. Common debit expense accounts shall be separated on the basis of the use made of the facility by other carriers.

rated on the basis of the percentage separation of the solely related expenses. If there are no solely related expenses or if the solely related expenses are assigned entirely to either freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Account XX-51-01).

(b) Separate common credit expense accounts on the basis of the percentages calculated for the separation of administration (Account XX-51-01).

§ 1242.65 Other and casualties and insurance (Accounts XX-51-99 and 50-51-00).

Separate common expenses on the basis of the percentages calculated for the separation of administration (Account XX-51-01).

YARD OPERATIONS

§ 1242.66 Administration (Account XX-52-01).

Separate common expenses according to distribution of common expenses in the following accounts:

Switch Cows (XX-52-64)
Controlling Operations (XX-52-65)
Yard and Terminal Clerical (XX-52-66)
Operating Switches, Signals, Retarders and Humps (XX-52-59)
Locomotive Fuel (XX-52-67)
Servicing Locomotives (XX-52-69)
Electric Power Purchased/Produced for Motive Power (XX-52-68)
Clearing Wrecks (XX-52-63)

§ 1242.67 Switch crews; controlling operations; yard and terminal clerical; locomotive fuel; electric power purchased/produced for motive power; operating switches signals, retarders, and humps; and servicing locomotives (Accounts XX-52-64, XX-52-65, XX-52-66, XX-52-59, XX-52-67, XX-52-68 and XX-52-69).

Separate common expenses on the basis of the distribution of freight and passenger yard-switching hours in those yards common to both freight and passenger services.

§ 1242.68 Freight lost or damaged—solely related (to yard) (Account 51-52-00).

Separate common expenses on the basis of the solely related freight and passenger expenses or on the basis of a special study.

§ 1242.69 Clearing wrecks (Account XX-52-63).

Separate common expenses according to specific circumstances.

§ 1242.70 Fringe benefits (Account 12-52-00).

Separate common expenses in proportion to the percentage separation calculated for the salaries and wages administration account (Account 11-52-01).

§ 1242.71 Joint facility—debit and credit (Accounts 37-52-00 and 38-52-00).

(a) Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carriers, regardless of the use made of the facility by other carriers. Common debit expenses shall be separated on the basis of the percentage separation of the solely related expenses. If there are no solely related expenses or if the solely related expenses are assigned entirely to freight or passenger service, separate common expenses on the same percentages calculated for the separation of administration (Account XX-52-01).

(b) Separate common credit expense accounts on the basis of the percentages calculated for the separation of administration (Account XX-51-01).

§ 1242.72 Other and casualties and insurance (Accounts XX-52-99 and 50-52-00).

Separate common expenses on the basis of the percentages calculated for the separation of administration (Account XX-52-01).

TRAIN AND YARD OPERATIONS COMMON

§ 1242.73 Cleaning car interiors and freight lost and damaged—all other (Accounts XX-53-70 and 51-53-00).

Separate common expenses on basis of solely related freight and passenger expenses or special study.

§ 1242.74 Adjusting and transferring loads, and car loading devices and grain doors (Accounts XX-33-71 and XX-33-72).

These accounts pertain solely to freight service and contain no common expenses for separation herein.

§ 1242.75 Fringe benefits (Account 12-53-00).

Separate common expenses in proportion to the freight/passenger separation calculated for the salaries and wages—cleaning car interiors common account (Account 11-53-70).

SPECIALIZED SERVICE OPERATIONS

§ 1242.76 Administration; pickup and delivery, marine line haul, and rail substitute service; loading, unloading and local marine; protective services; freight lost or damaged—solely related; fringe benefits; casualties and insurance; joint facility, and other (Accounts XX-34-01, XX-34-73, XX-34-74, XX-34-75, 51-34-00, 12-34-00, 5-34-00, 37-34-00, 38-34-00 and XX-34-99).

These accounts pertain solely to freight service and contain no common expenses for separation herein.

ADMINISTRATIVE SUPPORT OPERATIONS

§ 1242.77 Administration (Account XX-55-01).

Separate common expenses in the same proportion as common expenses are separated in employees performing clerical and accounting functions, communication systems operations and loss and damage claims processing (Accounts XX-55-76, XX-55-77 and XX-55-78).

§ 1242.78 Employees performing clerical and accounting functions and loss and damage claims processing (Accounts XX-55-76 and XX-55-78).

If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, separate the common expenses on the basis of the directly assigned expenses in this account for the particular accounting division. If the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses shall be separated on the basis of special test. If common expenses exist in an accounting division but the direct expenses are applicable to only one service, i.e., freight or passenger, and even though the direct charges are over 50 percent of the total charges, the common expenses shall be separated on the basis of a special test. If the accounting is performed on a system basis rather than by accounting division, follow the intent of the above instructions.

§ 1242.79 Communication systems operations (Account XX-55-77).

Separate common expenses on bases of the percentages calculated for the separation of Communication Systems (Account XX-19-20), § 1242.18.

§ 1242.80 Fringe benefits (Account 12-55-00).

Separate common expenses in proportion to the percentage separation calculated for the salaries and wages—administration account (Account 11-55-01).

§ 1242.81 Joint facility—debit and credit (Accounts 37-55-00 and 38-55-00).

Solely related freight and passenger service debit expense accounts shall be assigned according to the use made of each facility by the reporting carriers, regardless of the use made of the facility by other carriers. Common debit expenses shall be separated on the basis of the percentage separation of the solely related expenses. If there are no solely related expenses or if the solely related expenses are assigned entirely to either freight or passenger service, separate common expenses on the same percentages calculated for

the separation of administration (Accounts XX-55-01).

Separate common credit expenses on the basis of the percentages calculated for the separation of administration (Accounts XX-55-01).

§ 1242.82 Other and casualties and insurance (Accounts XX-55-99 and 50-55-00).

Separate common expenses on the basis of the percentages calculated for the separation of administration (Accounts XX-55-01).

OPERATING EXPENSES

GENERAL AND ADMINISTRATION

§ 1242.83 Officers—general superintendence; accounting, auditing and finance; management services and data processing; personnel and labor relations; legal and secretarial; research and development; writedown of uncollectible accounts; property taxes; other taxes except on corporate income or payrolls; and other (Accounts XX-63-01, XX-63-86, XX-63-87, XX-63-91, XX-63-92, XX-63-94, 63-63-00, 64-63-00, 65-63-00 and XX-63-99).

Separate common expenses in proportion to the separation of all other common expenses except General and Administrative Expenses.

§ 1242.84 Marketing, sales, and public relations and advertising (Accounts XX-63-88, XX-63-89 and XX-63-93).

Separate each common expense account on the basis of the solely related freight and passenger expense accounts.

§ 1242.85 Fringe benefits (Account 12-63-00).

Separate the common expenses in proportion to the total common salaries and wages expense separation (Accounts 11-XX-XX) determined in Section 1242.83 and 1242.84.

§ 1242.86 Industrial development (Accounts XX-61-90).

These accounts pertain solely to freight service and contain no common expenses for separation herein.

§ 1242.87 Joint facility—debit and credit and casualties and insurance (Accounts 37-63-00, 38-63-00 and 50-63-00).

Separate the common expenses in proportion to the total of all common expense separations determined in §§ 1242.83 and 1242.84 above.

NOTE.—If compilation of the data in compliance with any of the above separation rules results in an undue burden in accounting expense, the carrier may request relief from such rules by letter to the Director, Bureau of Accounts. If reliable data can be developed through other methods and procedures, the carrier may request substitution of such methods also by letter to the Director, Bureau of Accounts. In both cases,

the carrier shall support the request with full details.

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[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Red Rock Lakes National Wildlife Refuge, Mont., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

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

DATES: Fishing season from the third Saturday in June through November (June 17 through November 30, 1978).

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Mont. 59739; phone 406-276-3347, or Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101; phone 406-657-6115.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Red Rock Lakes National Wildlife Refuge, Mont., as posted. All areas open to fishing are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Mont. 59101. Sport fishing shall be in accordance with all applicable State of Montana regulations subject to the following special conditions:

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under

Executive Order 11949 and OMB Circular A-107.

E. D. STROOPS,
Refuge Manager, Red Rock
Lakes National Wildlife
Refuge, Lima, Mont. 59739.

FEBRUARY 10, 1978.

[FR Doc. 78-4884 Filed 2-23-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Quivira National Wildlife Refuge, Kans., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

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

FOR FURTHER INFORMATION CONTACT:

Charles R. Darling, Refuge Manager, P.O. Box G, Stafford, Kans. 67578, 316-486-2393

SUPPLEMENTARY INFORMATION: Sport fishing is permitted on the Quivira National Wildlife Refuge, Kansas, only in the areas designated by signs as being open to fishing. These areas comprising 990 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116.

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

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

1. Open season: May 31, 1978 through September 30, 1978 in designated waters.

2. Fishing will be with closely attended rod(s) and line(s) only.

3. The use of boats is not permitted. One-man floater tubes may be used.

4. Overnight camping is not permitted.

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

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not

contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JANUARY 31, 1978.

[FR Doc. 78-4885 Filed 2-23-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Squaw Creek National Wildlife Refuge, Mo., to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

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

DATES: April 1, 1978, through December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

B. A. Heck, Refuge Manager, Squaw Creek National Wildlife Refuge, P.O. Box 101, Mound City, Mo. 64470.

SUPPLEMENTARY INFORMATION:

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

Sport fishing is permitted on the Squaw Creek National Wildlife Refuge, Mo., sunrise to sunset, only on the areas designated by signs as being open to fishing. These areas comprising 2,500 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colo. 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Open season will be April 1, 1978, through December 31, 1978, during daylight hours only.

2. Spearing and gigging of nongame fish is permitted April 1, 1978, through June 30, 1978.

3. Bullfrogs may be taken from June 30 through October 31, 1978.

4. Snapping turtles may be taken by rod, reel, and pole April 1, 1978, through December 31, 1978.

5. Snapping turtles may be taken by snagging or grabbing from March 15 through May 15 and from October 1 through December 31, 1978.

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

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

Dated: February 10, 1978.

B. A. HECK,
Refuge Manager.

[FR Doc. 78-4886 Filed 2-23-78; 8:45 am]

proposed rules

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

[3410-01]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 1]

FEE SCHEDULE

AGENCY: Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to increase the fees USDA agencies may charge for responding to Freedom of Information Act and Privacy Act requests. The increased fees are necessary to offset increased costs. The proposed amendment also makes minor administrative changes in the Department's fee schedule.

DATE: Comments must be received on or before March 27, 1978.

ADDRESS: Send comments to Acting Associate Director, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Anthony E. Cooch, Procurement Division, Office of Operations and Finance, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7527.

It is proposed to amend 7 CFR, Subtitle A, part 1, Subpart A, as follows:

APPENDIX A—FEE SCHEDULE

1. By revising paragraph b in section 4 to read as follows:

Sec. 4. Circumstances governing exceptions to the charging of fees for records and related services. . . .

(b) Fees not to be charged for records and related services. Documents shall be furnished without charge or at a reduced charge under the following conditions:

2. By revising paragraphs c and e in section 8 to read as follows:

Sec. 8. Fees for records and related services. . . .

(c) Manual searches will be charged for at the rate of \$5.50 per hour for clerical time and \$11 per hour for supervisory or professional time. Charges will be computed to the nearest quarter hour required for the search. A search may involve both clerical and supervisory or professional time.

(e) Computer services will be charged for at the rates established in the Users Manual or Handbook published by the computer center at which the work will be performed, except that where commercial time-sharing computer sources are the required search media, the contract rate charged by the commercial source to the Government will be charged. A listing follows showing where those rates are published and the office from which copies may be obtained or at which the rates may be examined.

Fort Collins Computer Center Users Manual: Fort Collins Computer Center, U.S. Department of Agriculture, 3825 East Mulberry Street, P.O. Box 1206, Fort Collins, Colo. 80521.

New Orleans Computer Center Users Manual: New Orleans Computer Center, U.S. Department of Agriculture, 13800 Old Gentilly Road, Building 350, New Orleans, La. 70129.

Kansas City Computer Center Users Manual: Kansas City Computer Center, U.S. Department of Agriculture, 8930 Ward parkway, P.O. Box 205, Kansas City, Mo. 64141.

Washington Computer Center Users Handbook: Washington Computer Center, U.S. Department of Agriculture, Room S-100, South Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

St. Louis Computer Center. Charges for the St. Louis Computer Center will be based on actual expenses incurred in performing the search. Address is: St. Louis Computer Center, U.S. Department of Agriculture, 1520 Market Street, St. Louis, Mo. 63103.

3. By revising section 10 to read as follows:

Sec. 10. Agencies which furnish photographic reproductions.—(a) *Aerial photographic reproductions.* The following agencies of the Department furnish aerial photographic reproductions:

Agricultural Stabilization and Conservation Service (ASCS), APFO, USDA-ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84125.

Soil Conservation Service (SCS), Cartographic Division, SCS, Washington, D.C. 20250, or Cartographic Facility in nearest SCS Technical Service Center.

(b) *Other photographic reproductions.* Other types of photographic reproductions may be obtained from the following agencies of the Department:

Agricultural Stabilization and Conservation Service (ASCS) (address above).

Forest Service (FS), USDA, P.O. Box 2417, Washington, D.C. 20013, or nearest Forest Service Regional Office.

Office of Governmental and Public Affairs, USDA, photographic Division, Room 530A, Washington, D.C. 20250.

Soil Conservation Service, Information Division, Audio Visual Branch, Washington, D.C. 20250.

National Agricultural Library, Information Officer, Room 204, Beltsville, Md. 20705.

4. By revising paragraphs (a) and (c) in section 16 to read as follows:

Sec. 16. Photographic reproduction prices. The prices for photographic reproductions listed here are the most generally requested items.

(a) *National Agricultural Library.* The following prices are applicable to National Agricultural Library items only: Microfilm—\$1 for each 30 pages or fraction thereof. Photoreproduction—\$2 for each 10 pages or fraction thereof. Magnetic tape containing bibliographic files—\$45 per reel.

(c) *Aerial photographic reproductions: black and white.* No minimum charge on aerial photography orders.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

Size	Price each
10x10 in on RC (resin-coated base paper).....	\$2.00
10x10 in on white opaque print film.....	3.00

2. Diapositives.

Size	Price each
10x10 in film positive.....	3.00
10x10 in glass plates 0.06 in thickness.....	20.00

3. Copy negatives.

Size	Price each
10x10 in (direct duplicating film) one-step method.....	3.00
10x10 in two-step method.....	6.00

4. Aerial photo index sheets.

Size	Price each
20x24 in on FC (resin-coated base) paper.....	5.00
20x24 in film positive.....	15.00

5. *Enlargements (projection prints).* The price for enlargements of various sizes are set forth below. The size in each case refers to the approximate paper size required to produce the enlargement order.

Size	Price each	
	RC (resin-coated base) paper	Film positive transparency
12x12 in.....	\$5.00	\$7.00
17x17 in.....	6.00	8.00
24x24 in.....	7.00	10.00
38x38 in.....	15.00	17.00

6. *Aperture cards (photo indexes).* Duplicate of an aperture card—price each—\$0.25.

7. *Color aerial photography.* Furnished only by the Agricultural Stabilization and Conservation Service, Aerial Photography Field Office in Salt Lake City, Utah.

Reproductions made from color negatives. Size is approximate size of print:

Size	Price each	
	RC (resin-coated base) color paper	Color film positive transparency
10x10 in contact print.....	\$5.50	\$12.00
12x12 in enlargement	15.00	.....
17x17 in enlargement	20.00	.....
24x24 in enlargement	25.00	.....
35x38 in enlargement	40.00	.....

Reproductions made from color positive transparencies (natural color or color infrared):

Size	Price each	
	White opaque base color print	Color film positive transparency film
10x10 in	\$7.00	\$12.00
12x12 in	15.00	20.00
17x17 in	25.00	30.00
24x24 in	30.00	35.00
35x38 in	45.00	50.00

8. Landsat/SkyLab imagery. Furnished only by the Agricultural Stabilization and Conservation Service, Aerial Photography Field Office in Salt Lake City, Utah.

Size	Price each	
	Black and white	Color
70 mm transparency	\$4.00	\$5.00
10x10 in RC paper print..	4.00	9.00
10x10 in film positive.....	5.00	12.00
12x12 in RC paper print enlargement	10.00	15.00
17x17 in RC paper print enlargement	12.00	20.00
24x24 in RC paper print enlargement	20.00	25.00
35x38 in RC paper print enlargement	25.00	40.00
10x10 color composite negative .....	.....	20.00
10x10 color internegative .....	.....	16.00

9. *Special need.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in section 10a or the Department Aerial Photography Coordinator, Aerial Photography Field Office, USDA-ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84125.

AUTHORITY: 5 U.S.C. 301; 5 U.S.C. 552; 31 U.S.C. 483a; and 7 CFR 2.75(a)(3)(ii).

Done at Washington, D.C., this 21st day of February 1978.

E. ALVAREZ,
Acting Associate Director,
Office of Operations and Finance.
[FR Doc. 78-4959 Filed 2-23-78; 8:45 am]

[3410-30]

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rule would amend the national school lunch program regulations to implement section 8 of Pub. L. 95-166. This amendment would allow local school food authorities to permit students in junior high schools and middle schools to choose less than the complete type A lunch without losing the full Federal cash reimbursement therefor.

DATES: Comments must be received on or before April 10, 1978, to be assured of consideration.

ADDRESS: Comments should be sent to: William G. Boling, Manager, Child Nutrition Programs, USDA, FNS, Washington, D.C. 20250, 202-447-8130.

FOR FURTHER INFORMATION CONTACT:

William G. Boling, Manager, Child Nutrition Programs, USDA, Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: In recent years there has been increased national concern about the problem of food waste. In an effort to lessen this problem, Pub. L. 94-105, enacted on October 7, 1975, provided that students in senior high schools participating in the national school lunch program, not be required to accept offered foods which they do not intend to consume. National school lunch program regulations, paragraph (a)(4) of § 210.10, requirements for lunches, was amended on June 3, 1976. The amended regulations required that students in senior high schools be offered all five items comprising the full type A lunch but they have the option of choosing as few as three of these food items. If a non-needy student chooses less than the complete type A lunch, the student is expected to pay the established price of the lunch. The amount of Federal reimbursement made to any such school for such a lunch is not affected.

In furtherance of the objective of reducing food waste, Pub. L. 95-166 requires that, when approved by the local school district or nonprofit private school, students in any junior high school and middle school shall have the same option to refuse part of the type A lunch that Pub. L. 94-105 presently allows senior high school students.

All persons who desire to comment on the wording of the proposed regulation are encouraged to do so. Comments may take the form of proposed regula-

tory language, narrative discussion, hypothetical case situations, or any other appropriate form.

Accordingly, § 210.10, paragraph (a)(4), would be amended to read as follows:

§ 210.10 Requirements for lunches.

(a) * * *

(4) Senior high school students and, when approved by the local school food authority, students in any other grade level in any junior high school or middle school as defined by the State and local educational agencies, shall be offered the complete type A lunch pattern listed in paragraph (a)(2) of this section. Such students must choose at least three of the five food items contained within the four food components of the type A lunch, but the choice of fewer than all five items shall not relieve nonneedy students from paying the full price of the type A lunch or those students determined eligible for reduced price lunches under Part 245 of this chapter from paying the reduced price charge.

Dated: February 21, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-4960 Filed 2-23-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR Part 30]

FOREIGN TRADE STATISTICS

Exports of Used Vehicles

AGENCY: Bureau of the Census, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations to provide that for a period of 6 months only, the vehicle identification numbers must be shown on Shipper's Export Declarations covering the exportation of used vehicles, and that carriers must submit such Shipper's Export Declarations to Customs prior to exportation. This action is intended to facilitate Customs' positive association of the Shipper's Export Declaration with the vehicle it is intended to cover, prior to its exportation, and is expected to provide a means for detection and deterrence of the exportation of stolen vehicles.

DATE: Comments should be submitted on or before March 27, 1978.

ADDRESS: Interested persons may submit such written data, views or arguments as they may desire, to the Director of the Bureau of the Census, Washington, D.C. 20233.

FOR FURTHER INFORMATION CONTACT:

Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, 301-763-5342.

It is proposed to amend the pertinent portions of the Foreign Trade Statistics Regulations to provide that for a period of 6 months only, exporters (or their agents) shall show the vehicle identification number on Shipper's Export Declarations required for the exportation of used vehicles (including automobiles, trucks, tractors, buses, motorcycles, special purpose vehicles, self-propelled farm machinery, self-propelled construction equipment, self-propelled special use equipment, and other similar vehicles), and that such Shipper's Export Declarations be presented to Customs a minimum of 48 hours prior to exportation. This will facilitate Customs' positive association of the Shipper's Export Declaration with the vehicle it is intended to cover, prior to its exportation, and is expected to provide a means for detection and deterrence of the exportation of stolen vehicles.

To effect this change in reporting requirements, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR Part 30) as set forth below.

These regulations are to be issued under the authority of title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765.

1. Section 30.7 is amended by the addition of the following sentence, immediately after the first sentence, and preceding the present parenthetical sentence.

§ 30.7 Information required on Shipper's Export Declarations.

*** (See § 30.42 for additional information required for a limited time on Shipper's Export Declarations covering the exportation of used vehicles.) ***

2. A new § 30.42 is added to read as follows:

§ 30.42 Special temporary requirements for the exportation of used motor vehicles.

Shipper's Export Declarations covering exports of used motor vehicles, including automobiles, trucks, tractors, buses, motorcycles, special purpose vehicles, self-propelled farm machinery, self-propelled construction equipment, self-propelled special use equipment, and other similar vehicles are subject to the following special provisions:

(a) When a used motor vehicle as defined above is to be exported from the United States to a foreign country, or shipped from the U.S. to Puerto Rico, exporters (or their agents) shall show on the Shipper's Export Declaration,

required under these regulations, under the description of commodities, that vehicle's identification number.

(b) Shipper's Export Declarations covering the exportation of used vehicles shall be presented to Customs at the port of exportation at least 48 hours prior to exportation by the exporter (or his agent). One copy of the Shipper's Export Declaration, presented to Customs by the exporter, bearing a notation of its prior receipt by Customs, must be delivered to the exporting carrier prior to exportation; and, notwithstanding the provisions of § 30.24 of these Regulations relating to the delayed filing of Shipper's Export Declarations and manifests, carriers may not export used vehicles from the United States until the required Shipper's Export Declaration bearing the notation of its prior receipt by Customs has been received by the carrier.

(c) Failure of the exporter (or his agent, including the carrier) to provide Customs, at least 48 hours prior to exportation, a copy of the required Shipper's Export Declaration containing the vehicle identification number of the used vehicle to be exported shall result in the detention of such vehicle by Customs until there is compliance with above requirement.

(d) The provisions of this § 30.42 shall be effective for a period of six (6) months only from the date that this requirement is adopted and shown in the FEDERAL REGISTER, after which time the requirements of this § 30.42 are hereby rescinded.

MANUEL D. PLOTKIN,
Director, Bureau of the Census.

I concur:

BETTE ANDERSON,
Under-Secretary,
Department of the Treasury.

[FR Doc. 78-4883 Filed 2-23-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-14486; File No. S7-581]

DISSEMINATION OF PROXY INFORMATION TO BENEFICIAL OWNERS BY ISSUERS THROUGH INTERMEDIARY RECORDHOLDERS

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Commission today withdrew a proposed rule amendment that was intended to clarify the obligations of publicly-held companies concerning the transmission of proxy materials to beneficial shareholders through intermediaries who hold securities in street or nominee name.

EFFECTIVE DATE: February 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Linda Kurjan, Staff Attorney, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549; 202-376-7470.

SUPPLEMENTARY INFORMATION: Currently, every issuer who intends to solicit proxies for a shareholders' meeting is required by Rule 14a-3(d) under the Securities Exchange Act of 1934 [17 CFR § 240.14a-3(d)] to inquire of known intermediary-recordholders at least 10 days prior to the record date for the meeting whether the intermediaries represent beneficial owners of the issuer's securities, in order that sufficient sets of proxy materials may be sent to the intermediaries for distribution to the shareholders. The proposed amendment, which the Commission has determined to withdraw, would have imposed an obligation on the issuer to make such inquiry of intermediaries who first become recordholders after the issuer's initial inquiry but on or before the record date.

BACKGROUND

In 1974, the Commission adopted Rule 14a-3(d) under the Securities Exchange Act of 1934 (the "Act"), requiring that, if an issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies are held of record by certain intermediaries, the issuer must inquire of such intermediaries prior to the meeting regarding the number of beneficial owners for which the securities are held and then supply the intermediaries with sufficient sets of proxy materials for distribution to the beneficial owners.¹ On July 5, 1977, the Commission announced the adoption of amendments to Rule 14a-3(d) to provide, among other things, that the issuer must make such inquiry at least 10 days before the record date for the meeting.² The rule is intended to establish a minimum standard to facilitate prompt and efficient dissemination of proxy materials to beneficial owners.

¹ Securities Exchange Act Release No. 11079 (October 31, 1974), 39 FR 40766. The intermediaries are brokers, dealers, banks and voting trustees.

² Securities Exchange Act Release No. 13719; 42 FR 35953. In addition, the amendments require that the issuer forward the proxy materials to such intermediaries in a "timely" manner. The Commission also adopted Rule 14b-1, which imposed on broker-dealer recordholders the obligation to respond to the issuer's request promptly

(Continued)

When the minimum 10-day provision was proposed, several commentators pointed out that the rule would require an issuer to inquire of all persons who are intermediaries at a time 10 or more days prior to the record date, but would not appear to require any inquiry of those who first become recordholders after the initial inquiry. The Commission therefore published for comment a proposal to clarify the issuer's continuing obligation to make inquiry of new intermediary-recordholders.³

The Commission received relatively few responses, primarily from small or medium sized issuers. Based on its review of the public comments, the Commission has determined to withdraw the proposed amendment to Rule 14a-3(d).

WITHDRAWAL OF PROPOSED AMENDMENT TO RULE 14a-3(d)

Some of the comment letters supported the continuing obligation of issuers. The Commission commends issuers who already send inquiries to new intermediary-recordholders and endorses that approach as a sound business practice.

Nevertheless, most of the commentators objected to the imposition of the proposed rule, explaining that compliance would entail a substantial expenditure of time, money and manpower to identify and canvass any intermediaries that became recordholders for the first time during the interim. Moreover, it is probable that an issuer's efforts would reveal few such intermediaries, particularly if the issuer made the initial inquiry only a few weeks before the record date.

Withdrawal of the rule proposal should not significantly impede conscientious intermediaries in obtaining materials for their clients. Such intermediaries will receive at least one set of proxy materials as shareholders of record and should be able to request any necessary additional materials from the issuer if they act promptly. Furthermore, since a new intermediary-recordholder generally will not have established positions for numerous clients, the distribution of the materials should be simplified. Finally, intermediaries can anticipate the need

for proxy materials by learning of upcoming proxy solicitations through available sources other than the issuers, such as securities exchanges and private services which publish record, meeting and dividend dates and similar information.

The Commission agrees that in some circumstances the cost and administrative burden that would be imposed on issuers could outweigh the intended benefits. Moreover, the Commission believes that most intermediary-recordholders are conscientious and responsible and will, upon learning of a proxy solicitation, take any necessary steps to obtain and disseminate materials to the beneficial owners entitled to vote. Accordingly, the Commission has determined to withdraw the proposal.

The Commission recognizes that some intermediaries may fail to carry out their responsibilities to obtain and forward the materials, despite collateral notice of an upcoming meeting. The Commission believes it is unacceptable for any beneficial owner to be deprived of proxy materials as a result of intermediary inaction. Because the rule being withdrawn does not appear to assure transmittal of issuer communications to such shareowners without imposing an undue regulatory burden on issuers, the Commission intends to explore with the self-regulatory organizations and other knowledgeable persons alternative ways to deal with this problem. In this regard, the Commission welcomes comments from interested members of the public.

In consideration of the foregoing, the proposal to amend 17 CFR Part 240 by revising paragraph (d) of § 240.14a-3, information to be furnished security holders, which was published in the *FEDERAL REGISTER* on July 13, 1977 (42 FR 35990) is hereby withdrawn.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 17, 1978.

[FR Doc. 78-4856 Filed 2-23-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 175]

[Docket No. 77N-0434]

ZINC-SILICON DIOXIDE MATRIX COATINGS

Termination of Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: The Food and Drug Administration is terminating a notice of proposed rulemaking concerning zinc-silicon dioxide matrix coatings for use in contact with foods because of the need for more information on the use of the coatings.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION:

A notice of proposed rulemaking was published in the *FEDERAL REGISTER* of January 28, 1967 (32 FR 1055) to amend § 175.390 zinc silicon-dioxide matrix coatings (21 CFR 175.390) to restrict those coatings to use in contact with foods having a pH of 7.0 or higher. No comments were received on the proposal.

Since publication of the notice of proposed rulemaking, additional information has been received indicating that the functionality of these coatings should be reviewed over all pH ranges. Review of available data indicates that the proposed rulemaking is inadequate. More information on the use of these coatings is needed before a decision can be made on whether to issue a revised proposal. A general notice soliciting data on these coatings and requesting samples for test purposes will appear at a future date in the *FEDERAL REGISTER*.

Therefore, the proposed rulemaking in the *FEDERAL REGISTER* of January 28, 1967 (32 FR 1055) on this matter is no longer appropriate and is hereby terminated.

This action is taken under the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Compliance.*

[FR Doc. 78-4868 Filed 2-23-78; 8:45 am]

[1505-01]

[21 CFR Parts 182, 184]

[Docket No. 77N-0041]

STANNOUS CHLORIDE

Proposed Affirmation of GRAS Status as Direct Human Food Ingredient

Correction

In FR Doc. 78-4005, appearing at page 6242 in the issue for Tuesday,

(Continued)

and to forward the proxy materials promptly to the beneficial owners.

Adoption of the amendments was endorsed by the Commission in its Final Report of the Street Name Study. Final Report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in Other than the Name of the Beneficial Owner of Such Securities, 94th Cong. 2d Sess., 43-44 (Committee Print 1976).

³ Securities Exchange Act Release No. 13720 (July 5, 1977); 42 FR 35990.

February 14, 1978, make the following corrections:

(1) On page 6243, in the second full paragraph of the first column, in the 6th line "20ppb" should be "30ppb".

(2) Also on page 6243, in the middle column, in the third full paragraph, the 5th line should read: "hibited pre-mortal signs within 8 hours and".

(3) On page 6244, in the third column, in the third paragraph, the room number now given as "Room 4065", should be "Room 4-65".

[4110-03]

[21 CFR Part 436]

[Docket No. 77N-0129]

STERILITY TEST

Isopropyl Myristate

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document would amend the antibiotic drug regulations by adding new restrictions to a diluting fluid to ensure its suitability for the sterility testing of ophthalmic ointments.

DATE: Comments by April 25, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: A Study published in 1973 (Kiyoshi Tsuji and John H. Robertson, "Microbial Toxicity of Isopropyl Myristate," Applied Microbiology, 25:139-145, January 1973 (a copy is on file at office of Hearing Clerk)) pointed out that the microbial toxicity of isopropyl myristate (IPM) varied from lot to lot, making it unsuitable in some cases for use in sterility testing.

A collaborative study conducted by the Food and Drug Administration (FDA) confirmed the results of the published study. The collaborative study indicated that IPM with a water extract pH of less than 5.5 is toxic to certain microorganisms, thus invalidating sterility test results.

The studies show that the pH of a water extract of IPM correlates with the microbial toxicity and can therefore be used as an indicator of the suitability of IPM for sterility testing. If IPM is found to be unsuitable because of a pH below 5.5, impurities can

be removed by passing it through a glass column packed with basic alumina. The compounds that contribute to the acidity are absorbed, and the toxicity is reduced to a useable level.

Therefore, the Commissioner of Food and Drugs proposes that the regulations describing IPM be amended to require that, unless the pH of a water extract is 5.5 or greater, the IPM is to be passed through a basic alumina-packed glass column to remove substances that are toxic to microbial populations.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 436 be amended by revising § 436.20(d)(5) to read as follows:

§ 436.20 Sterility test methods and procedures.

(d) ***

(5) *Diluting fluid E.* Use isopropyl myristate that is sterile and microbially nontoxic, and that has a water-extract pH of 5.5 or greater. Determine the water-extract pH of a portion of the isopropyl myristate as follows: Place 100 milliliters of the isopropyl myristate sample and 10 milliliters of distilled water into a centrifuge bottle of approximately 250 milliliters capacity and seal the bottle tightly. Place the centrifuge bottle on a shaker so that its longest dimension is oriented in the direction of shaker movement and shake at 250 cycles per minute for 1 hour. Centrifuge the bottle at 1,800 revolutions per minute for 20 minutes. With a suitable vacuum system remove and discard the upper layer; then pipet 5 milliliters of the lower water layer into a beaker and determine the pH using a standardized pH meter. If the water extract pH is less than 5.5, pass the isopropyl myristate through a glass column packed with basic aluminum oxide, activity grade No. 1. Determine the water-extract pH of a portion of the isopropyl myristate that has been passed through the aluminum oxide column. Sterilize isopropyl myristate by filtration through a 0.22-micron membrane filter and aseptically dispense 100-milliliter portions into sterile 250-milliliter flasks.

Interested persons may, on or before April 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hear-

ing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

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

Dated: February 16, 1978.

MARY A. MCHENRY,
Assistant Director for Regulatory
Affairs, Bureau of Drugs.

[FR Doc. 78-4889 Filed 2-23-78; 8:45 am]

[6560-01]

Food and Drug Administration

[21 CFR Part 561]

[FRL 859-3; FAP 6H5117/P9]

TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Proposed Feed Additive Tolerances for 2-Ethoxy - 2,3 - Dihydro - 3,3 - Dimethyl - 5-Benzofuranyl Methanesulfonate

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

ACTION: Proposed rule.

SUMMARY: This notice proposes that a permanent tolerance be established for residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate. The proposal was submitted by Fisons Corp. This amendment to the regulations will establish a maximum permissible level for residues of the subject pesticide in sugar beet molasses.

DATE: Comments must be received on or before March 27, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry Jacoby, Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, EPA (202-755-2197).

SUPPLEMENTARY INFORMATION: On March 12, 1976, the EPA published in the FEDERAL REGISTER (41 FR 10709) a notice that Fisons Corp., Agricultural Chemicals Division, Two Preston Court, Bedford, Mass. 01730, had submitted a petition (FAP 6N5117). This

petition proposed that 21 CFR 561.235 be amended by the establishment of a regulation permitting the use of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate in beet fields to control weeds with a tolerance limitation resulting from such use for residues of the herbicide and its metabolites in sugar beet molasses at 0.5 part per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The data considered in support of the proposed tolerances included radio tracer metabolism studies in beans, sugar beets, rats, and a cow; sugar beet residue studies; a 28-day cattle-feeding study; poultry-feeding studies; 90-day rat- and swine-feeding studies; a rat dominant lethal test; a teratogenicity test; and a two-year rat-feeding study. Studies currently lacking to reinforce the present findings are a three-generation reproduction study and an oncogenicity study on a second mammalian species. Both studies have been started and the reproduction study results are expected to be available in November 1978 and the oncogenicity results in March 1979. A two-year dog study has been begun with the final results expected in August 1979. Should adverse findings develop, Fisons Corp. has agreed to withdraw the subject herbicide from the U.S. market.

A feed additive tolerance had previously been established (21 CFR 561.235) for residues of the herbicide in sugar beet molasses at 0.5 ppm. The no-effect level (NEL) is 1,000 ppm and the acceptable daily intake (ADI) is 0.5 milligram (mg.)/kilogram (kg.)/day. The maximum permissible intake (MPI) for a 60-kg man is 30 mg./day. An adequate analytical method (gas chromatography using a sulfur-specific flame photometric method) is available for enforcement purposes.

There are no pending regulatory actions against the continued registration of the herbicide. Therefore, it is proposed that 21 CFR 561.235 be revised as set forth below. (A related proposed rulemaking document to amend 40 CFR 180 by establishing tolerances for residues of the subject herbicide in or on sugar beet roots and tops and in the fat, meat, and meat by-products of cattle, goats, hogs, horses, and sheep appears elsewhere in today's FEDERAL REGISTER.)

Any person who has registered, or submitted an application for the registration of a pesticide under the Feder-

al Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, within 30 days after publication of this proposal in the FEDERAL REGISTER, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6H5117/P9". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

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

Dated: February 15, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 561, Subpart A, section 561.235 be revised in the heading and in the text to read as follows:

§ 561.235 2 - Ethoxy - 2,3 - dihydro - 3,3-dimethyl-5-benzofuranyl methanesulfonate.

A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugar beet molasses resulting from application of the herbicide to growing sugar beets.

[FR Doc. 78-4853 Filed 2-23-78; 8:45 am]

[4110-03]

[21 CFR Parts 1000 and 1020]

[Docket No. 76N-0055]

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Proposed Amendment to Performance Standard

AGENCY: Food and Drug Administration.

ACTION: Proposed rule

SUMMARY: The agency is proposing amendments to the performance standard for diagnostic X-ray systems and

their major components to incorporate clarifying interpretations that have been made by the agency since promulgation of the standard. Amendments are also being proposed to clarify and supplement the policy on assembly and reassembly of diagnostic X-ray systems by including interpretations that have been required concerning this policy. The proposed amendments would recodify this revised policy as an integral part of the performance standard for diagnostic X-ray systems. Finally, it is proposed to codify as part of the performance standard the policy on modification of diagnostic X-ray systems and components that was contained in the preamble to the final order establishing the performance standard. These amendments would formalize current policy and would not impose a burden on those affected.

DATE: Comments by April 25, 1978, it is proposed that the amendments become effective upon publication of the final rule in the FEDERAL REGISTER.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), the Commissioner of Food and Drugs proposes to amend the performance standard for diagnostic X-ray systems and their major components in § 1020.30 (21 CFR 1020.30) by incorporating into the standard interpretations previously made concerning assembler certification requirements and replacement of X-ray tubes in tube-housing assemblies. Amendments are also proposed that would clarify and supplement the policy on assembly and reassembly of diagnostic X-ray systems (currently codified in 21 CFR 1000.16) and would recodify this revised policy as an integral part of the performance standard for diagnostic X-ray systems and their major components by redesignating § 1000.16 as § 1020.30(p). Finally, a new § 1020.30(q) is proposed that would codify the policy on modification of diagnostic X-ray components and systems certified under the performance standard.

The intent to develop these amendments was announced in a notice published in the FEDERAL REGISTER of March 30, 1976 (41 FR 13368) and

drafts of portions of the proposed amendments have been made available to those parties expressing an interest. In accordance with section 358(f) of the act, these proposals have been reviewed by the Technical Electronic Product Radiation Safety Standards Committee, a permanent statutory advisory committee to the Secretary, Department of Health, Education, and Welfare, which must be consulted prior to the establishment or amendment of performance standards for electronic products. The Committee concurred with publication of the proposals for public comment. A discussion of the proposed amendments follows.

REPORTING ASSEMBLY OF ACCESSORY COMPONENT

1. An amendment is proposed for the assembler reporting requirements for some types of certified accessory components in proposed § 1020.30(d)(3). These reporting procedures are currently being followed as a result of an advisory opinion, and the amendments would incorporate these reporting procedures into the standard. Proposed § 1020.30(d)(3)(i) would require that only the initial installation or assembly of interchangeable and removable accessory components into a diagnostic X-ray system at the user's facility be reported in accordance with § 1020.30(d) (1) and (2). No report of assembly would be required for subsequent use at the user's facility of components such as accessory beam-limiting devices or a removable cradle assembly. The reporting of each use of such components with compatible X-ray systems at the user's facility or the occasional use with a single system is required by a literal interpretation of the current § 1020.30(d). The Commissioner has determined that such reporting is unnecessary and the proposed amendment would eliminate the redundancy.

2. Proposed § 1020.30(d)(3)(ii) would eliminate the assembler certification requirement for certified components that are compatible with all types of X-ray systems with which they are designed to be used and that do not require installation or compatibility information to assure compliance with the standard. Such components would have to be identified as requiring no report of assembly by the manufacturer in the manufacturer's initial report required by § 1002.10 (21 CFR 1002.10). An example of such a component would be a certified tabletop cassette holder compatible with all X-ray systems with which it might be used. A self-contained, portable X-ray system that requires no installation or assembly in accordance with manufacturer's instructions and no compatibility information would also be exempt from assembler reporting if the conditions

specified in proposed § 1020.30(d)(3)(ii) are met. The elimination of this reporting requirement would not compromise radiation protection since review of the manufacturer's initial report will assure compliance with the performance standard.

3. To specify those components to which the proposed reporting exceptions contained in § 1020.30(d)(3) apply, the Commissioner proposed to define accessory components in § 1020.30(b)(56).

RELOADING OF X-RAY TUBE-HOUSING ASSEMBLIES

1. The present wording of § 1020.30(e)(2) (21 CFR 1020.30(e)(2)) defines the replacement of an X-ray tube in a previously manufactured tube-housing assembly as manufacture of a new tube-housing assembly and requires that the manufacturer relabel and recertify the reloaded tube-housing assembly. The Commissioner has determined that the requirement for recertification of the tube-housing assembly is appropriate only for tube-housing assemblies originally manufactured and certified pursuant to § 1020.30(e) and proposes to amend § 1020.30(e)(2) to reflect this determination. This policy regarding the reloading of X-ray tube-housing assemblies was stated to manufacturers in a letter dated July 24, 1974.

The Commissioner advises that the radiation leakage criteria of the performance standard are identical to earlier voluntary standards, and most uncertified tube-housing assemblies are manufactured in accordance with these voluntary standards. He believes the public health will be protected through the provisions of 21 CFR Parts 1003 and 1004 requiring a manufacturer to repair, replace, or refund the cost of X-ray equipment manufactured after October 18, 1968, if the equipment fails to meet the manufacturer's radiation safety design specifications. Furthermore, X-ray systems currently in use must meet applicable State and local radiation safety requirements.

The Commissioner also believes that technical feasibility problems justify this proposal. Certification of any component specified in § 1020.30(a) requires that the manufacturer provide information to the assembler and user concerning the compatibility of the certified component with other diagnostic X-ray system components. Requiring the certification of originally uncertified tube-housing assemblies could lead to the removal of serviceable tube-housing assemblies from use because the manufacturer doing the tube reloading may not be able to provide adequate compatibility information for the tube-housing assembly. Even if compatibility information could be provided, the additional ex-

pense could increase the cost of reloading such that it exceeds the component value.

2. Proposed § 1020.30(e)(3) would exempt X-ray tube-housing assemblies designed for quick change X-ray tubes from the recertification and labeling requirements of § 1020.30(e)(2). This proposed amendment recognizes technical developments not envisioned when the original performance standard was written and codifies an administrative interpretation concerning this type of tube-housing assembly.

Proposed § 1020.30(b)(55) defines a quick change X-ray tube, requiring it and its associated tube housing to be designed such that: (i) The tube housing would only accept compatible tubes; (ii) the tube could not be inserted into its housing in a manner that would result in noncompliance with the performance standard; (iii) the focal spot position would not cause noncompliance with the provisions of the standard; (iv) the shielding within the tube housing could not be displaced; and (v) any removal and subsequent reinstallation of a beam-limiting device during reloading of the tube in the tube housing would not result in noncompliance with the applicable field limitation and alignment requirements of the performance standard. The Commissioner has found that such tube-housing assemblies can be reloaded without altering the compliance status of the system. Thus, instead of recertification, he proposes that individuals who reload tube-housing assemblies containing quick change X-ray tubes need only label the assembly to show that a new tube has been installed.

One X-ray equipment manufacturer, commenting on a draft of this amendment, objected to the condition that the proper interface of the quick change tube-housing assembly and the beam-limiting device be automatically assured by their design. The comment stated that this requirement might inhibit future developments by limiting quick change X-ray tube designs and would also require reloaded tube-housing assemblies not meeting this condition to be recertified. The comment suggested that compliance of such systems with the field limitation and alignment requirements of the standard be maintained by proper instructions to the user or assembler.

The Commissioner does not accept this suggestion. This proposal is intended to eliminate unnecessary reporting for those systems whose fool-proof design has simplified X-ray tube replacement. If compliance of the system following X-ray tube replacement depends on the user or assembler following manufacturer's instructions and accomplishing tasks such as alignment, adjustment or testing, which are properly part of the manu-

facturing process, the person performing the tube replacement must, as a manufacturer, recertify the tube-housing assembly.

AMENDMENTS TO THE POLICY ON ASSEMBLY AND REASSEMBLY; RECODIFICATION

Section 1000.16, published in the *FEDERAL REGISTER* of July 29, 1974 (39 FR 27432), established the policy designed to assure the the radiation safety integrity of new, certified, X-ray systems assembled after the effective date of the diagnostic X-ray equipment performance standard and to prevent the future downgrading of these systems during reassembly through the addition of uncertified components. Section 1000.16 addresses the circumstances under which certified components shall be assembled or reassembled into diagnostic X-ray systems such that the completed systems provide, at the earliest practicable date, the radiation safety protection and performance required by the performance standard for diagnostic X-ray systems (21 CFR 1020.30, 1020.31, and 1020.32). Because a diagnostic X-ray system is often assembled from individual components manufactured by several different component manufacturers, a policy on assembly and reassembly of diagnostic X-ray systems was necessary to define the responsibilities of the assembler-manufacturer in providing such protection. To more clearly identify these policies as additions to or clarifications of the specific requirements of the performance standard, the Commissioner proposes to recodify § 1000.16 as new § 1020.30(p). Also, the following revisions and additions are proposed:

1. Proposed § 1020.30(p)(1)(iv) (currently § 1000.16(a)(4)) would be amended to clarify that replacement of components during the reassembly of an existing X-ray system is permitted.

The Commissioner advises that the phrase "new components added to an original system" was intended to include replacement components, whether new or used, incorporated into the system for the first time during reassembly. However, it was necessary to clarify § 1000.16(a)(4) through advisory opinions, and the standard is to be amended to include this clarification. The amended paragraph would clearly state that when a previously existing system is reassembled and sold, any of the components may be replaced, but if the original system contained one or more certified components, only certified components could be added or installed as replacement components.

2. A typographical error in § 1020.30(p)(2)(ii) (currently § 1000.16(b)(2)) would be corrected. Reference should be to the report

filed pursuant to § 1020.30(d) rather than § 1020.30(c).

3. Section 1000.16(e) would be revoked because it duplicates the requirements of § 1020.30(d).

4. The Commissioner recognizes that a literal reading of § 1000.16 prohibits the installation of an uncertified component into a system containing one or more certified components, thus precluding reinstallation of an uncertified component that has been removed for repair. The Commissioner does not intend to prevent or impede necessary repair of systems, and proposed § 1020.30(p)(5)(i) would specifically permit the removal and reinstallation of components during repair. Proposed § 1020.30(p)(5)(ii) would also permit returning the malfunctioning X-ray systems to use after exchanging identical serviceable components for components needing repair. The Commissioner believes this would minimize service interruption and also allow more efficient repair at locations other than at the site where the component is used. Exchange basis repair would be permitted when an identical model component is installed in place of a malfunctioning one. However, exchange basis repair of certified components would require the assembler to file a report of assembly in accordance with § 1020.30(d), whereas on site removal and reinstallation of components during repair would not require this.

Proposed § 1020.30(p)(5)(iii) would formalize the policy that permits temporary installation of a component in place of a malfunctioning component while the X-ray system is being repaired. Components temporarily installed in place of certified components removed for repair would be required to be certified, and provisions are proposed for labeling temporarily installed components in lieu of filing a report of assembly as required by § 1020.30(d). The Commissioner has determined that the certification requirements of section 358(h) of the act for temporarily installed components may be satisfied by a tag or label attached to the temporarily installed component and that such assembly need not be reported to the Bureau of Radiological Health unless or until the component is permanently installed in an X-ray system. The Commissioner advises that the policy stated in § 1020.30(p)(5) would continue in effect after August 1, 1979, as the removal and reassembly of components in the course of repair of an X-ray system would not be prohibited by § 1020.30(p)(3) or (4).

5. Proposed § 1020.30(p)(6) concerns the use of certified accessory components with an X-ray system and the effect of this use on the status of the X-ray system under proposed § 1020.30(p). One of the aims of

§ 1000.16 was to foster the gradual improvement of X-ray systems by requiring that components added to a system containing one or more certified components also be certified. There are, however, several types of certifiable components whose use within an X-ray system is not required for compliance of the system as a whole with the performance standard and which may be used only occasionally within an X-ray system (e.g., removable cradles or tabletop cassette holders). These devices may be purchased by a facility for use with several X-ray systems. The Commissioner does not consider occasional use of such certified accessory components with an otherwise uncertified X-ray system to be installation or addition of a certified component into the system; thus, under proposed § 1020.30(p)(1)(iv) (currently § 1000.16(a)(4)), future components added to the uncertified system would not need to be certified. Other accessory components that do affect compliance with the standard or influence radiation protection, e.g., an accessory beam-limiting device, would not meet the criteria of § 1020.30(p)(6).

MODIFICATION OF CERTIFIED DIAGNOSTIC X-RAY COMPONENTS AND SYSTEMS

The policy on modification of diagnostic X-ray components and systems was first stated in the preamble to the final order establishing the diagnostic X-ray equipment performance standard published in the *FEDERAL REGISTER* of August 15, 1972 (37 FR 16461). Modification of certified X-ray components or systems such that the component or system no longer meets the standard is considered manufacturing, and individuals who intend to perform such modifications first must obtain a variance as prescribed by § 1010.4 (21 CFR 1010.4) or be granted an exemption under sections 358(a)(5) or 360B(b) of the act. However, the Commissioner has determined there is no need to obtain a variance or exemption to modify systems that are not to be used for the diagnosis or visualization of humans, or for those modifications that do not result in noncompliance with the performance standard. This is proposed to be codified as § 1020.30(q) of the performance standard so that a clear statement of the policy is readily available for reference. Therefore, normal performance of repair, adjustment, and routine maintenance would not be affected.

To further clarify that in certain circumstances owners are also manufacturers of diagnostic X-ray systems and components under the act, the Commissioner proposes to modify § 1020.30(b)(3) defining assembler. The owner of a diagnostic X-ray system is a manufacturer of a electronic product if he or his employees assemble or

modify certified components or systems that are subsequently used in a commercial or professional capacity. This was stated in the preamble of the August 15, 1972 regulation, but was not clearly reflected in the definition. To prevent any misunderstanding, this is now being added to the definition of assembler. The Commissioner advises that this proposed addition does not place new responsibilities on the owners of diagnostic X-ray systems because owners who perform acts of manufacture are currently subject to the regulations of Subchapter J (21 CFR Subchapter J).

Because these amendments would codify current policy previously announced and would not impose more stringent requirements, it is proposed to make these amendments effective upon date of publication of the final rule in the *FEDERAL REGISTER*.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment and other pertinent background data on which the Commissioner relies in proposing these amendments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend 21 CFR Subchapter J as follows:

§ 1000.16 [Redesignated]

1. In Part 1000, § 1000.16 assembly and reassembly of diagnostic X-ray systems is revised and redesignated as § 1020.30(p).

2. In Part 1020, § 1020.30 is amended by revising paragraph (b)(3) and by adding new paragraph (b) (55) and (56), by revising the introductory text of paragraph (d) and by adding new paragraph (d)(3), by revising paragraph (e)(2) and by adding new paragraphs (e)(3), (p), and (q) to read as follows:

§ 1020.30 Diagnostic X-ray systems and their major components.

(b) ***

(3) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or sub-system. The term includes the owner of an X-ray system or his employee or agent who assembles components into an X-ray system that is sub-

sequently used to provide professional or commercial services.

(55) "Quick change X-ray tube" means an X-ray tube designed for use in its associated tube housing such that: (i) The tube cannot be inserted in its housing in a manner that would result in noncompliance of the system with the requirements of paragraphs (k) and (m) of this section; (ii) the focal spot position will not cause noncompliance with the provisions of this section or §§ 1020.31 or 1020.32; (iii) the shielding within the tube housing cannot be displaced; and (iv) any removal and subsequent replacement of a beam-limiting device during reloading of the tube in the tube housing will not result in noncompliance of the X-ray system with the applicable field limitation and alignment requirements of §§ 1020.31 and 1020.32.

(56) "Accessory component" means: (i) A component used with diagnostic X-ray systems, such as a cradle or film changer, that is not necessary for the compliance of the system with applicable provisions of this subchapter but which requires an initial determination of compatibility with the system; or (ii) a component necessary for compliance of the system with applicable provisions of this subchapter but which may be interchanged with similar compatible components without affecting the system's compliance, such as one of a set of interchangeable beam-limiting devices; or (iii) a component compatible with all X-ray systems with which it may be used and that does not require compatibility or installation instructions, such as a tabletop cassette holder.

(d) *Certification by assembler.* An assembler who installs one or more components certified as required by paragraph (c) of this section into an X-ray system shall install certified components that are of the type required by §§ 1020.31 or 1020.32 and, except as provided for in paragraph (d)(2) of this section, shall assemble, install, adjust, and test the certified components in accordance with the instructions of their respective manufacturers. All assemblers who install certified components shall file a report of such assembly as specified in paragraph (d) (1), (2), and (3) of this section. The report shall be construed as the assembler's certification and identification under §§ 1010.2 and 1010.3 of this chapter. All assembler reports shall be on a form prescribed by and available from the Director, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, Md. 20857. Completed reports shall be submitted to the Director, the purchaser, and, where ap-

plicable, to the State agency responsible for radiation protection, within 15 days following completion of the assembly.

(3) *Accessory components.* The following requirements are applicable to the assembly of accessory certified components and X-ray systems that do not require assembly by the dealer or purchaser.

(i) The initial installation or assembly of interchangeable and removable accessory certified components within a diagnostic X-ray system following delivery at the user's facility shall be reported, as required by paragraph (d) (1) and (2) of this section. No report of assembly is required for subsequent use of such components.

(ii) Assembler certification as specified in paragraph (d) (1) and (2) of this section is not required for certified components or systems that have been described by their manufacturer in the information furnished the user as not requiring assembler certification. Prior to stating that assembler certification is not required for a component or system, the manufacturer of the item shall have reported to the Bureau of Radiological Health, in the report required by § 1002.10 of this chapter, that compliance with this section and §§ 1020.31 and 1020.32 is assured by the following conditions:

(a) Certification of compliance by the manufacturer is not contingent upon acts of assembly or installation by the dealer or purchaser.

(b) Preparation for use by either the dealer or user does not require adherence to manufacturer's instructions to ensure compliance.

(c) Interconnection or use, or both, of the component or system does not require compatibility specifications.

(2) *Replacement of tubes.* Except as specified in paragraph (e)(3) of this section, the replacement of an X-ray tube in a previously manufactured tube-housing assembly certified pursuant to paragraph (c) of this section shall constitute manufacture of a new tube-housing assembly, and the manufacturer shall be subject to the provisions of paragraph (e)(1) of this section. The manufacturer shall remove, cover, or deface any previously affixed inscriptions, tags, or labels that are no longer applicable.

(3) *Quick change X-ray tubes.* The requirements of paragraph (e)(2) of this section shall not apply to tube-housing assemblies designed and designated by their original manufacturer as containing quick change X-ray tubes. The manufacturer of such X-ray tubes shall include with each replacement tube a label with the tube manufacturer's name, the model, and serial number of the X-ray tube. The

manufacturer of the tube shall instruct the assembler who installs the new tube to attach the label to the tube-housing assembly and to remove, cover, or deface the previously affixed inscriptions, tags, or labels that are described by the tube manufacturer as no longer applicable.

(p) *Assembly and reassembly of diagnostic X-ray system.* The following provisions shall apply to the assembly and reassembly of diagnostic X-ray components specified in paragraph (a)(1) of this section into diagnostic X-ray systems.

(1) *Assembly after August 1, 1974.* Except as provided in paragraph (p)(2) of this section, specified components which are assembled after August 1, 1974, and prior to August 1, 1979, into those X-ray systems which contain, or will contain upon completion of the assembly, one or more components certified pursuant to paragraph (c) of this section, shall be only those which have themselves been so certified. For example, after August 1, 1974:

(i) An assembler who installs a new, complete diagnostic X-ray system may not assemble a system consisting of both certified and uncertified components.

(ii) An assembler who installs components into an existing diagnostic X-ray system, containing one or more certified components prior to such installation, may only install components which have been certified by the component manufacturer(s), regardless of whether or not certified components themselves are replaced.

(iii) An assembler who installs a group of components into an existing diagnostic X-ray system, containing no certified components prior to the assembly, may not install a combination of certified and uncertified components. He may install all uncertified components or all certified components into such a system.

(iv) Except as required by paragraph (p)(4) of this section, an assembler may reassemble a previously existing (used) system for resale whether or not the system is comprised of all uncertified or a combination of certified and uncertified components. However, any new components added to, or installed in place of, original components in an existing system comprised of one or more certified components must be certified.

(2) *Purchase prior to August 1, 1974.* The provisions of paragraph (p)(1) of this section shall not apply to the assembly of specified components provided:

(i) All of the specified components which are assembled into the X-ray system after August 1, 1974, were purchased prior to that date; and

(ii) The report filed pursuant to paragraph (d) of this section includes

adequate evidence that all of the specified components assembled were purchased prior to August 1, 1974. A copy of a notarized bill of sale, or other notarized contract for purchase clearly establishing the date of purchase of each of the specified components will be considered adequate evidence.

(3) *Assembly after August 1, 1979.* Specified components which are assembled into a diagnostic X-ray system after August 1, 1979, shall be only those which have been certified pursuant to paragraph (c) of this section. For example, after August 1, 1979:

(i) An assembler who installs a complete diagnostic X-ray system may not install components which have not been certified by the component manufacturer(s).

(ii) Only those components which have been certified by the component manufacturer may be installed into an existing diagnostic X-ray system whether or not the system contained certified components prior to the assembly.

(4) *Reassembly after August 1, 1979.* Specified components which are reassembled after August 1, 1979, into diagnostic X-ray systems after relocation and sale of such systems to a purchaser, shall be only those which have been certified in accordance with paragraph (c) of this section. For example, after August 1, 1979:

(i) An assembler who reassembles an existing diagnostic X-ray system in a new location, when this reassembly is associated with a change in ownership of the system, may only reassemble those components into the system which are certified.

(ii) An assembler who reassembles an existing diagnostic X-ray system in a new location may install uncertified components which were contained in the system prior to disassembly, if the reassembly is not associated with a change of ownership of the system. However, any new components added to the original system must be certified.

(5) *Repair of X-ray systems.* The following requirements govern the assembly and reassembly of diagnostic X-ray components during repair of diagnostic X-ray components and systems:

(i) The removal of a component, whether certified or uncertified, from an X-ray system for the purpose of repair and the subsequent reinstallation of the component into the system following repair is not prohibited by this section. Persons performing repair of certified components are not required to recertify the repaired component in accordance with paragraph (c) of this section except for reloaded, previously certified, X-ray tube housing assemblies. A report in accordance with paragraph (d) of this section is

not required to be filed to report the reinstallation of a certified component into an X-ray system following repair of the component or system.

(ii) The installation into an X-ray system of components specified in paragraph (a) of this section, on an exchange basis when an identical model is installed in place of a malfunctioning component, shall not be subject to, or affect the status of, the X-ray system under paragraph (p) (1), (3), and (4) of this section. A report in accordance with paragraph (d) of this section shall be filed to report installation of certified components.

(iii) Components installed temporarily in an X-ray system in place of certified components removed temporarily for repair shall be certified. The temporary installation of such certified components is not subject to the report required in paragraph (d) of this section, provided the temporarily installed component is identified by a tag or label bearing the information set forth in paragraph (p)(5)(ii) (a) or (b) of this section. The replacement of the temporarily installed component by a permanently installed certified component shall be reported in accordance with paragraph (d) of this section.

(a) *Temporarily installed compatible component.* A temporarily installed compatible component shall bear the following statement and information:

TEMPORARILY INSTALLED COMPATIBLE COMPONENT

This certified component has been assembled, installed, adjusted, and tested by me according to the instructions provided by the manufacturer.

Signature _____
Company Name _____
Street Address, P.O. Box _____
City, State, Zip Code _____
Date of Installation _____

(b) *Temporarily installed noncompatible component.* A temporarily installed noncompatible component shall bear the following statement and information:

TEMPORARILY INSTALLED NONCOMPATIBLE COMPONENT

This certified component has been assembled or installed by me, but could not be assembled, installed, adjusted, and tested according to the instructions provided by the manufacturer because other already existing components of the system do not meet the compatibility specifications of the certified component being installed and there are no commercially available certified components of a similar type that are compatible with the system.

Signature _____
Company Name _____
Street Address, P.O. Box _____
City, State, Zip Code _____
Date of Installation _____

(6) *Accessory components.* The use with an X-ray system of accessory components specified in paragraph (a)

of this section which are not permanently installed in the X-ray system, which are not essential to the performance of the system in compliance with the requirements of this section and §§ 1020.31 and 1020.32, and which are subject to the assembler reporting exceptions specified in paragraph (d)(3) of this section, shall not be subject to, or affect the status of the X-ray system under paragraph (p) (1), (3), and (4) of this section.

(q) *Modification of certified diagnostic X-ray components and systems.* (1) Diagnostic X-ray components and systems certified in accordance with § 1010.2 of this chapter shall not be modified such that the component or system fails to comply with any applicable provision of this chapter unless a variance in accordance with § 1010.4 of this chapter or an exemption under sections 358(a)(5) or 360B(b) of the Public Health Service Act has been granted for such modification.

(2) The owner of a diagnostic X-ray system who uses the system in a professional or commercial capacity may modify the system, provided the modification does not result in the failure of the system or component to comply with the applicable requirements of this section or §§ 1020.31 or 1020.32. The owner who causes such modification to occur need not submit the reports required by Subpart B of Part 1002 of this chapter provided the modification of the X-ray system does not result in a failure to comply.

Interested persons may, on or before April 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that his 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. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: February 16, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4890 Filed 2-23-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 81]

[Docket No. R-77-509]

REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSO- CIATION

Proposed Rulemaking

AGENCY: Federal National Mortgage Association (FNMA).

ACTION: Proposed rule.

SUMMARY: The Secretary proposes to revise existing Part 81 to: 1. Require from FNMA certain reports on a regular basis, 2. provide for certain examinations and audits, 3. impose certain standards upon FNMA's mortgage market transactions, and 4. make minor technical changes to the existing book-entry regulations. The Secretary has determined that there is a need to develop a regulatory framework for FNMA operations in furtherance of national housing goals.

COMMENT DUE DATE: March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Irving P. Margulies, Room 10244, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-7203.

SUPPLEMENTARY INFORMATION: Title III of the National Housing Act, 12 U.S.C. 1723(a) (Charter Act), created FNMA in order to establish a secondary market for home mortgages. Section 309(h) empowers the Secretary to " * * * make such rules and regulations as shall be necessary and proper to insure that the purposes of (Title III) are accomplished."

The Secretary has determined that there is a need to develop a regulatory framework for FNMA operations. This Notice, therefore, proposes to expand Part 81 in order to provide for reports, audits and examinations of FNMA and to impose upon FNMA's mortgage market transactions certain requirements in furtherance of national housing goals, including, but not limited to, that of providing adequate housing for low and moderate income families. Section 309(h).

As revised, Part 81 would consist of five subparts: A—General Provisions, B—Operations of FNMA, C—Reporting Requirements, D—Examination and Audits, and E—Book-Entry Procedures for FNMA Securities. Subpart E would consist of existing 24 CFR 81.6 through 81.14, unchanged except for

renumbering of its sections and updating of the references to FNMA, which is presently cited as the corporation. There follows a section-by-section discussion of the proposed new provisions for Part 81.

In Subpart A, § 81.1 describes the scope of the part and § 81.2 sets forth eight definitions of terms that are used throughout these regulations. Attention is drawn especially to the definition of "Housing for Low and Moderate Income Families" which would include: (1) Any housing financed by a mortgage loan insured by FHA under Sections 221(d)(2), 221(d)(3), 221(d)(4), 235, or 236 of the National Housing Act; (2) any housing project having 25 percent or more of its units eligible for rental assistance under Section 8 of the United States Housing Act of 1937, and (3) any single-family dwelling purchased at a price below the current median price for such housing in the Standard Metropolitan Statistical Area, or county not in such area, in which the dwelling is located.

In Subpart B, § 81.11 would outline, in general, the Secretary's statutory authority to regulate FNMA operations. Section 81.12, paragraph (a), concerns common stock purchases by FNMA mortgage sellers and servicers. Subparagraph (a)(1) would approve FNMA's determination that sellers of mortgages not be required to purchase common stock, thus codifying the present temporary suspension of that requirement. Subparagraph (a)(2) would approve FNMA's determination that each mortgage servicer be required to own one share of common stock for each \$100,000, or fraction thereof, of FNMA-held mortgages purchased after September 1, 1969, and serviced by such servicer. The present requirement is one share for each \$10,000 of mortgages serviced. Subparagraph (a)(3) would provide that common stock shall be sold for a price equal to the issue price as determined by FNMA with the Secretary's approval. Subparagraph (a)(3) would also provide for at least 15 days notice before changing the issue price, and it specifies information that must accompany a request to the Secretary for approval of such a change. Notice is presently required, but there is no provision for Secretarial approval. Paragraph (b) contains provisions permitting FNMA to limit or deny pre-emptive rights to shareholders for stock issuances other than those under Paragraph (a). This provision is unchanged in substance from present requirements except that reference to convertible debt issuances has been eliminated. Paragraph (c) sets forth existing requirements for shareholder resolutions concerning pre-emptive rights. Paragraph (d) contains the present requirement for Secretarial approval of any stock issuance other than one to servicers in accor-

dance with Paragraph (a); however, the existing provision for approval of debt securities convertible into common stock is omitted. It would be necessary to request approval of stock issuances at least 30 days before the proposed issue date and to include the information set forth in Paragraph (d).

Section 81.13 is reserved for future regulation.

Section 81.14 would govern issuance of obligations by FNMA. Paragraph (a) sets forth the statutory authority for such regulation. Under paragraph (b), FNMA could issue obligations (except as provided in paragraph (d)) only with the prior written approval of the Secretary. However, FNMA would be prohibited from issuing any obligation convertible into common stock. Paragraph (c) would require FNMA to submit a request for approval at least 15 days prior to the proposed date of issuance of obligations, accompanied by certain specified materials. Paragraph (d) would give automatic approval for issuance of discount notes of 180 days or less, up to an aggregate outstanding principal amount of \$2,000,000,000.

Section 81.15 would regulate the maximum debt-to-capital ratio for FNMA. Under Section 304(b) of the Charter Act, FNMA's debt-to-capital ratio may not exceed 15 to 1, unless allowed by the Secretary. Paragraph (a) would fix a maximum debt-to-capital ratio of 25 to 1, the ratio set by the present regulations. Paragraph (b) would prohibit FNMA from issuing any general obligations (under section 304(b) of the Charter Act) if such issuance would cause the maximum ratio to be exceeded. The Paragraph omits the present provisions that allow automatic increases in the maximum ratio to accommodate reductions in capital, surplus, or reserves or to accommodate refinancing of subordinated debt with general obligations. Paragraph (c) would allow FNMA to submit written requests for Secretarial approval of higher debt-to-capital ratio. Paragraph (d) would provide for decreases in the maximum ratio by the Secretary after notice to FNMA and a reasonable opportunity to comment on such proposed action.

Section 81.16 would govern FNMA's transactions in conventional mortgages, implementing the approval authority contained in Section 302(b)(2) of the Charter Act. Paragraph (a) would provide for the Secretary's approval for FNMA to purchase, service, sell, and otherwise deal in conventional home mortgages and unit mortgages, subject to the limitations and requirements contained in other provisions of the section. Home mortgages are those secured by single-family dwellings; unit mortgages are those secured by condominium or PUD units.

Paragraphs (b) and (c) would codify the present limitations now found in the FNMA conventional Selling Contract supplement with respect to loan-to-value ratio and maximum principal amount. Paragraph (d) would require that a certain percentage of commitments for the purchase of conventional mortgages made by FNMA in any calendar year be for mortgages on property located in a central city or cities in a Standard Metropolitan Statistical Area. Paragraph (e) would require that a certain percentage of commitments for the purchase of conventional mortgages made by FNMA in any calendar year be for mortgages on properties improved by a previously occupied home. In the case of both paragraphs (d) and (e), the percentage requirements would be 10 percent of the dollar amount of purchase commitments made during 1978 and 30 percent for 1979 and subsequent years. In addition, both paragraphs would provide for Secretarial suspension of the percentage requirements in critical economic situations.

Section 81.17 would implement the Secretary's authority set forth in Section 309(h) of the Charter Act to require that a reasonable portion of FNMA's mortgage purchases be allocated to mortgages for financing housing for low and moderate income families as defined in § 81.2(g). There is no comparable provision in the present regulations. Paragraph (b) would require at least 30 percent of FNMA's mortgage purchases in any calendar year to consist of mortgages on low and moderate income family housing.

In § 81.18, Paragraph (b) would require FNMA to obtain Secretarial approval of a revised statement of home mortgage underwriting guidelines to make clear that it does not practice unlawful discrimination in the purchases of mortgages. Paragraph (c) would provide for review of and comment on any amendments to such guidelines by Secretary.

Section 81.19 would impose equal employment opportunity requirements on FNMA and its contractors and vendors. The provisions of this section are drawn from E.O. 11246, which requires similar provisions to be included in Government contracts.

Subpart C would impose certain reporting requirements on FNMA to implement Section 309(h) of the Charter Act. Section 81.21 sets forth a citation of this statutory authority.

Section 81.22 would require for the first time that FNMA submit certain reports concerning its secondary market operations. Paragraph (a) would require FNMA to develop and update a general plan for the conduct of its secondary market operations, covering a period of at least 3 years. The plan, with annual revisions as appropriate, would be submitted to the

Secretary during the month of November of each year. Paragraph (b) would require FNMA to submit a report on loan purchases and sales by December 15 of each year, with actual data for the Federal fiscal year just ended and projected data for the current calendar year, the following calendar year, and the current Federal fiscal year. Paragraph (c) would require FNMA to submit, by December 15 of each year, a budget plan for its secondary market operations for the following year.

Section 81.23 would require FNMA to submit detailed reports on its activities and operations to the Secretary. Paragraph (a) specifies 23 different types of reports which would be required on a regular basis. The information to be required for each such report is described in Appendix A to Part 81. It is contemplated that Appendix A would be amended from time to time. Paragraph (b) would contain requirements for the signing of reports by FNMA officers and submission of copies.

Section 81.24 would require FNMA to submit to the Secretary, prior to each commitment auction, an estimate of the dollar amounts of purchase commitments it expects to issue in each auction.

Section 81.25 would require FNMA to submit to the Secretary a copy of the complete minutes of each meeting of the Board of Directors and each meeting of a committee.

Section 81.26 would provide for such further reports and other information on FNMA activities as the Secretary may request in writing from time to time.

Subpart D would contain provisions relating to examinations and audits by HUD. Section 81.32 provides for examination of FNMA's books, records, and documents by duly authorized representatives of the Secretary. Section 81.33 provides for an annual HUD audit of FNMA's affairs.

Interested persons are invited to submit written comments, views or data regarding this proposed rule to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. All such submissions received on or before March 27, 1978, will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the

address set forth in the preceding paragraph.

The requirements of E.O. 11821 regarding economic impact have been complied with.

Title 24, Subtitle A is proposed to be amended by revising Part 81 to read as follows:

PART 81—REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Subpart A—General Provisions

Sec.

- 81.1 Scope of part.
- 81.2 Definitions.

Subpart B—Operations of FNMA

- 81.11 General.
- 81.12 Issuance of common stock.
- 81.13 [Reserved]
- 81.14 Issuance of obligations.
- 81.15 Debt-to-capital ratio.
- 81.16 Transactions in conventional mortgages.
- 81.17 Mortgages on housing for low and moderate income families.
- 81.18 Home mortgage underwriting guidelines.
- 81.19 Equal employment opportunity.

Subpart C—Reporting Requirements

- 81.21 General.
- 81.22 Secondary market operations.
- 81.23 Regular reports.
- 81.24 Estimates of amount of purchase commitments at FNMA auctions.
- 81.25 Minutes of meetings.
- 81.26 Other reports.

Subpart D—Examinations and Audits

- 81.31 General.
- 81.32 Examination of books, records, and documents.
- 81.33 Annual audit of FNMA.

Subpart E—Book-Entry Procedures for FNMA Securities

- 81.41 Definitions.
- 81.42 Authority of Reserve bank.
- 81.43 Scope and effect of book-entry procedure.
- 81.44 Transfer or pledge.
- 81.45 Withdrawal of FNMA securities.
- 81.46 Delivery of FNMA securities.
- 81.47 Registered bonds and notes.
- 81.48 Servicing book-entry FNMA securities; payment interest; payment at maturity or upon call.
- 81.49 Treasury Department regulations; applicability to FNMA.

APPENDIX A—FNMA Reporting Requirements to the Secretary of Housing and Urban Development.

Subpart A—General Provisions

§ 81.1 Scope of part.

This part contains a codification of regulations relating to FNMA issued by the Secretary, as authorized by the Charter Act. Subpart A contains definitions relating to this entire part. Subpart B contains regulations governing the operations of FNMA. Subpart C contains regulations requiring FNMA to prepare and submit certain reports on its activities to the Secretary on a regular basis. Subpart D contains regulations governing examinations and audits of FNMA by the Secretary. Subpart E contains regulations governing book-entry procedures for FNMA securities and related matters.

As used in this part, the term—

(a) "Charter Act" means the Federal National Mortgage Association Charter Act (Title III of the National Housing Act, 12 U.S.C. 1716, et seq.).

(b) "FNMA" means the Federal National Mortgage Association.

(c) "Secretary" means the Secretary of Housing and Urban Development and, where appropriate, any person delegated by the Secretary to perform a particular function for the Secretary.

(d) "Debt-to-capital ratio" means the ratio of (1) the aggregate principal amount outstanding at any one time of obligations issued by FNMA under Section 304(b) of the Charter Act to (2) the sum of FNMA's capital, capital surplus, general surplus, reserves, undistributed earnings, and the total outstanding principal amount of obligations issued by FNMA under Section 304(e) of the Charter Act.

(e) "Home mortgage" means a mortgage loan secured by real property upon which is located a dwelling unit designed for residential use for not more than one family, which real property is held by the borrower in fee simple or on a leasehold extending at least 10 years beyond the maturity of the mortgage.

(f) "Unit mortgage" means a mortgage loan secured by real property consisting of a dwelling unit designed for residential use for not more than one family in a condominium or planned unit development project, which real property is held by the borrower in fee simple or on a leasehold extending at least 10 years beyond the maturity of the mortgage. A unit mortgage is secured by the dwelling unit itself and an individual interest in the common areas of the project or membership or a stock interest in an association having title to the common areas of the project.

(g) "Housing for low and moderate income families" means—

(i) Any housing financed by a mortgage loan insured by FHA under Sections 221(d)(2), 221(d)(3), 221(d)(4), 235, or 236 of the National Housing Act;

(ii) Any housing project in which 25 percent or more of the units are eligible for rental assistance under Section 8 of the United States Housing Act of 1937; and

(iii) Any single-family dwelling purchased at a price below the then current median price for such housing in the Standard Metropolitan Statistical Area, or county not in such Area, in which the dwelling is located.

§ 81.2 Definitions.

As used in this part, the term—

(a) "Charter Act" means the Federal National Mortgage Association Charter Act (Title III of the National Housing Act, 12 U.S.C. 1716, et seq.).

(b) "FNMA" means the Federal National Mortgage Association.

(c) "Secretary" means the Secretary of Housing and Urban Development and, where appropriate, any person delegated by the Secretary to perform a particular function for the Secretary.

(d) "Debt-to-capital ratio" means the ratio of (1) the aggregate principal amount outstanding at any one time of obligations issued by FNMA under Section 304(b) of the Charter Act to (2) the sum of FNMA's capital, capital surplus, general surplus, reserves, undistributed earnings, and the total outstanding principal amount of obligations issued by FNMA under Section 304(e) of the Charter Act.

(e) "Home mortgage" means a mortgage loan secured by real property upon which is located a dwelling unit designed for residential use for not more than one family, which real property is held by the borrower in fee simple or on a leasehold extending at least 10 years beyond the maturity of the mortgage.

(f) "Unit mortgage" means a mortgage loan secured by real property consisting of a dwelling unit designed for residential use for not more than one family in a condominium or planned unit development project, which real property is held by the borrower in fee simple or on a leasehold extending at least 10 years beyond the maturity of the mortgage. A unit mortgage is secured by the dwelling unit itself and an individual interest in the common areas of the project or membership or a stock interest in an association having title to the common areas of the project.

(g) "Housing for low and moderate income families" means—

(i) Any housing financed by a mortgage loan insured by FHA under Sections 221(d)(2), 221(d)(3), 221(d)(4), 235, or 236 of the National Housing Act;

(ii) Any housing project in which 25 percent or more of the units are eligible for rental assistance under Section 8 of the United States Housing Act of 1937; and

(iii) Any single-family dwelling purchased at a price below the then current median price for such housing in the Standard Metropolitan Statistical Area, or county not in such Area, in which the dwelling is located.

(h) "conventional," when used to describe a mortgage loan, means not insured or guaranteed by the United States or any agency thereof.

Subpart B—Operations of FNMA

§ 81.11 General.

Section 309(h) of the Charter Act provides the Secretary with general regulatory power over FNMA and directs the Secretary to make such rules and regulations as shall be necessary and proper to insure that the purposes of the Charter Act are accomplished. In addition, the Charter Act requires the approval of the Secretary with respect to certain of FNMA's operations and activities. Finally, the Charter Act specifically authorizes the Secretary to require that a reasonable portion of FNMA's mortgage purchases be related to the national goal of providing adequate housing for low and moderate income families. This subpart contains regulations, implementing the foregoing authority, which govern certain of the operations and activities of FNMA.

§ 81.12 Issuance of common stock.

(a)(1) Section 303(c) of the Charter Act directs FNMA to issue shares of its common stock to each seller of mortgages to FNMA who makes capital contributions to FNMA. Under section 303(b) of the Charter Act, such capital contributions may be required by FNMA in such amounts as may be determined from time to time by FNMA with the approval of the Secretary. The Secretary hereby approves the determination of FNMA that, on and after April 1, 1978, FNMA shall no longer require any capital contributions to be made by such sellers.

(2) Section 303(c) of the Charter Act directs FNMA to require each servicer of its mortgages to own a minimum amount of FNMA common stock, as determined from time to time by FNMA with the approval of the Secretary. The Secretary hereby approves the determination of FNMA that, on and after April 1, 1978, FNMA shall require each servicer of its mortgages to own one share of its common stock (stated value of \$6.25) for each \$100,000, or fraction thereof, of the aggregate outstanding principal balances of all mortgages held by FNMA which have been purchased subsequent to September 1, 1968, and which are then serviced by such servicer for FNMA.

(3) Section 303(c) of the Charter Act also authorizes FNMA to issue additional shares of stock in return for appropriate payments into capital or capital and surplus. Such shares shall be sold for an amount equal to the issue price determined from time to time by FNMA with the written approval of the Secretary. Prior to April 1,

1978, FNMA shall obtain the written approval of the Secretary for the issue price which is to be in effect on that date. Thereafter, any request for approval of a change in the issue price shall be submitted to the Secretary in writing not less than 15 days prior to the proposed effective date of such change. Such request for approval shall contain the following information:

- (i) The current issue price;
- (ii) The proposed new issue price and the proposed effective date thereof;
- (iii) The issue prices in effect for the preceding two year and dates such issues prices were in effect;
- (iv) The book value per share of common stock at the end of each calendar quarter during the preceding two years; and
- (v) The net income per share of common stock for each calendar quarter during the preceding two years.

(b) For any and all stock other than stock issued pursuant to paragraph (a)(2) of this section, FNMA is authorized to adopt a shareholder resolution, governing all such issues and sales of shares of its common stock, which permits FNMA to provide for or limit or deny to shareholders pre-emptive rights in all purchases of issues of such stock. Such resolution shall be effective with respect to each such issue from and after the date of adoption thereof and until expressly repealed or amended by a subsequent resolution duly adopted in accordance with the procedures set forth in paragraph (c) of this section.

(c) The shareholder resolution authorized by paragraph (b) of this section shall be made in the following manner:

(1) The Board of Directors of FNMA shall adopt the proposed resolution setting forth the language thereof and directing that it be submitted to a vote at a meeting of shareholders of FNMA, which may be either an annual or a special meeting.

(2) Written notice setting forth the proposed resolution or a summary of it shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided for notices of meetings of shareholders in the bylaws of FNMA.

(3) At such meeting a vote of the shareholders entitled to vote thereon shall be taken on the proposed resolution. The proposed resolution shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the shares of FNMA which are outstanding and entitled to vote thereon.

(d) Except as provided in paragraph (a) of this section, FNMA shall not issue any stock without the prior written approval of the Secretary. Any request for such approval shall be sub-

mitted to the Secretary in writing not less than 30 days prior to the date on which FNMA proposes to issue such stock. Such request for approval shall contain the following information:

- (1) The proposed date of issuance and amount of the stock to be issued;
- (2) The proposed use of proceeds, including the amount to be used for repayment of maturing debt and the amount to be used for each other purpose; and
- (3) FNMA's assessment as to current conditions in the capital market and the effect of the proposed issuance thereon.

§ 81.13 [Reserved]

§ 81.14 Issuance of obligations.

(a) Section 309(h) of the Charter Act provides that no stock, obligation, security, or other instrument shall be issued by FNMA without the prior approval of the Secretary. Section 311 of the Charter Act provides that all issuances of stock, obligations, securities, participations, or other instruments by FNMA shall be made only with the approval of the Secretary.

(b) Except as is otherwise provided in paragraph (d) of this section, FNMA shall not issue any obligation, security, or other debt instrument without obtaining the prior written approval of the Secretary in accordance with the procedure set forth in paragraph (c) of this section. FNMA shall not issue any obligation, security, or debt instrument convertible into common stock.

(c) Not less than 15 days prior to the proposed date of issuance of any obligations, securities, or other debt instruments, FNMA shall submit to the Secretary a written request for approval of such issuance. Such request for approval shall be accompanied by a copy of any communication submitted to the Secretary of the Treasury requesting his approval of such issuance, as required by subsection (b), (d), or (e) of section 304 of the Charter Act, and shall provide the following information with respect to the proposed issuance of obligations, securities, or other debt instruments:

- (1) The proposed date of issuance, interest rate or rates, maturity or maturities, and principal amount;
- (2) Whether the debt is to be secured by mortgages or subordinated to other obligations;

(3) The proposed use of proceeds, including the amount to be used for repayment of maturing debt and the amount to be used for each other purpose;

(4) A computation showing that any applicable limitation (as set forth in section 304(b) or section 304(e) of the Charter Act) will not be exceeded as a result of the proposed issuance; and

(5) FNMA's assessment as to current conditions in the capital market and

the effect of the proposed issuance thereon.

(d) The approval of the Secretary is hereby given for FNMA to issue discount notes with maturities not in excess of 180 days, in a total principal amount not in excess of \$2,000,000,000 outstanding at any one time.

§ 81.15 Debt-to-capital ratio.

(a) Under section 304(b) of the Charter Act, FNMA's debt-to-capital ratio may not exceed 15 to 1, unless a greater maximum ratio is fixed by the Secretary. The maximum debt-to-capital ratio for FNMA is hereby fixed at 25 to 1.

(b) FNMA shall not issue any obligations under section 304(b) if such issuance would cause FNMA's debt-to-capital ratio to exceed the maximum ratio fixed in paragraph (a) of this section.

(c) Any request by FNMA to fix a higher maximum debt-to-capital ratio shall be submitted in writing to the Secretary, together with a justification for such increase (including possible alternatives thereto) and supporting financial data, not less than 30 days prior to the proposed effective date of such increase.

(d) The Secretary may decrease the maximum ratio fixed in paragraph (a) of this section, if it is determined that such action is warranted by FNMA's current financial condition and that such action will not be detrimental to the holders of FNMA obligations issued under section 304(e) of the Charter Act. In such event, the Secretary shall give FNMA written notice of the proposed decrease and a reasonable opportunity to comment thereon, prior to any action by the Secretary.

§ 81.16 Transactions in conventional mortgages.

(a) Section 302(b)(2) of the Charter Act authorizes FNMA, with the approval of the Secretary, to engage in certain transactions with conventional mortgages, for the purposes set forth in section 301(a) of the Charter Act. Subject to the limitations and requirements contained in this section, the approval of the Secretary is hereby given for FNMA to purchase, service, sell, and otherwise deal in conventional home mortgages and unit mortgages.

(b) FNMA shall not purchase any conventional home mortgage if the outstanding principal balance of the mortgage at the time of purchase exceeds 80 percent of the value of the property securing the mortgage, unless one of the following requirements is met;

(1) The seller of the mortgage retains a participation interest therein of not less than 10 percent;

(2) For such period and under such circumstances as FNMA may require, the seller of the mortgage agrees to

purchase or replace the mortgage upon demand of FNMA in the event that the mortgage is in default; or

(3) That portion of the unpaid principal balance of the mortgage which is in excess of 75 percent of the value of the security property is insured by a mortgage insurer acceptable to FNMA.

(c) FNMA shall not purchase any conventional home mortgage if the outstanding principal balance of the mortgage at the time of purchase exceeds: (1) 90 percent of the value of the property securing the mortgage or (2) \$75,000 (\$112,500, if the property securing the mortgage is located in Alaska or Hawaii); except that a home mortgage or a unit mortgage insured as provided in paragraph (b)(3) of this section may be purchased with a loan-to-value ratio not in excess of 95 percent if the unpaid principal balance thereof does not exceed \$60,000 (\$90,000, if the property securing the mortgage is located in Alaska or Hawaii).

(d) (1) Except as otherwise provided in subparagraph (2) of this paragraph, in each calendar year beginning with 1978, of the commitments to purchase conventional home mortgages made by FNMA during such calendar year, not less than the following percentage of the aggregate principal balance of the mortgages represented by such commitments shall consist of mortgages secured by properties located in a central city or cities in a Standard Metropolitan Statistical Area:

- (i) For 1978, 10 percent;
- (ii) For 1979 and subsequent years, 30 percent.

(2) The requirements set forth in subparagraph (1) of this paragraph may be suspended by the Secretary upon a determination that economic conditions have resulted in a reduction in volume of home construction or acquisition which threatens seriously to affect the economy and to delay the achievement of national housing goals. In such event, the commitments made by FNMA for the purchase of conventional home mortgages during the period of such suspension shall not be included in computing the percentage requirements of subparagraph (1) of this paragraph.

(e) (1) Except as otherwise provided in subparagraph (2) of this paragraph, in each calendar year beginning with 1978, of the commitments to purchase conventional home mortgages made by FNMA during such calendar year, not less than the following percentage of the aggregate principal balance of the mortgages represented by such commitments shall consist of mortgages secured by property improved by a previously occupied home:

- (i) For 1978, 10 percent;
- (ii) For 1979 and subsequent years, 30 percent.

(2) The requirements set forth in subparagraph (1) of this paragraph

may be suspended by the Secretary upon a determination that economic conditions have resulted in a reduction in volume of home construction or acquisition which threatens seriously to affect the economy and to delay the achievement of national housing goals. In such event, the commitments made by FNMA for the purchase of conventional home mortgages during the period of such suspension shall not be included in computing the percentage requirements of subparagraph (1) of this paragraph.

§ 81.17 Mortgages on housing for low and moderate income families.

(a) Section 309(h) of this Charter Act authorizes the Secretary to require that a reasonable portion of FNMA's mortgage purchases be related to the national goal of providing adequate housing for low and moderate income families, but with reasonable economic return to FNMA.

(b) In each calendar year beginning with 1978, FNMA shall purchase mortgages on housing for low- and moderate-income families in an aggregate principal amount equal to not less than 30 percent of the aggregate principal amount of all mortgages purchased by FNMA during such calendar year.

§ 81.18 Home mortgage underwriting guidelines.

(a) This section is adopted pursuant to the general regulatory power vested in the Secretary by the first sentence of section 309(h) of the Charter Act.

(b) On or before May 1, 1978, FNMA shall submit to the Secretary for approval revised home mortgage underwriting guidelines. These underwriting guidelines shall make clear that, in purchasing conventional mortgages, FNMA will not decline to purchase any mortgage loan, or discriminate in the fixing of the amount, interest rate, duration, or other terms or conditions of any mortgage loan that FNMA will purchase: (1) Because of the race, color, religion, sex, marital status, or national origin, (i) of the borrower, (ii) of any persons associated with the borrower in connection with such mortgage loan or the purposes thereof, or (iii) of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings securing such mortgage loan; or (2) because of (i) the racial or ethnic composition of the area in which the property which would secure the mortgage loan is located or (ii) the age of the area or the housing stock in such area.

(c) After adoption of revised home mortgage underwriting guidelines approved by the Secretary, FNMA shall not amend them without submitting a copy of any proposed amendment to the Secretary for review and comment thereon, not less than 30 days prior to the adoption of any such amendment.

§ 81.19 Equal employment opportunity.

(a) This section is adopted pursuant to the general regulatory power vested in the Secretary by the first sentence of section 309(h) of the Charter Act.

(b) FNMA shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. FNMA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following:

- (1) Employment, upgrading, demotion, or transfer;
- (2) Recruitment or recruitment advertising;
- (3) Layoff or termination;
- (4) Rates of pay or other forms of compensation; and
- (5) Selection for training programs.

(c) FNMA shall post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of paragraph (b) of this section.

(d) FNMA shall, in all solicitations or advertisements for employees placed by it or on its behalf, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(e) FNMA shall send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Secretary, advising the labor union or workers' representative of FNMA's obligations under this section, and shall request that such union or representative post copies of the notice in conspicuous places available to employees and applicants for employment.

(f) FNMA shall comply with all provisions of Executive Order 11246, and of the applicable rules, regulations, and orders of the Secretary of Labor promulgated thereunder.

(g) FNMA shall furnish all information and reports required by Executive Order 11246, and by the applicable rules, regulations, and orders of the Secretary of Labor promulgated thereunder, and shall permit access to its books, records, and accounts by the Secretary and by the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(h) FNMA shall include the provisions of paragraphs (b) through (g) of this section in every contract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246, so that such provisions will be binding upon each contractor or vendor. FNMA will

take such action with respect to any contract or purchase order as the Secretary may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event FNMA becomes involved in, or is threatened with, litigation with a contractor or vendor as a result of such direction by the Secretary, FNMA may request the United States to enter into such litigation to protect the interest of the United States.

Subpart C—Reporting Requirements

§ 81.21 General.

Section 309(h) of the Charter Act provides that the Secretary may require FNMA to make reports on its activities as the Secretary deems advisable. This subpart contains a codification of the requirements of the Secretary as to the information on FNMA's activities to be provided in reports submitted to the Secretary.

§ 81.22 Secondary market operations.

(a) No later than July 1, 1978, FNMA shall develop a general plan for the conduct of the secondary market operations authorized by the Charter Act. The plan shall contain FNMA's proposed method for (1) providing liquidity for mortgage lenders, (2) conducting its stabilization functions (both bringing new sources of mortgage funds into mortgage investments and generally being a net purchaser of mortgage loans in periods of credit stringency and a net seller of mortgage loans in periods of credit ease), (3) transferring mortgage funds from areas of capital surplus to areas of capital shortage (both on a national basis and within Standard Metropolitan Statistical Areas), and (4) providing support for sound market-rate government insured mortgages for low and moderate income housing. The plan shall cover a period of at least three years, and FNMA shall revise it annually as appropriate. Such plan, as revised, shall be submitted to the Secretary during the month of November of each year.

(b) On or before December 15 of each year, FNMA shall submit to the Secretary a report setting forth the dollar volume of its loan purchases and sales during the Federal fiscal year just ended, and its loan holdings at the end of such Federal fiscal year, together with projections of these data for the current calendar year, the following calendar year, and the current Federal fiscal year. Such data shall be in form appropriate for inclusion in the Special Analyses of the Budget of the United States Government. The data shall distinguish between loans on one-to-four family homes and loans on multifamily projects containing five or more dwelling units.

(c) On or before December 15 of each year, FNMA shall submit to the Secretary a budget plan for its secondary market operations for the following year. This plan shall include the following information for each of the calendar quarters during such year, with separate figures given for FHA-insured, VA-guaranteed, and conventional loans in the data relating to home loans:

(1) Estimated commitments to purchase home mortgage loans expected to be (i) offered to and (ii) accepted by FNMA under the Free Market System auctions and otherwise;

(2) Estimated FNMA purchases and sales of home mortgage loans;

(3) Estimated commitments to purchase multifamily residential or other project loans expected to be (i) offered to and (ii) accepted by FNMA;

(4) Estimated purchases and sales of multifamily residential and other project loans;

(5) Estimated amounts expected to be borrowed through issuance of debt securities, other than discount notes, (i) for repayment of maturing debt securities and (ii) for expected loan purchases.

§ 81.23 Regular reports.

(a) FNMA shall submit to the Secretary on a regular basis such reports on the activities and operations of FNMA as are prescribed in this paragraph. Each such report shall contain the information required for the activity or operation which is the subject of the report, as specified in Appendix A to this part (and as it may be amended from time to time).

(1) A report on each auction of commitments to purchase loans shall be submitted promptly after the date of each such auction;

(2) A report on stand-by commitments issued during each month shall be submitted within 5 days after the end of each such month;

(3) A report on status of borrowing authority as of the end of each month shall be submitted within 5 days after the end of each such month;

(4) A report on delinquencies, defaults, and foreclosure actions during each month shall be submitted within 10 days after the end of each such month;

(5) A statement of indebtedness as of the end of each calendar quarter shall be submitted within 5 days after the end of each such calendar quarter;

(6) A statement of loan portfolio as of the end of each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(7) A report on each issuance of long-term securities shall be submitted promptly after the completion of each such issuance;

(8) A report on short-term securities (discount notes or other securities

with maturities under one year) issued during each calendar quarter shall be submitted within 5 days after the end of each such calendar quarter;

(9) A report on investor groups purchasing FNMA securities issued during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(10) A report on the age distribution of the properties financed by mortgage loans purchased by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(11) A report on the geographic location of the properties financed by the mortgage loans purchased by FNMA during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(12) A report on average yields of home mortgage loans purchased by FNMA during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(13) A report on average yields of project loans purchased by FNMA during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(14) A report on the lender groups from whom mortgage loans were purchased during each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(15) A report on the mortgage loans on multifamily residential properties and non-residential properties acquired by FNMA during each month shall be submitted within 10 days after the end of each such month;

(16) A report on mortgage loans sold by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(17) A report on the average yields at which mortgage loans were sold during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(18) A report on FNMA's holdings of security investments as of the end of each calendar quarter shall be submitted within 5 days after the end of each such calendar quarter;

(19) A report on the composition of revenues received by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(20) A report on the composition of expenditures made by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(21) A statement of the net income earned by FNMA during each calendar quarter shall be submitted within 10 days after the end of each such calendar quarter;

(22) A report on the distribution of the holdings of FNMA common stock as of the end of each calendar quarter shall be submitted within 20 days after the end of each such calendar quarter;

(23) A report on the market price of FNMA common stock for each month shall be submitted within 5 days after the end of each such month.

(b) Each report required to be submitted to the Secretary under the provisions of this section shall be signed by a Principal Officer of FNMA. In addition, one copy of each such report shall be sent to the Assistant Secretary-FHA Commissioner, and one copy shall be sent to the General Counsel of HUD.

§ 81.24 Estimates of amount of purchase commitments at FNMA auctions.

Prior to the close of business on the last business day prior to the day on which FNMA is scheduled to hold commitment auctions, FNMA shall submit to the Secretary an estimate of the dollar amounts of purchase commitments it expects to issue in its FHA-VA mortgage auction and in its conventional mortgage auction.

§ 81.25 Minutes of meetings.

Within 10 days after each meeting of the Board of Directors of FNMA and each meeting of any committee of FNMA, including the Executive Committee, FNMA shall submit to the Secretary a copy of the complete minutes of each such meeting.

§ 81.26 Other reports.

In addition to the reports and information required by the other provisions of this subpart, FNMA shall furnish to the Secretary such further reports and other information concerning its activities as the Secretary may request in writing from time to time.

Subpart D—Examinations and Audits

§ 81.31 General.

Section 309(h) of the Charter Act provides that the Secretary may examine and audit the books and financial transactions of FNMA. This subpart provides for such examinations and audits.

§ 81.32 Examination of books, records, and documents.

FNMA shall, at all times during its regular business hours and at its several offices, make its books, records, and documents relating to its operations and financial transactions available for examination by duly authorized representatives of the Secretary.

§ 81.33 Annual audit of FNMA.

Each calendar year, following the submission of the report by FNMA's independent auditors on FNMA's fi-

nanacial statements, duly authorized representatives of the Secretary shall conduct an audit of FNMA's affairs for the preceding calendar year, including such tests of FNMA's accounting records and such other auditing procedures as they may consider necessary in the circumstances.

Subpart E—Book-entry Procedures for FNMA Securities

§ 81.41 Definitions.

As used in this subpart, the term—

(a) "Reserve bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of FNMA and, when indicated, acting in its individual capacity or as Fiscal Agent of the United States.

(b) "FNMA security" means any obligation of FNMA (except short-term discount notes and obligations convertible into shares of common stock) issued under 12 U.S.C. 1719 (b), (d), and (e) in the form of a definitive FNMA security or a book-entry FNMA security.

(c) "Definitive FNMA security" means a FNMA security in engraved or printed form.

(d) "Book-entry FNMA security" means a FNMA security in the form of an entry made as prescribed in this part on the records of a Reserve bank.

(e) "Pledge" includes a pledge of, or any other security interest in, FNMA securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is, with respect to FNMA securities issued under 12 U.S.C. 1719 (d) and (e), the date fixed in the authorizing resolution of the Board of Directors of FNMA on which the obligor will make payment of the security before maturity in accordance with its terms, and, with respect to FNMA securities issued under 12 U.S.C. 1719(b), the date fixed in the offering notice issued by FNMA.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve bank.

§ 81.42 Authority of Reserve bank.

Each Reserve bank is hereby authorized, in accordance with the provisions of this part, to:

(a) Issue book-entry FNMA securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date;

(b) Effect conversions between book-entry FNMA securities and definitive FNMA securities;

(c) Otherwise service and maintain book-entry FNMA securities; and

(d) Issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise)

which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred, and the date of the transaction.

§ 81.43 Scope and effect of book-entry procedure.

(a) A Reserve bank as Fiscal Agent of FNMA may apply the book-entry procedure provided for in this part to any FNMA securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such FNMA securities, the Reserve bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligations as depository with respect to such FNMA securities.

(b) A Reserve bank as Fiscal Agent of the corporation may apply the book-entry procedure to FNMA securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other FNMA securities deposited with a Reserve bank, as Fiscal Agent of the United States.

(c) Any person having an interest in FNMA securities which are deposited with a Reserve bank (in either its individual capacity or as Fiscal Agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry FNMA securities pursuant to the provisions of this part, and in the manner and

under the procedures prescribed by the Reserve bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 81.44 Transfer or pledge.

(a) A transfer or pledge of book-entry FNMA securities to a Reserve bank (in its individual capacity or as Fiscal Agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under §§ 81.41 through 81.48 is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall:

(1) Have the effect of a delivery in bearer form of definitive FNMA securities;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder; and

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry FNMA securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter affected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable FNMA securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as Fiscal Agent of the United States) in a book-entry account under §§ 81.41 through 81.48, including securities in book-entry form under § 81.43(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the FNMA securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry FNMA securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry FNMA securities either in its individual capacity or as Fiscal Agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfer thereof under this paragraph. Where transferable FNMA securities are recorded on the books of a depository (a bank, banking institution, financial firm, or similar party, which regularly

accepts in the course of its business FNMA securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) or account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account, hereunder, such depository shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry FNMA securities or any interest therein.

(d) A Reserve bank shall, upon receipt of appropriate instructions, convert book-entry FNMA securities and deliver them in accordance with such instructions; no such conversion shall affect existing interest in such FNMA securities.

(e) A transfer of book-entry FNMA securities within a Reserve bank shall be made in accordance with procedures established by the Reserve bank not inconsistent with this part. The transfer of book-entry FNMA securities by a Reserve bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 81.45 Withdrawal of FNMA securities.

(a) A depositor of book-entry FNMA securities may withdraw them from a Reserve bank by requesting delivery of like definitive FNMA securities to itself or on its order to a transferee.

(b) FNMA securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form.

§ 81.46 Delivery of FNMA securities.

A Reserve bank which has received FNMA securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even

though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under this part by the delivery of FNMA securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depository (other than a Reserve bank) may obtain FNMA securities in definitive form only by causing the depositor of the Reserve bank to order the withdrawal thereof from the Reserve bank.

§ 81.47 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry FNMA securities of registered FNMA securities held by a Reserve bank (in either its individual capacity or as Fiscal Agent of the United States) on the effective date of this part for any purpose specified in § 81.43(a). Registered FNMA securities deposited thereafter with a Reserve bank for any purpose specified in § 81.43 shall be assigned for conversion to book-entry FNMA securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve Bank of —, as Fiscal Agent of the Federal National Mortgage Association, for conversion to book-entry FNMA securities."

§ 81.48 Servicing book-entry FNMA securities; payment of interest; payment at maturity or upon call.

Interest becoming due on book-entry FNMA securities shall be charged to the general account of the Treasurer of the United States on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged to the general account of the Treasurer of the United States on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

§ 81.49 Treasury Department regulations; applicability to FNMA.

The provisions of Treasury Department Circular No. 300, 31 CFR Part 306 (other than Subpart O), as amended from time to time, shall apply, insofar as appropriate, to obligations of FNMA for which a Reserve bank shall act as Fiscal Agent of FNMA and to the extent that such provisions are consistent with agreements between FNMA and the Reserve banks acting as Fiscal Agents of FNMA. Definitions and terms used in Treasury Department Circular No. 300 should read as

though modified to effectuate the application of the regulations to FNMA.

PATRICIA ROBERTS HARRIS,
Secretary, Housing and
Urban Development.

APPENDIX A.—FNMA REPORTING REQUIREMENTS TO THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

INTRODUCTION

Pursuant to § 81.23 of Title 24 of the Code of Federal Regulations, the Federal National Mortgage Association (FNMA) is required to submit certain regular reports to the Secretary. These reporting requirements are prescribed in this Appendix. They are designed to cover FNMA's current mode of operations. They may be amended from time to time as the mode of operations changes or as new data needs emerge because of changing economic or financial circumstances or because of changes in the informational needs of the Secretary in the discharge of her responsibilities.

All dollar figures shall be in millions of dollars, unless otherwise specified.

1. *Auctions of Commitments to Purchase Loans.* Promptly following each Free Market System auction of commitments to purchase home mortgage loans, the FNMA shall submit to the Secretary the results of such auctions, including the following information (with separate data for FHA insured-VA guaranteed and conventional loans and also total loans):

- (a) Date of auction.
- (b) Total number of offers received.
- (c) Total dollar value of offers received.
- (d) Number of competitive offers received.
- (e) Number of non-competitive offers received.
- (f) Dollar value of non-competitive offers received.
- (g) Highest yield offer.
- (h) Lowest yield offered.
- (i) Average yield offered.
- (j) Median yield offered.
- (k) Total value offered by mortgage companies.
- (l) Total value offered by commercial banks.
- (m) Total value offered by savings and loan associations.
- (n) Total value offered by mutual savings banks.
- (o) Total value offered by other lender groups.
- (p) Total value offered by all lender groups.
- (q) Number of offers received from sellers who made two or more offers.
- (r) Number of such sellers who made two or more offers.
- (s) Dollar value of offers received from sellers who made two or more offers.

In addition, this report should provide the following information on the offers that are accepted:

- (a) Date of auction.
- (b) Number of offers accepted.
- (c) Dollar value of offers accepted.
- (d) Highest yield accepted.
- (e) Lowest yield accepted.
- (f) Average yield accepted.
- (g) Median yield accepted.
- (h) Acceptances received by mortgage companies.
- (i) Acceptances received by commercial banks.
- (j) Acceptances received by savings and loan associations.

(k) Acceptances received by mutual savings banks.

(l) Acceptances received by other lender groups.

(m) Acceptances received by all lender groups.

(n) Number of offers accepted from sellers who made two or more offers.

(o) Dollar value of these offers accepted from sellers who made two or more offers.

2. *Stand-by Commitments.* Not later than five days following the close of each month, the FNMA shall submit to the Secretary a tabulation of convertible stand-by commitments issued during the month for home and project mortgage loans, including the following data (with separate figures for (a) FHA insured home loans, (b) VA guaranteed loans, (c) conventional home loans and (d) FHA issued project loans):

- (a) Month, year.
 - (b) Number of commitments issued.
 - (c) Dollar value of commitments issued.
 - (d) Highest yield required.
 - (e) Lowest yield required.
 - (f) Average yield.
 - (g) Median yield required.
3. *Status of Borrowing Authority.* Not later than five days following the close of each month, the FNMA shall submit to the Secretary an end-of-month statement of the Status of Borrowings under Section 304(b) of the FNMA Charter Act, including the following information:
- (a) Month, year.
 - (b) Maximum debt authorized.
 - (c) Per (Date of latest authorization).
 - (d) Debt outstanding.
 - (e) Balance available.
 - (f) Expected debt repayments over next 30 days.
 - (g) Amount available to accommodate outstanding and new commitments (e plus f).
 - (h) Commitments outstanding.
 - (i) New commitments expected to be accepted during next 30 days.
 - (j) Balance remaining (g minus (h plus i)).
 - (k) Expected drawdowns against outstanding commitments during next 30 days.

4. *Delinquencies, Defaults and Foreclosures.* Not later than ten days following the end of each month, FNMA shall submit to the Secretary a statement of delinquencies, defaults and foreclosure actions of the mortgage loans held in the FNMA portfolio. The statement shall include the following data, with separate information for FHA insured home loans, VA guaranteed loans, conventional home loans, FHA insured project loans and total loans:

- (a) Month, year.
- (b) Number of home loans held at beginning of the month.
- (c) Number of home loans with one monthly debt service payment due at the end of the month.
- (d) Number of home loans with two monthly debt service payments due at the end of the month.
- (e) Number of home loans with three or more monthly debt service payments due at the end of the month.
- (f) Number of home loans assigned, replaced, or foreclosed during the month.

5. *Statement of indebtedness.* Not later than 5 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a statement of its indebtedness, as of the end of the quarter. The statement should include:

- (a) Quarter, year.
- (b) Discount notes due within 1 year.
- (c) Debentures and bonds due within 1 year.

(d) Convertible capital debentures due after 1 year.

(e) Other debentures and bonds due after 1 year.

(f) Total bonds, notes, debentures due.

(g) Discount notes coming due during the coming quarter.

(h) Debentures and bonds coming due during the coming quarter.

6. *Statement of loan portfolio.* Not later than ten days following the end of each calendar quarter, the FNMA shall submit to the Secretary a statement of its loan portfolio, as of the end of the quarter. The statement should include:

- (a) Quarter, year.
- (b) FHA insured home loans held.
- (c) VA guaranteed home loans held.
- (d) Conventional home loans held.
- (e) Total home loans held.
- (f) Project loans held.
- (g) Total mortgage loans held.

Subschedules shall also be included to show the amounts of FHA insured loans held under the following programs:

Home loans held under the following programs: (a) Section 203; (b) Section 221; (c) Section 232; (d) Section 235; (e) Other FHA insured home loans.

Project loans held under the following programs: (a) Section 207; (b) Section 221(d)(3) Below Market Rate Program; (c) Section 221(d)(4); (d) Section 236; (e) Section 232 plus 242; (f) All other FHA insured project loans.

7. *Long-term security sales.* Promptly following the sale of each issue of long-term debt securities, the FNMA shall submit to the Secretary the following information:

- (a) Date of offering.
- (b) Delivery date.
- (c) Maturity date.
- (d) Maturity period (in years and months).
- (e) Amount of issue.
- (f) Interest rate or yield (if not issued at par).

(g) List of the dealer firms comprising the selling group.

(h) The amount of securities initially allocated for sale to each member of the selling group.

(i) The amount of securities actually sold by each member of the selling group (after allowance for any reallocations).

(j) A calculation of the distribution shares for each member of the selling group.

(k) Cost of printing the securities.

(l) Newspaper and other advertising costs.

(m) Bond counsel fee or fees.

(n) Commissions paid for sale of securities.

(o) Commission per security (also indicate differential commissions and discounts, if any).

(p) Copies of agreements between FNMA fiscal agent and members of selling group.

8. *Short-term security sales.* Not later than 5 days following the end of each quarter, FNMA shall submit to the Secretary a tabulation of all short-term discount notes or other securities with maturities under one year issued during the quarter, including the following information:

- (a) Week of offering.
- (b) Maturity period (in days), average maturity, if multiple issues.
- (c) Amount issued during week.
- (d) Interest rate or yield (if not issued at par), average yield if multiple issues during week.
- (e) The dealer firms that comprised each selling group.

(f) The amount of securities actually sold by each member of the group during the quarter.

(g) A calculation of the distribution shares of the sales volume for each member of the selling group during the quarter.

9. *Investors purchasing FNMA security issues.* Not later than 10 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing which investor groups purchased the securities issued by FNMA during the quarter. Separate figures should be shown for purchases of long-term securities and short-term securities as well as total securities purchased by each of the following investor groups:

- (a) Commercial banks (excluding trust departments).
- (b) Mutual savings banks.
- (c) Savings and loan associations.
- (d) Life insurance companies.
- (e) State and local government retirement funds.
- (f) State and local governments.
- (g) Private, noninsured pension funds.
- (h) Credit unions.
- (i) Bank administered personal trusts and estates.
- (j) Fire and casualty insurance companies.
- (k) Nonfinancial corporations.
- (l) Individuals and others.
- (m) Retained by members of selling group classified by the Federal Reserve bank of New York as "Government Security Dealers."
- (n) Retained by other members of selling group not so classified.

10. *Age distribution of properties financed.* Not later than 10 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the age distribution of the properties financed by loans purchased by FNMA during the quarter, broken down as follows:

- (a) Under 24 months;
- (b) 24-60 months;
- (c) 5-10 years;
- (d) 10-20 years;
- (e) 20 years or more.

NOTE.—This quarterly distribution by age of property should be provided separately for: (a) Conventional home loans, (b) VA-guaranteed home loans, (c) FHA section 203 insured loans, (d) all other FHA insured home loans, (e) subsidized FHA insured multifamily project loans, and (f) nonsubsidized project loans.

11. *Geographic location of properties financed.* Not later than 20 days following the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the geographic location of the properties financed by the loans purchased by FNMA during the quarter, broken down as follows:

- (a) In central city, broken down by census tracts within the city;
- (b) In suburbs (inside SMSA (standard metropolitan statistical area), but outside corporate boundaries of central city);
- (c) In rural area (outside of SMSA).

NOTE.—This quarterly distribution by geographic location of property should be provided separately for: (a) Conventional home loans, (b) VA-guaranteed home loans, (c) FHA section 203 insured loans, (d) all other FHA insured home loans, (e) subsidized FHA multifamily project loans and (f) nonsubsidized project loans.

12. *Yields on home loans purchased.* Not later than 20 days after the end of each cal-

endar quarter, the FNMA shall submit to the Secretary a tabulation showing the average yield (gross of loan servicing) of the home mortgage loans purchased during the quarter. If the loans were purchased via a GNMA Tandem Plan, the purchase price and yield should reflect the effective price at which the loans were purchased.

NOTE.—This quarterly distribution by average yield should be provided separately for: (a) Conventional loans, (b) VA-guaranteed loans, (c) FHA section 203 insured loans, (d) all other FHA insured loans, as well as for (e) total home loans.

13. *Yields on project loans purchased.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the average yield (gross of loan servicing) at which project loans were acquired. If the loans were acquired via a GNMA tandem plan, the acquisition-price and yield should reflect the effective price at which the loans were acquired.

This quarterly tabulation of average yield should be provided separately for: (a) Section 236 projects, (b) other projects carrying below market interest rates, (c) all other FHA-insured project loans, as well as (d) total FHA-insured project loans.

14. *Sellers of mortgage loans.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of the lender groups from whom mortgage loans were purchased during the quarter, with separate information for home mortgage loans and project loans. The lender groups include:

- (a) Mortgage companies;
- (b) Commercial banks;
- (c) Mutual savings banks;
- (d) Savings and loan associations;
- (e) Government National Mortgage Association;
- (f) Other Federal credit agencies (or federally sponsored agencies);
- (g) All other financial institutions;
- (h) Total institutions and agencies.

15. *Acquisitions of multifamily and nonresidential mortgage loans.* Not later than 10 days following the end of each month, the FNMA shall submit to the Secretary a tabulation of the mortgage loans on multifamily residential properties (containing five or more dwelling units) and nonresidential properties (hospitals and other nonresidential properties) acquired during the month showing the program breakdown of FHA insured loans as follows: (a) Section 207; (b) section 220; (c) section 221 market rate; (d) section 221 below market rate; (e) section 232; (f) section 234; (g) section 236; (h) section 242; (i) total FHA-insured project loans.

16. *FNMA loan sales.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the institution and agency groups to which mortgage loans were sold during the quarter, with separate data for: (a) Home mortgage loans, and (b) project mortgage loans. The groups include: (a) Mortgage companies; (b) commercial banks; (c) mutual savings banks; (d) savings and loan associations; (e) Government National Mortgage Association; (f) Other Federal credit agencies (or federally sponsored agencies); (g) all other financial institutions; (h) Total financial institutions and agencies.

17. *Yields on loans sold.* Not later than 10 days after the end of each quarter the FNMA shall submit to the Secretary a tabulation of the average yields at which mort-

gage loans were sold during the quarter. Separate average yields should be provided for: (a) Conventional home loans, (b) VA-guaranteed loans, (c) FHA section 203 insured loans, (d) all other FHA-insured home loans, (e) subsidized FHA insured multifamily project loans, and (f) all other FHA project loans.

18. *FNMA security investments.* Not later than 5 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of its holdings of security investments as of the end of the quarter, showing the following:

- (a) Quarter, year;
- (b) Holdings of Treasury bills and other allegations maturing in less than 1 year;
- (c) Holdings of Treasury securities maturing in 1 year or more;
- (d) Holdings of securities issued by Federal agencies or federally sponsored agencies maturing in less than 1 year;
- (e) Holdings of securities issued by Federal agencies or federally sponsored agencies maturing in 1 year or more;
- (f) Holdings of any other securities, including Government-guaranteed securities;
- (g) Total security holdings.

19. *Composition of revenues.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of the revenues received (measured in thousands of dollars) during the quarter, including the following:

- (a) Quarter, year;
- (b) Interest and discounts on home mortgage loans;
- (c) Interest and discounts on project mortgage loans;
- (d) Income from investments in securities;
- (e) Commitment fees for home mortgage loans;
- (f) Commitment fees for project mortgage loans;
- (g) Capital gains on sales of mortgages;
- (h) Compensation for services performed for Government National Mortgage Association;
- (i) Foreclosure claims collected;
- (j) Other income (explain in footnotes);
- (k) Total revenues.

In addition, the quarterly report should also show a breakdown of the commitment fees, measured in thousands of dollars, as follows:

- (a) Underwriting revenue fees;
- (b) Offer fees for competitive free market system bids;
- (c) Commitment fees for free market system offers accepted;
- (d) Proceeding fees for convertible standby commitment offers;
- (e) Commitment fees for convertible standby commitment offers accepted;
- (f) Commitment fees upon delivery of a nonconverted convertible standby commitment;
- (g) Commitment fees upon receipt of a conversion of convertible standby commitments.

20. *Composition of expenditures.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of its expenditures (measured in thousands of dollars) during the quarter, including the following:

- (a) Quarter, year;
- (b) Interest cost on discount notes;
- (c) Interest cost on all other debt securities;
- (d) Capital losses on sales of mortgages;
- (e) Loan servicing fees paid to servicers of home mortgage loans;

(f) Loan servicing costs attributable to project mortgage loans holdings;
(g) Actual losses suffered because of foreclosure actions;

(h) Provision for possible future losses on mortgage portfolio (amounts credited to reserves for losses);

(i) Costs attributable to fiscal agent department and other costs associated with issuance of debt securities;

(j) Costs associated with sale or issuance of common stock;

(k) Payments to transfer agents and registrars for FNMA securities;

(l) Payments to independent public auditors;

(m) Payments for office space and equipment;

(n) Salary payments to principal FNMA officers identified on page 31 in the 1976 annual report (or their predecessors or successors);

(o) Other salaries and expenses for FNMA staff;

(p) Other expenses (explain in table footnotes);

(q) Total expenditures.

21. *Calculation of net income.* Not later than 10 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation of the net income earned during the quarter and to its distribution (measured in thousands of dollars), including the following:

(a) Quarter, year;
(b) Total revenues (line k of Question 19);
(c) Total expenditures (line q of Question 20);

(d) Net income (line b minus line c);
(e) Adjusted net income before taxes (adjustments for nondeductible items listed in response to Question 20 plus other adjustments, which should be explained in footnotes to table);

(f) Federal income taxes paid or payable;
(g) Transfers to retained earnings;
(h) Dividend payments.

22. *Holdings of common stock.* Not later than 20 days after the end of each calendar quarter, the FNMA shall submit to the Secretary a tabulation showing the distribution of the holdings of FNMA's outstanding common stock, as of the end of the quarter, including the following:

(a) Quarter, year;
(b) Number of shares held by sellers of mortgage loans;
(c) Number of shares held by financial institutions;
(d) Number of shares held by individuals;
(e) Number of shares held by security dealers;
(f) Number of shares held by others;
(g) Total number of shares outstanding.

23. *Common stock prices.* Not later than 5 days after the end of each month, the FNMA shall submit to the Secretary a tabulation of the market price of FNMA's common stock, showing the following:

(a) Month, year;
(b) Highest market price;
(c) Lowest market price;
(d) Range between highest and lowest price;
(e) Average market price.

[FR Doc. 78-4965 Filed 2-23-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-108]

OCCUPATIONAL EXPOSURE TO
ACRYLONITRILE (VINYL CYANIDE)Notice of Availability of Economic and
Technological Impact AssessmentAGENCY: Occupational Safety and
Health Administration, Labor.

ACTION: Notice of availability of economic and technological impact assessment of the proposed standard on occupational exposure to acrylonitrile (AN) (vinyl cyanide).

SUMMARY: This notice informs interested persons that the economic and technological impact assessment of the proposed OSHA standard on occupational exposure to acrylonitrile has been prepared and is available for public inspection. Copies are available at the OSHA Technical Data Center. The document will be an appropriate subject for comment and testimony at the public hearing on the proposed AN standard, which is scheduled to begin on March 21, 1978.

DATES: Written comments concerning the impact assessment must be submitted no later than March 21, 1978. Testimony and documentary evidence on subjects other than the details of the impact assessment must still be received by OSHA no later than March 7, 1978. Testimony and documentary evidence directed solely at the contents and methodology of the impact assessment must be received by OSHA no later than March 17, 1978. The public hearing will begin on March 21, 1978.

ADDRESSES: Copies of the impact assessment may be obtained from the Technical Data Center, OSHA, Room S-6212, U.S. Department of Labor, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

Submit written comments to the Docket Officer, Technical Data Center, Docket No. H-108, OSHA, U.S. Department of Labor, Room S-6212, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

Submit notices of intention to appear at the hearing, together with testimony and documentary evidence to Mr. Clarence Page, OSHA, Office of Consumer Affairs, Docket No. H-108, U.S. Department of Labor, Room N-3635, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

FOR FURTHER INFORMATION,
CONTACT:

Ms. Gail Kleiner, Office of Carcinogen Standards, OSHA, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-6973.

SUPPLEMENTARY INFORMATION:

On January 17, 1978, OSHA published an Emergency Temporary Standard (ETS) on occupational exposure to acrylonitrile (AN), also known as vinyl cyanide. (43 FR 2586). In the same issue of the FEDERAL REGISTER, OSHA published a proposed permanent standard for AN (43 FR 2608). At that time, it was noted in the preamble to the proposal that an economic and technological impact assessment was being prepared for OSHA, and that a notice of its availability would be published in the FEDERAL REGISTER as soon as it had been completed. OSHA hereby notifies interested persons that the impact assessment has been provided to OSHA by Enviro Control, Inc., of Rockville, Md., and is now available for public inspection. Copies of the document may be obtained from the Technical Data Center, OSHA, Room S-6212, U.S. Department of Labor, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

Interested persons are invited to submit written data, views, and arguments concerning the economic and technological impact assessment. Written comments on this document must be submitted in quadruplicate, and must be postmarked no later than March 21, 1978, to the Docket Officer, Technical Data Center, Docket No. H-108, OSHA, U.S. Department of Labor, Room S-6212, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-7895.

The issues raised by OSHA in the preamble to the proposal (43 FR 2608) clearly encompass the areas of technological and economic feasibility of the provisions of the standard. Therefore, OSHA does not believe that it is necessary to extend the general time periods set forth in the proposal for submission of notices of intention to appear at the hearing (February 27, 1978) or for submission of detailed presentations and documentary evidence to be offered at the hearing (March 7, 1978). However, we have determined that it is appropriate to provide more time for interested persons to submit testimony which will be directed solely at the contents and methodology of the impact assessment. Therefore, persons who have filed timely notices of intention to appear at the hearing will be permitted to submit such additional testimony no later than March 17, 1978. Notices of intention to appear at the hearing, together with testimony and documentary evidence, must be submitted in quadruplicate to Mr. Clarence Page, OSHA Office of Consumer Affairs, Docket No. H-108, U.S. De-

PROPOSED RULES

partment of Labor, Room N-3635, 3d Street and Constitution Avenue NW., Washington, D.C. 20210, telephone 202-523-8024.

Detailed information on the requirements that must be complied with in submitting comments, notices of intention to appear, testimony, and documentary evidence, may be found in the preamble to the proposed permanent standard for occupational exposure to acrylonitrile (43 FR 2608), on page 2613.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 3d Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 22d day of February, 1978.

(Secs. 4, 6, 8; 84 Stat. 1593, 1599 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 8-76 (41 FR 25059); 29 CFR Part 1911.)

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-5061 Filed 2-23-78; 8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

[29 CFR Part 2530]

SEASONAL INDUSTRIES UNDER ERISA

Reopening of Comment Period

AGENCY: Department of Labor.

ACTION: Notice of reopening of comment period.

SUMMARY: The period is reopened for public comment on questions concerning the treatment of seasonal industries under the Employee Retirement Income Security Act of 1974 (ERISA) set forth in the notice of intent to propose regulations published in the FEDERAL REGISTER at 42 FR 32807 (June 28, 1977). This action is being taken in part because of requests from certain members of the public and because of the unusual complexity of the issues involved.

DATE: The comment period is reopened through April 24, 1978.

ADDRESSES: Submit three copies of comments to: Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20016, Attention: Comments on Seasonal Industries.

FOR FURTHER INFORMATION CONTACT:

Joseph L. Roberts III, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C., area code 202-523-8515 (not a toll-free number)

SUPPLEMENTARY INFORMATION: On June 28, 1977, the Department of Labor issued a notice of intent to propose regulations concerning seasonal industries and, in that notice, posed a series of questions about which interested persons were requested to submit suggestions and comments (42 FR 32807). The proposed regulations would be issued under sections 202 (a)(3)(B), 203(b)(2)(C), and 204(b)(3)(D) of ERISA which authorize the Secretary of Labor to issue regulations defining a year of service and a year of participation in the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year.

Certain members of the public have requested additional time to prepare comments. Because of the unusual complexity of the issues involved in the question of seasonal industries, the Department believes that it is appropriate to grant this additional time by reopening the comment period. Furthermore, since no comments were received from public interest groups or labor organizations, the Department particularly hopes that it will get such comments so that it will have a broader spectrum of views concerning seasonal industries. Accordingly, this notice reopens the period during which those suggestions and comments will be received. Comments previously received after the original August 31, 1977 deadline are being accepted without resubmission.

NOTICE OF REOPENING OF COMMENT PERIOD

Notice is hereby given that the period of time for the submission of public comments on the questions relating to seasonal industries posed in the notice at 42 FR 32807 (June 28, 1977) is reopened through April 24, 1978.

All interested persons are invited to submit written data, views, or arguments concerning the questions posed in the notice at 42 FR 32807 (June 28, 1977) on or before April 24, 1978.

These data, views, and arguments should be submitted in triplicate to the Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20016, Attention: Comments on Seasonal Industries. Comments should clearly refer to the questions to which the comments are directed.

Comments previously received after the original deadline of August 31, 1977, are hereby accepted without resubmission.

Signed at Washington, D.C., this 14th day of February 1978.

IAN D. LANOFF,
Administrator of Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration.

[FR Doc. 78-4625 Filed 2-23-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 52]

[FRL 859-11]

DISTRICT OF COLUMBIA IMPLEMENTATION
PLAN

Proposed Revision

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The District of Columbia has submitted amendments to the District's air pollution control regulations and has requested that they be reviewed and processed as a revision of the District of Columbia State Implementation Plan (SIP). The amendments provide for a delay in implementing the 0.5 percent sulfur-in-fuel requirement until October, 1978 (the current Federal requirement is 0.5 percent but the local requirement is 1.0 percent). The District is currently meeting both the primary and secondary National Ambient Air Quality Standards for sulfur dioxide.

DATE: Comments must be submitted on or before March 27, 1978.

ADDRESSES: Copies of the proposed SIP revision and accompanying support documentation are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Attention: Harold A. Frankford.

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Avenue, SW., Washington, D.C. 20032. Attention: Mr. John V. Brink.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford (3AH11), Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, 10th floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Phone: 215-597-8392.

SUPPLEMENTARY INFORMATION: On March 3, 1977, the District of Columbia submitted to the Regional Administrator, EPA Region III, amendments to the District's Air Quality Control Regulations and requested that they be reviewed and processed as a revision of the District of Columbia's State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards. The amendments consist of changes to sections 8-2:704 (allowable sulfur content in fuel oil) and 8-2:705 (allowable sulfur content in coal). The provisions of these amended sections would allow for delay in implementing the 0.5 percent sulfur-in-fuel requirement until October, 1978. The current SIP requirement is 0.5 percent although the local requirement allows the use of fuel with a sulfur content of up to 1.0 percent. According to recent data submitted by the District, both the primary and secondary National Ambient Air Quality Standards for sulfur dioxide are currently being met. The District has also requested that subsections (a) and (b) of 40 CFR section 52.476 (related to compliance schedules) be withdrawn.

The District of Columbia submitted proof that a public hearing with respect to this amendment was held in the District on September 10, 1976, in accordance with the requirements of 40 CFR section 51.4.

The public is invited to submit comments on whether the amendments to sections 8-2:704 and 8-2:705 of the District of Columbia's air pollution control regulations on sulfur content in fuel should be approved or disapproved as a revision of the District of Columbia State Implementation Plan. All comments submitted on or before (30 days after publication of this notice) will be considered.

Comments should be addressed to: Mr. Howard Heim, chief, Air Programs Branch (3AH10), Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Curtis Building, 10th floor, 6th and Walnut Streets, Philadelphia, Pa. 19106.

The Administrator's decision to approve or disapprove the amendments to sections 8-2:704 and 8-2:705 as a revision of the District's SIP will be further based on whether they meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

(Authority: 42 U.S.C. 7401.)

Dated: February 9, 1978.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 78-4855 Filed 2-23-78; 8:45 am]

[6560-01]

[40 CFR Part 180]

[FRL 859-2; PP6F1735/P67]

PESTICIDE PROGRAMS

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

Proposed Tolerances for the Pesticide Chemical 2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuran-5-yl Methanesulfonate

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

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend 40 CFR 180 by establishing tolerances for residues of the herbicide 2-ethoxy-2, 3-dihydro-3, 3-dimethyl-5-benzofuran-5-yl methanesulfonate. The proposal was submitted by Fisons Corp. This amendment to the regulations would establish maximum permissible levels for residues of the herbicide on sugar beets and in meat, fat, and meat byproducts.

DATE: Comments must be received on or before March 27, 1978.

ADDRESS COMMENTS TO: Federal Register section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Henry Jacoby, Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2197.

SUPPLEMENTARY INFORMATION: On March 12, 1976, notice was given (41 FR 10709) that Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford, Mass. 01730, had filed a petition (PP6F1735) with the EPA. This petition proposed to amend 40 CFR 180 by establishing tolerances for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuran-5-yl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuran-5-yl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuran-5-yl methanesulfonate in or on the raw agricultural commodities sugar beet tops at 1 part per million (ppm); sugar beet roots at 0.1 ppm; and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 ppm.

Fisons Corp. subsequently amended the petition by proposing that the tolerances in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep be increased to 0.05 ppm. For this reason, the tolerances are being proposed at this time.

The data submitted in the petition and other relevant material have been evaluated and the herbicide is considered to be useful for the purpose for which the tolerances are sought.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which tolerances are sought.

The data considered in support of the proposed tolerances included radio tracer metabolism studies in beans, sugar beets, rats, and a cow; sugar beet residue studies; a 28-day cattle feeding study; poultry feeding studies; 90-day rat and swine feeding studies; a rat dominant lethal test; a teratogenicity test; and a 2-year rat feeding study. Studies currently lacking to reinforce the present findings are a three-generation reproduction study and an oncogenicity study on a second mammalian species. Both studies have been started and the reproduction study results are expected to be available in November 1978 and the oncogenicity results in March 1979. A 2-year dog study has been begun with the final results expected in August 1979. Should adverse findings develop, Fisons Corp. has agreed to withdraw the subject herbicide from the U.S. market.

A feed additive tolerance had previously been established (21 CFR 561.235) for residues of the herbicide in sugar beet molasses at 0.5 ppm. The no-effect level (NEL) is 1,000 ppm, and the acceptable daily intake (ADI) is 0.5 milligram (mg)/kilogram (kg)/day. The maximum permissible intake (MPI) for a 60-kg man is 30 mg-day. An adequate analytical method (gas chromatography using a sulfur-specific flame photometric method) is available for enforcement purposes. (A related document concerning the establishment of a feed additive regulation in sugar beet molasses appears elsewhere in today's FEDERAL REGISTER.)

There are no pending regulatory actions against the continued registration of the herbicide. It is concluded that the tolerances of 1 ppm, of 0.1 ppm, and 0.05 ppm established by amending 40 CFR 180 will protect the public health.

The tolerances established by amending 40 CFR 180 will be adequate to cover residues that would result in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep as delineated in 40 CFR 180.6(a)(2), and there is no reasonable expectation of residues in eggs and milk as delineated in 40 CFR 180.6(a)(3).

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request,

within 30 days after publication of this proposal in the *FEDERAL REGISTER*, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6F1735/P67". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

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

Dated: February 15, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, be amended by adding a new section to read as follows:

§ 180.345 2 - Ethoxy - 2,3 - dihydro - 3,3 - dimethyl - 5 - benzofuranyl methane-sulfonate; tolerances for residues.

Tolerances are established for combined residues of the herbicide 2-ethoxy - 2,3 - dihydro - 3,3 - dimethyl-5-benzofuranyl methane-sulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methane-sulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methane-sulfonate (both calculated as the parent compound) in or on the following raw agricultural commodities:

Commodity	Parts per million
Beets, sugar, roots.....	0.10
Beets, sugar, tops.....	1.00
Cattle, fat.....	0.05
Cattle, mby.....	0.05
Cattle, meat.....	0.05
Goats, fat.....	0.05
Goats, mby.....	0.05
Goats, meat.....	0.05
Hogs, fat.....	0.05
Hogs, mby.....	0.05
Hogs, meat.....	0.05
Horses, fat.....	0.05
Horses, mby.....	0.05
Horses, meat.....	0.05
Sheep, fat.....	0.05
Sheep, mby.....	0.05
Sheep, meat.....	0.05

[FR Doc. 78-4852 Filed 2-23-78; 8:45 am]

[4110-12]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social Security Administration

Office of Child Support Enforcement

Office of Human Development Services

Health Care Financing Administration

[45 CFR Parts 201, 204, 205, and 213]

PUBLIC ASSISTANCE AND SERVICES

General Policies and Procedures on
Administration of Grants to States

AGENCIES: Social Security Administration, Office of Child Support Enforcement, Office of Human Development Services, Health Care Financing Administration.

ACTION: Notice of Decision to Reconsider Regulations.

SUMMARY: The Department of Health, Education, and Welfare is planning to publish proposed regulations to reorganize, clarify, and simplify existing statements of general policy and procedure covering grants to States under the Social Security Act as follows: Financial assistance and social services under titles I, IV-A, X, XIV, and XVI (AABD); child support enforcement under title IV-D; social services under titles IV-B and XX; and medical assistance under title XIX. The proposed regulations will also fill gaps in existing statements of policy on payments of these grants-in-aid to States. General rules for these programs are presently intermingled under Title 45 of the Code of Federal Regulations in Parts 201, 204, 213, and portions of 205.

FOR FURTHER INFORMATION
CONTACT:

Jacqueline Porter, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-6639.

Approved:

Dated: January 13, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Dated: January 13, 1978.

DON WORTMAN,
Acting Director, Office of
Child Support Enforcement.

Dated: January 24, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development Services.

Dated: January 20, 1978.

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

[FR Doc. 78-4897 Filed 2-23-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 64]

[Docket No. 19308; FCC 78-791]

RESTORATION OF COMMON CARRIER-
PROVIDED INTERCITY PRIVATE LINE SERVICES.

New Priority System

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Federal Communications Commission issues a further notice of proposed rulemaking providing for a new priority system for the restoration of common carrier-provided intercity private line services. Organizations representing the communications industry have worked to resolve problems noted by government and non-government entities under a proposal previously published in 1971. This document results from recommendations of those organizations and will provide all interested parties with the opportunity to comment on the new proposal.

DATES: Comments must be received on or before March 24, 1978, and Reply Comments must be received on or before April 3, 1978.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION
CONTACT:

Dan Vance, Office of Executive Director, 202-632-7232.

SUPPLEMENTARY INFORMATION:

FURTHER NOTICE OF PROPOSED RULE
MAKING

Adopted: February 8, 1978.

Released: February 21, 1978.

In the matter of amendment of part 64 of the Commission's rules to provide for a new Priority System for the Restoration of Common Carrier-Provided Intercity Private Line Services, Docket No. 19308.

1. Notice of Further Proposed Rule Making is hereby given in the above entitled matter.

2. The Domestic and International Common Carrier Communications Services Subcommittee of the National Industry Advisory Committee (NIAC), having met on October 18, 1977, has recommended a new proposed revision to FCC Order 70-291 to the Commission for formal consideration. This proposed revision replaces the proposal previously submitted by the NIAC Subcommittee in 1971 which initiated the original Notice of Proposed Rule

Making (Docket 19308) adopted by the Commission on August 18, 1971.¹

3. The National Industry Advisory Committee (NIAC) is a voluntary organization representing the Communications industry which was organized in 1958 to advise and assist the Federal Communications Commission and other authorities. NIAC's function is to study and submit recommendations for emergency communications policies, plans, systems and procedures for all FCC licensed and regulated communications in order to provide continued communications services in emergency situations.

4. Since August 1971, Docket 19308 has remained open during which time the Domestic and International Common Carrier Communications Services Subcommittee has worked to resolve problems noted by government and nongovernment entities in filing comments under the 1971 Notice of Proposed Rule Making. The NIAC Subcommittee subsequently developed a new proposal for a "Priority System for the Restoration of Common Carrier-Provided Intercity Private Line Services". On January 9, 1976, the FCC requested the Office of Telecommunications Policy (OTP) to comment, on behalf of the appropriate departments and agencies of the Executive Branch of the Federal Government, on the NIAC Subcommittee's new proposal. The OTP concurred, with minor changes, in the NIAC Subcommittee's proposal by letter addressed to the Defense Commissioner on September 28, 1977. As noted above, the NIAC Subcommittee then met on October 18, 1977, and formally recommended the new proposal to the Commission. Since more than 6 years have passed since opening Docket 19308, this Further Notice of Proposed Rule Making is in order to provide all interested parties with the opportunity to comment on the new proposal.

5. In this proceeding, the Commission proposes to promulgate rules providing for a revised "Priority System for the Restoration of Common Carrier-Provided Intercity Private Line Services". The Commission is obligated by Executive Order 11490 to insure that leased intercity private line communication services vital to the national interest, both government and nongovernment, will be maintained, to the maximum extent possible, at all times.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 24, 1978, and reply comments on or before April 3, 1978. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching

its decision in this proceeding, the Commission also may take into account other relevant information before it, in addition to the specific comments invited by this Notice.

7. The proposed amendment to the rules, as set forth in the Appendix, is issued pursuant to the authority in Sections 1, 4(i), and 201 thru 205 of the Communications Act of 1934, as amended and Executive Order 11490, as amended.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs, or comments shall be furnished to the Commission. All comments received in response to this Notice of Proposed Rule Making, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,²

WILLIAM J. TRICARICO,
Secretary.

APPENDIX

PROPOSED AMENDMENT TO APPENDIX A, SUBPART D, PART 64 OF THE FEDERAL COMMUNICATIONS COMMISSION RULES AND REGULATIONS

Appendix A, Subpart D, Part 64 is revised to read as follows:

APPENDIX A—PRIORITY SYSTEM FOR THE RESTORATION OF COMMON CARRIER-PROVIDED INTERCITY PRIVATE LINE SERVICES

1. The Federal Communications Commission and the Director of the Office of Telecommunications Policy have agreed upon the provisions of a system of priorities applicable to intercity private line services. These rules are applicable to communications common carriers and are in consonance with an Office of Telecommunications Policy (OTP) Circular addressed to the Heads of Executive departments and establishments. These rules and the OTP Circular establish, within the scope of the Commission's and OTP's respective authority, this priority system. The priority system and procedures contained in these rules and the Director of the Office of Telecommunications Policy Circular are intended to be identical, and any differences in terminology arise from differences in the legal situation of the Director and the Commission. The provisions of these rules shall be read and construed to effectuate a single priorities system concurrently promulgated under the respective authority of both and Commission and the Director. Accordingly, these rules establish procedures under which Government and certain private entities will have available a system of priorities to insure that intercity private line services vital to the national interest will be maintained, to the maximum extent possible, during emergency conditions. To meet this requirement, the priority system established by these rules shall be in effect during emergencies and shall govern the proper order of restoration of intercity private line service if that service is interrupted.

2. All communications common carriers, to the extent practicable, shall honor and apply this priority system both as to maintaining intercity private line services for essential users, and in restoring such private line service if it should be interrupted and are expected to incorporate it in their day-to-day operations. The carriers are authorized to honor certified priorities from other carriers where the intercity private line service certified involves the facilities of more than one carrier. Under abnormal conditions the carriers' ability to restore service could be limited by the extent of damage sustained. In implementing this priority system the following principles shall be applied:

a. When necessary, in order to resume a service having a given priority, services having lower or no priorities shall be interrupted in the order of priority, starting with nonpriority services. In the event that nonpriority or lower priority intercity private line services are interrupted to restore higher priority services, the communications common carriers shall, when taking such services, endeavor, if feasible, to notify the user, giving him the reasons for the preemption. In the event that (public correspondence) switched network facilities are used to satisfy a requirement for priority intercity private line service, idle facilities shall be selected first. However, care must be taken not to preempt any facilities used for (public correspondence) long distance message telecommunication services which carry or may reasonably be expected to carry any priority traffic as provided by FCC Order 69-1113. If it is necessary to use busy public correspondence facilities, the communications common carriers shall not normally interrupt conversations having a priority classification as provided by FCC Order 69-1113.

b. Prior to a state of war, or a national emergency as proclaimed by the President, it is contemplated that the application of this system of priorities by the communications common carriers shall not usually require the preemption of other intercity private line services. If preemption is required to restore service it is authorized and restoration of interrupted services by the communications common carriers shall be in the order of priority set forth in these rules.

c. It is recognized that, as a practical matter in providing for the restoration of a priority service on services operating within a multiple channel type of facility (such as a carrier band, cable, or multiplex system), lower priority or nonpriority services on parallel channels within the band or system may be restored concurrently with higher priority services. Reactivation of such lower priority or nonpriority services resulting therefrom shall not, however, interfere with the expeditious restoration of priority service.

3. The priority system and procedures described herein are applicable to:

a. United States intercity domestic private line services, including private line switched network services, furnished by the communications common carriers.

b. United States international private line services to the point of foreign entry.

c. Foreign extension of United States international private line services to the extent possible by agreement between United States communications common carriers and their foreign correspondents, except where arrangements exist for the restoration by foreign correspondents.

¹See 36 FR 16944, August 26, 1971.

²Commissioner Lee absent.

d. International private line services terminating in or transiting the United States.

4. The priority system procedures described herein are not applicable to operational services (for example, internal order wire operational coordination communications of the carriers) of the communications common carriers. It is recognized that a minimum number of operational services are needed by communications common carriers for service reactivation and maintenance purposes. Such minimum number of operational services as are needed for these purposes shall have priority of restoration over all other services and shall be exempt from interruption for the purpose of restoring other priority services.

5. As used herein:

a. "Government" when used alone means Federal, Foreign, State, County, or Municipal government agencies. Specific reference will be made whenever it is intended that intercity private line services of a particular level of government are meant; e.g., "Federal Government", "Foreign Government", and similar elements. The term "Foreign Government" shall include coalitions of governments such as NATO, SEATO, OAS, UN, and Associations of Governments or Governmental Agencies such as Pan American Union, International Monetary Fund and similar elements.

b. "Private Line Service" as applicable to the United States communications common carriers engaged in providing domestic and/or international telecommunications, means the channels and equipment (circuits) specifically provided by the carriers as a unit between intermediate intercity switches (circuit and/or message) or between user and switch or between user and user for the provision of intercity service as ordered by the customer.

c. "Restoration" means the recommencement of intercity private line service by patching, rerouting, substitution of component parts of the service, or otherwise, as determined by the communications common carrier(s) involved.

d. "Station" means the transmitting or receiving equipment, or combination transmitting and receiving equipment, at any location on a premise and connected for private line service.

6. Restoration priority assignments for the Federal Government to be effective pursuant to Section 606 (a), (c), and (d) of the Act will be certified directly to the carriers by the Executive Office of the President. Carriers are directed, insofar as practicable, to incorporate such certifications into their day-to-day operations in accordance with paragraph 2 and 16 of this Part.

7. Basic Requirements:

a. State, County, Municipal governments, Quasi-State and Local governments and all industrial/commercial customers, including the industrial/commercial customers earmarked for prearranged participation with the Federal Government, shall submit their request for priority assignments, using the criteria established in Paragraph 8 hereof, to the Federal Communications Commission on FCC Form 915.

b. Communication circuits which are certified by the FCC for restoration priority must be an integral part of an existing emergency communications plan that has been developed by any industrial/commercial customer or any of the various governments (see a. above) including the Federal Government. To this end, all requests for priority assignments on FCC Form 915 must

be accompanied by a copy of the appropriate emergency communications plan or reference must be made to an FCC approved emergency communications plan.

c. The Commission shall request comments from the Executive Office of the President whenever an industrial/commercial customer claims Federal participation as a basis for his request. These comments shall be considered by the Commission in deciding whether a request for certification should be honored and what restoration priority level should be assigned.

8. There are four levels of restoration priorities: Priority 1, Priority 2, Priority 3, and Priority 4. The following criteria shall govern qualification for priority certifications for intercity private line services. Restoration of service in accordance with the priorities set forth in this section shall be within the carriers ability to provide such restoration:

a. Priority 1—Priority 1 shall be applicable only to Federal and Foreign Government private line services and also to those industrial/commercial private line services which are earmarked for prearranged voluntary participation with the Federal Government during an emergency. Priorities in this category shall be strictly limited to only those essential to national survival if attack occurs, and they shall satisfy requirements for: obtaining or disseminating critical intelligence concerning the attack, or immediately necessary to maintain the internal security of the United States; conducting diplomatic negotiations critical to the arresting or limiting of hostilities; executing command and control of military forces essential to defense and retaliation; providing warning to the nation's population; and maintaining Federal Government functions essential to national survival under nuclear attack conditions.

Subpriorities under this priority shall include:

(1) Subpriorities 1-A. Reserved for Federal Government Services; through 1-F.

(2) Subpriority 1-G. General Purpose Services including those industrial/commercial services considered essential to the National survival and which are earmarked for prearranged voluntary participation with the Federal Government.

b. Priority 2—Priority 2 shall be applicable to Federal and Foreign Government private line services and also to those industrial/commercial private line services which are earmarked for prearranged voluntary participation in the Federal Government during an emergency. Services in this category shall be strictly limited to only those essential when attack threatens and they shall be required in order to minimize serious danger of: reducing significantly the preparedness of our defense and retaliatory forces; limiting our ability to conduct critical pre-attack diplomatic negotiations to reduce or limit the threat of war; interfering with the effectual direction of the nation's population in the interest of Civil Defense and their survival; weakening our capability to accomplish critical national internal security functions; and inhibiting our ability to conduct essential Federal Government activities necessary to meet a pre-attack situation.

Subpriorities under this priority shall include:

(1) Subpriorities 2-A. Reserved for Federal Government Services; through 2-C.

(2) Subpriority 2-D. Services essential for Air Traffic Control and air operational con-

trol of military and civil air support operations;

(3) Subpriority 2-E. Weather communications between major reporting and/or collecting agencies regarding National defense;

(4) Subpriority 2-F. Services for the direction of the U.S. population in the interest of Civil Defense, survival and essential Federal Government functions;

(5) Subpriority 2-G. Civil/Military relocation headquarters communications.

c. Priority 3—Priority 3 shall be applicable to those Federal and Foreign Government services; State, County and Municipal government services; Quasi-government agencies services; and industrial/commercial services which require restoration in order to maintain our defense posture, our diplomatic posture, and the health and safety of our population in a national emergency involving a natural disaster or heightened possibility of hostilities and restoration for those other circuits on which an interruption would cause loss or serious damage to ongoing operations vital to the national interest.

Subpriorities under this priority shall include:

(1) Subpriority 3-A.

(a) The first circuit used to gather and disseminate essential intelligence information for activities not supported by circuits assigned to a higher RP.

(b) The first circuit for critical logistical and administrative military support functions.

(c) The first circuit for air, sea or ground operations required for safety of life, rescue operations, and movement operations.

(d) The first circuit required to maintain essential public utility services.

(e) The first essential weather circuit between major reporting and/or collecting agencies and using locations not supported by the circuits assigned to a higher RP.

(f) Circuits essential to other requirements for the control of civil and/or military air traffic not supported by circuits assigned to a higher RP.

(g) The first circuit used for tracking and telemetering of information from space vehicles and primary circuits required for manned space flight operation.

(2) Subpriority 3-B.

(a) The first circuit to provide for critical damage assessment functions.

(b) Essential circuits to diplomatic posts, for the purpose of informing such posts of the situation and our intention, not supported by a circuit with a higher RP.

(c) The first circuit essential to maintaining law and order between major law enforcement activities not supported by a circuit with a higher RP.

(d) The first circuit to ensure continuity of other critical government operations not supported by a circuit with a higher RP.

(3) Subpriority 3-C.

(a) The first circuit required to arrange for distribution of essential foods and other supplies critical to health.

(b) The first circuit required to provide for hospitalization.

(c) The second circuit, where essential, for guaranteeing civil alert and direction in the interest of civil defense and survival.

(d) Additional general purpose circuits, required to handle priority precedence traffic, between major message relay/switching centers and from such centers to terminal stations which operate or can accept traffic 24 hours per day.

d. Priority 4—Priority 4 shall be applicable only to those Federal and foreign govern-

ments; Quasi-Government; State, county, and municipal government; and industrial/commercial services which are required during any emergency for maintaining the public welfare and our national economic posture. Services in this priority category shall be limited to those needed for continuing or reestablishing our more important financial, economic, health and safety activities. This category will not be subcategorized but all certifications will be identified as 4-A for the purpose of record keeping.

e. Operational Requirements—State, county, and municipal government and quasi-State and local government agencies, and industrial/commercial services in the priority 3 and 4 categories shall be further limited to those where, during an emergency, at least one station on the service, either directly connected or through switching, if network switching is involved, shall be manned continually unless such services are automated and under constant surveillance from a remote location.

9. In dealing with interrupted foreign portions of international leased private line services, the United States communications common carriers should endeavor by advance agreements with their foreign correspondents (except as indicated below), to effect the restoration of private line services in accordance with this System. Lacking such an arrangement, United States communications common carriers, as far as practicable, should handle service restoration in accordance with any system acceptable to their foreign correspondents which meets, or comes closest to meeting, the procedures described herein.

10. To insure the effectiveness of this system of priorities it is required that a rigorous examination be made by the users and the FCC to determine whether the requirements for private line service justify placing it into one of the priority categories. Restoration priorities must be realistically applied to available resources. This objective can be achieved only by continuous and close cooperation among agencies of the Federal Government and communications common carriers. It should be understood that communication facilities other than private line services may be available to qualified users during emergencies pursuant to Federal Communications Commission Order 69-1113, October 21, 1969.

11. Initial requests for restoration priority assignments which are denied by the Federal Communications Commission may be re-submitted by the requestor for reconsideration after 90 days, unless requirements for the priority have changed.

12. Federal Communications Commission Order 70-291 is hereby superseded by these Rules.

13. Applications for restoration priority certifications for private line service of State and local government, and Quasi-State and local government agencies, and for industrial/commercial entities shall be submitted to the Federal Communications Commission, Washington, D.C. 20554, in triplicate, on FCC Form 915 signed by the head of such government agency or by an officer of the company or organization, as applicable. The applicant shall be notified by the Commission regarding certification or denial of FCC Form 915 applications within 5 days on new services and, as appropriate, when priorities are changed on existing services. Such certification and/or changes will be included in the user's order on the carrier.

14. The Federal Communications Commission shall certify the restoration priority for a term of 3 years. State and local government (and Quasi-State and local government agencies) and industrial/commercial users of private line services within the priority classifications, shall resubmit their priority requirements on FCC Form 915 with the Federal Communications Commission. The Federal Communications Commission shall notify the communications common carriers of any changes, including deletions or expirations in priority assignment.

15. A periodic review shall be made of those industrial/commercial, State, and local government (and Quasi-State and local government agencies) services, which have received a certified priority assignment from the Federal Communications Commission. The assistance of the communications common carriers will be required to determine the accuracy of records.

16. Should the Commission determine that a restoration priority requirement is unnecessary, the Commission may rescind the certification at any time. However, where such action involves a Federal Government service, such action will not be taken without prior consultation with the Executive Office of the President.

[FR Doc. 78-4947 Filed 2-23-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC 116]

OPERATING RIGHTS APPLICATION PROCEEDINGS

Consideration of Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission has tentatively decided to consider the rates to be charged by applicants as a factor in determining whether the present or future public convenience and necessity require the grant of new authority to conduct motor common carrier operations in interstate or foreign commerce. The Commission, therefore, is considering the establishment of guidelines and rules to govern the introduction and consideration of rate evidence, including evidence of the applicant's cost of operation, in motor carrier operating rights application proceedings. By this notice, the Commission is seeking public comment on the type of cost or price evidence the Commission might consider in these proceedings, the weight that should be accorded to it, and what conditions, if any, should be placed on grants of new authority based on rate considerations. After reviewing public comments on these questions, the Commission will determine whether to formulate specific proposed regulations.

If the Commission takes this further step, public comments will again be requested on the proposed regulations.

DATES: Comments due on or before April 25, 1978.

ADDRESSES: Send comments to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

George M. Chandler, 202-275-1912.

SUPPLEMENTARY INFORMATION: Past Commission practice has been that rates are generally not a matter for consideration in motor common carrier application proceedings if the rates are not so high as to constitute an embargo against the traffic. See *American Trucking Ass'n v. United States*, 326 U.S. 77, 86-87, 65 S. Ct. 1499, 89 L. Ed. 2065 (1945); *Auclair Transportation, Inc. v. United States*, 221 F. Supp. 328, 333-334 (D. Mass., 1963), aff'd per curiam, 376 U.S. 514, 84 S. Ct. 966, 11 L. Ed. 2d 968 (1964). To the limited extent that rates have been considered, they have generally been discussed primarily in terms of their reflecting the nature of the service proposed, and whether it meets the shipper's needs better than the service of existing trucking companies, but not in terms of the direct benefits to accrue to the shipper from having the lower rates available.

A Commission staff task force report entitled "Improving Motor Carrier Entry Regulation" was made public July 6, 1977. That report, in part, recommended the Commission consider rates evidence in application proceedings. The report stated:

One of the most common criticisms of the Commission's decisionmaking process in the operating rights area is its refusal to take into account the rates proposed to be charged by the applicant. Shippers and carriers alike offer the opinion that many, and perhaps a majority, of applications for authority to serve existing sources of traffic are based on the support of shippers who anticipate a rate advantage. Not to recognize and accept this fact, the critics say, is simply to put one's head in the sand.

The National Transportation Policy of Congress, as set forth in the Interstate Commerce Act, directs the Commission to provide for fair and impartial regulation of all modes of transportation subject to the Act, so administered as to recognize and preserve the advantages of each mode. Therefore, cases where a motor carrier seeks to provide a service at a lower rate than that already provided by other motor carriers have been distinguished from cases where a motor carrier seeks to compete for traffic now handled exclusively by carriers of another mode. In the latter situation it has been held that the rate benefit attributable to differences between the two modes of

transportation is an "inherent advantage" of the competing type of carrier and must be considered by the Commission. *Schaffer Transportation Co. v. United States*, 355 U.S. 83, 73 S. Ct. 178, 2 L. Ed. 2d 117 (1957); *I.C.C. v. J-T Transport Co.*, 368 U.S. 81, 82 S. Ct. 204, 7 L. Ed. 2d 147 (1961).

Just as lower rates may reflect the inherent advantages of differing modes of transportation, lower rates may be an additional inherent advantage of a proposed different or improved service. If lower rates are an additional inherent advantage of a proposed service, this is a relevant factor for the Commission to consider in reaching ultimate findings concerning competition and the sound economic condition of the industry. *Trans-American Van Service, Inc. v. United States*, 421 F. Supp. 308 (1976). If it should appear that carriers are unwilling to offer rates competitive with the proposed service for lack of interest in the traffic, or they are unable to do so because of relative inefficiencies or because their methods of operation are not well suited to meet the demand for a particular type of needed service, these factors may well indicate a public need for additional service.

An additional benefit could accrue from explicit consideration of the rates issue in operating rights application proceedings aside from those experienced directly by a supporting shipper. Specifically, by providing for entry of more efficient carriers, existing carriers would be encouraged to increase their efficiency, thus benefiting the overall economy.

THE PROPOSED RULEMAKING

The purposes of the proposed rulemaking proceeding are principally: to develop procedures whereby rates consideration may be made a part of operating rights application proceedings; to develop guidelines and rules for the type of evidence that would be required; to determine where the burden of proof lies on the rates issue; to determine the weight to be given the rates issue and determinations with regard to it; and to decide how best to assure that an applicant obtaining a grant of authority based on evidence of lower rates fulfills its commitment to price its service at a level commensurate with representations made in the operating rights proceeding.

Parties participating in this proceeding should address the following matters:

1. *What threshold evidence should be required to be submitted by an applicant in order to raise the rates issue?* Would the applicant's prima facie case be met by a showing which would include evidence of existing rates on the traffic involved and a schedule of the applicant's proposed rates for the ser-

vice it seeks authority to perform? Should it also be required to introduce cost evidence? Should it be required to show that the supporting shipper has negotiated with other carriers in an attempt to achieve lower rates?

2. *Should an opposing party have standing to raise the rates issues in the first instance?* Should opposing carriers be permitted to challenge an application on the basis that its shipper support is motivated by the expectation of lower rates being made available, which prospective rates will allegedly be unreasonably low? If such a challenge is made at the protest stage, might the applicant be required to set forth the prospective rates in its opening statement?

3. *Should the Commission accept evidence by a protestant that it has reduced its rate to or below the level proposed by applicant?* What weight be accorded such a reduction? Should the Commission then accept evidence from applicant of its willingness to offer a more reduced rate?

4. *In order to eliminate the rate issue from at least some cases, should the Commission find (or presume subject to rebuttal) that minor rate differences (e.g., up to 7 percent) are not material and will not be considered?*

5. *Should consideration of the rate issue be affected by the scope of the application or type of service proposed?* Should consideration of rate evidence in motor carrier application proceedings be limited to service proposals which are narrowly drawn with respect to the territory sought to be served? To those applications seeking specific point to point authority? Can the rate issue be effectively defined in applications involving requests for broad territorial authority? Is the state of price competition in either the general commodities or truckload, special commodity sector of the motor carrier industry such that no benefits would result from burdening the record with rate evidence in either or both types of proceedings?

6. *Upon which party—applicant or protestant—should the burden of proof lie with respect to the rate issue?* In the case of initial rates as opposed to changed rates, the burden is upon protestants to prove the rates unjust and unreasonable. Does it follow that in operating rights applications, at least by new entrants, the protesting carriers should have the burden of making a prima facie showing that the proposed rates are not compensatory or unreasonable? Or should the fact that the burden of proof lies with the applicant in an operating rights case be controlling so that the applicant would have the burden of proof in establishing whether its proposed rates are compensatory and reasonable?

7. *What standards might the Commission follow in determining whether*

or not a proposed rate is reasonable or compensatory? Should a proposed rate be presumed to be compensatory if it covers the applicant's variable costs? Should the fact that a proposed rate does or does not cover regional average variable costs be considered prima facie evidence of reasonableness or unreasonableness? Should standards adopted by the Commission give weight to such factors as energy savings, traffic pattern (volume, duration, or direction of movement), type of equipment, capacity of vehicles, and vehicle utilization? Should an applicant be permitted to justify proposed rates based on financial evidence showing that the operations which it proposes to conduct under the authority sought and under the rates it proposes to charge would not have an adverse impact upon its financial condition? Should rates that undercut existing prevailing rates by no more than a specified percentage (7 percent, for example) be presumed to be compensatory for purposes of an application proceeding? In the event that authority is granted and the proposed rate is protested—and such a rate would be subject to normal statutory suspension procedure—should any weight be given in a suspension proceeding to evidence submitted in the application proceeding? Should the carrier be permitted to file the proposed rate without its being subject to protest if the proposed rate is a consideration in granting the operating authority?

8. *What weight should be accorded the rates factor?* Should the fact that lower rates are offered be afforded only equitable consideration similar to evidence of operational feasibility? On the other hand, should lower rates be made the controlling factor in proceedings where it appears from the facts of the case that rates are the key issue between the parties and the other factors of public convenience and necessity do not mitigate against according the rates factor primacy? Where the rates proposed by the applicant are not significantly lower than the prevailing rates, should the weight to be accorded to the rate evidence be reduced?

9. *What means should be utilized to insure that carriers obtaining a grant of authority based on evidence of lower rates fulfill their commitment to price their services accordingly?* Should the certificate issued in a case in which an applicant chooses to introduce rate evidence be made subject to a uniform "holddown" provision? Should a uniform holddown period be imposed in the certificates in all such grants of authority, or should the appropriate holddown period be determined on a case-by-case basis? Should relief from holddown requirements be granted to the extent necessary to take into consideration cost increases

and to allow the applicant to participate in general rate increases? Should the certificate be conditioned to make it subject to revocation for failure to fulfill the hold-down condition?

Instead of directly encumbering the grant with a restriction, should the order or report granting authority simply specify an appropriate hold-down period, and reserve to the Commission jurisdiction to act on shipper or competing carrier complaints that the certificate holder's rates are not conforming? Would market forces provide an inhibiting factor sufficient to assure that the applicant would maintain the lower rates proposed, thus eliminating the need for including any hold-down provision in the certificate?

Should issuance of the certificate be withheld until the rates become effective? What action should be taken if the rates, following investigation, are found to be unjust and unreasonable?

The proposed rulemaking does not appear to constitute a major Federal action requiring preparation of an environmental impact statement under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq. However, comments regarding environmental issues, if any, should be included in statements filed with the commission in response to this notice.

Interested persons are invited to file an original and 15 copies (if possible) of their views and comments at the dates and places noted above.

This notice of proposed rulemaking is promulgated pursuant to authority

under 49 U.S.C. §§ 304(a)(1) and §§ 304(a)(6), 49 U.S.C. §§ 1003(a) and 1012(a), and 5 U.S.C. §§ 553 and 559.

By the Commission.

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

FEBRUARY 8, 1978.

Commissioner Murphy, concurring in part, dissenting in part:

The Commission proposes to embark on an exploratory mission to determine whether rates should now be specifically considered in operating rights proceedings. I have no objection to such a review if there is a genuine need therefor. But even assuming *arguendo* that there is such a present need, one may then ask why not go one step further and open all motor rate proceedings to a reconsideration of the operating rights. Throughout the long history of motor carrier regulation, rate matters have been considered in operating rights cases largely only where an issue of an embargo has been presented. Such a procedure has merit. The Interstate Commerce Act and the Commission's procedures provide ample opportunity to question rate matters in a proceeding of that specific nature. I find little justification in support of the proposal which undoubtedly will unduly complicate and prolong the disposition of an operating rights application.

Turning next to some obvious deficiencies in support of the proposal, it might be noted at the outset that the majority has apparently equated efficiency with a reduction in rates. But such an axiom is an ill-advised criteria to resolve difficult transportation issues.

In granting an application the majority apparently intends to find that the rate or rates to be proposed are just and reasonable. Nevertheless, if further indicates that such rates when filed would be subject to protest and possible investigation and/or suspension. Should the commission find in the application proceeding that the rates to be proposed are reasonable than it is highly unlikely that a subsequent filing of the proposed rate will receive the attention it deserves either from the carriers opposing the application for operating authority or from the Commission.

The suggestion that rates to be proposed which do not undercut existing rates by 7 percent might be presumed to be compensatory lacks substantiation. Pub. L. 94-210, Section 202, embodied a provision limiting the Commission's authority over rail rates which were reduced by 7 percent. But the use of that concept in motor carrier application proceedings does not appear to be germane.

Finally, the majority as an alternative to the issuance of a limited term certificate suggests that the Commission could reserve jurisdiction to act on a complaint of the shipper or competing carrier that the published rates do not conform to the proposal. It should be noted that a shipper or competing carrier presently can question the existing rates of a carrier by filing an appropriate complaint.

In summary, the proposal will undoubtedly open "Pandora's Box" with little or no benefit to the stated goals of the national transportation policy and the commission's obligations under the Interstate Commerce Act.

Accordingly, I reserve my right to review the matter upon the receipt of the comments of the parties.

[FR Doc. 78-4961 Filed 2-23-78; 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.

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ASSOCIATED ELECTRIC COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a possible loan guarantee for Associated Electric Cooperative, Inc., P.O. Box 754, Springfield, Mo. 65801.

These funds will be used to finance the construction of a 630 MW (net) coal-fired generating unit and pollution control equipment at the existing Thomas Hill Power Plant in Randolph County, Mo., approximately 135 miles of 345 kV transmission line in the counties of Randolph, Audrain, Boone, Callaway, Osage, Maries, and Pulaski, Mo., and the acquisition and development of the Bee Veer and Prairie Hill coal mine properties located in Mason, Randolph and Chariton counties.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4314, or at Associated Electric Cooperative, Inc., whose address was given above.

Comments concerning the environmental impact of the proposed construction must be received within sixty (60) days from the date of FEDERAL REGISTER publication of this notice to be considered in connection with

the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 17th day of February, 1978.

DAVID A. HAMIL,
Administrator.

[FR Doc. 78-4818 Filed 2-23-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32097]

PITTSBURGH-ORLANDO-DAYTONA BEACH ROUTE PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held before the undersigned on February 28, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

In order to facilitate and expedite the conduct of the conference, representatives of parties are expected to be prepared and authorized by their principals to (1) discuss the Board's specific requirements for submission of evidence set forth in Order 78-2-42, i.e., low fare proposals, multiple awards etc., (2) agree to a statement of issues, (3) enter into stipulations where appropriate, (4) update the underlying data, (5) state positions on issues, and (6) establish procedural dates.

With respect to the present status of the docket, and in order that the record reflects the most current economic data available, each party is on notice that an update of its economic data will be required. While the specific data requirements will be determined at the conference, it appears that the updated exhibits should, at least, be based upon the following:

1. Traffic data—Fiscal year ending March 31, 1977.
2. Costing—DPFI Version 6 and, possibly, Subpart K (present and proposed—PDR-46).

3. Fare Base—Normal fare and price/quality options.

4. Traffic/capacity and Financial Forecasts—Years 1978 and 1979.

The parties should be on notice that the time for filing evidence will be limited.

NAHUM LITT,
Chief Administrative Law Judge.

FEBRUARY 21, 1978.

[FR Doc. 78-4954 Filed 2-23-78; 8:45 am]

[6320-01]

[Docket 30254]

FLYING TIGER LINE, INC., ET AL

Postponement of Hearing

In the matter of the Flying Tiger Line, Inc.; Wayne M. Hoffman, Individually; Robert W. Prescott, Individually; Joseph J. Healy, Individually; Charles I. Hopkins, Individually; Rudolph J. Valenta, Individually; Anna C. Chennault, Individually; Respondents.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on February 28, 1978, at 9:30 a.m. (local time), in Hearing Room 1003 C, Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428 (43 F.R. 3602, January 26, 1978) is hereby postponed until further notice.

Dated at Washington, D.C., February 16, 1978.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc. 78-4953 Filed 2-23-78; 8:45 am]

[6320-01]

[Order 78-2-75; Docket 31897]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Extending Authorization

Issued under delegated authority February 14, 1978.

By Order 78-1-70, January 17, 1978, the Board approved the petition of Pan American World Airways, Inc. (Pan American) for authorization to discuss with various other parties, including U.S. certificated and foreign air carriers, the feasibility of a joint computerized reservations system for use within the Federal Republic of

Germany. The order specified that the authorization granted would expire after February 1, 1978.

On February 1, 1978, Pan American petitioned the Board requesting extension of that discussion authorization for an additional six-month period.

In support of its petition, Pan American states that various carriers present at the earlier discussions indicated sufficient interest in a joint computerized reservations system to warrant further discussion and research concerning the pricing and feasibility of a joint system. Furthermore, it submits that extension of the authorization would permit a working group to meet periodically, beginning on February 15, 1978, in Germany to discuss appropriate steps to advance the development and installation of a common system, including the possible establishment of pilot projects.

National Airlines, Inc., and Trans World Airlines, Inc., filed answers in support of Pan American's request. No answers in opposition to the petition were received.

Upon consideration of the foregoing, we conclude that Pan American's request for extension of the discussion authorization is reasonable and may result in a more definitive and useful period of research than might otherwise be possible. Therefore, pursuant to authority duly delegated by the Board in Order 78-1-70, we will extend the duration of our discussion authorization to July 31, 1978, subject to the conditions stated below.

Accordingly, It Is Ordered, That:

1. Pan American's petition for extension of discussion authority in Docket 31897 be approved, subject to the following conditions:

(a) All U.S. certificated air carriers and foreign air carriers serving the Federal Republic of Germany, and all interested travel agents and/or their trade associations shall be given an opportunity to attend and to participate in all discussions held pursuant to this order, and all interested government agencies and vendors of computerized reservations equipment shall be permitted to attend the discussions as observers and to express their views;

(b) The discussion meetings and other study activities authorized by this order may take place at dates, times, and locations determined by the parties;

(c) Notices, agenda, ground rules for the oral presentation by interested persons of their views, suggestions, and requests to the discussants, as well as an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting¹ authorized,

¹By continuous meeting, we mean a meeting beginning 5 or more business days after conclusion of the previous meeting.

shall be sent to (1) all persons participating in these discussions, (2) the Board's Docket Section, and (3) all other persons who so request; such items are to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting.² Further, the discussants shall provide for the consideration of oral and written presentations by interested persons before the start of, or during each noncontinuous meeting, and after an oral presentation by the discussants of the tentative conclusions reached in their executive sessions;

(d) Complete and detailed minutes of these discussions shall be maintained by the participants, including a summary of each item discussed and the opinions expressed by the discussants on each point; such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,³ within 5 business days after the date of each meeting;

(e) Any agreement or agreements reached as a result of the discussions shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's Economic Regulations (14 CFR 261) and Subpart P of the Board's Rules of Practice (14 CFR 302.1608) and shall not become effective unless and until approved by the Board under section 412(b) of the Act; the air carriers filing the agreement shall accompany their application with a detailed justification for each aspect of it;

(f) The authorization granted shall expire after July 31, 1978.

2. Except to the extent granted all other outstanding requests in this docket be dismissed.

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 of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period 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 shall be served on all certificated air carriers, on all other persons who responded to the application,

²In view of the need for immediate action, the conditions in ordering paragraph 1(c) shall not apply to the meeting on February 15, 1978, to the extent that they require the issuance or filing of notices, ground rules, and agenda before the meeting.

³The discussants are not precluded from setting a nominal charge to be paid by those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. Pan American will serve as the party to contact to make such requests.

and on the United States Departments of Transportation and Justice.

This order shall also be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-4955 Filed 2-23-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

**CENSUS ADVISORY COMMITTEE ON THE
BLACK POPULATION FOR THE 1980 CENSUS**

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, 1976), notice is hereby given that the Census Advisory Committee on the Black Population for the 1980 Census will convene on March 17, 1978, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on the Black Population for the 1980 Census is composed of 21 members appointed by the Secretary of Commerce. It was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m. is: (1) Introductory remarks by the Director, Bureau of the Census, (2) current status of 1980 planning, (3) testing and selection aids, (4) public information plans for dress rehearsal, (5) report on meeting with minority media, (6) Affirmative Action Program (7) data publication plans, (8) Committee discussion; and (9) Committee recommendations and plans for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning these meetings or who wish to submit written statements may contact the Committee Control Officer, Clifton S. Jordan, Deputy Chief, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. Mailing address: Washington, D.C. 20233, telephone 301-763-5169.

Dated: February 21, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-4910 Filed 2-23-78; 8:45 am]

[3510-25]

Industry and Trade Administration

EXPORT MONITORING REPORT FOR COAL
AND COKE OF COAL

Week Ending January 20, 1978

Total bituminous coal exports for the week ending January 20, 1978, were 97,800 short tons. This is the lowest weekly export volume reported since the start of the strike and well below the average weekly exports of 205,000 short tons for the preceding three weeks. Reported export contract data indicates that, with adequate supplies of coal available, weekly exports would have been approximately 480,000 short tons.

All bituminous coal exports for the week were of metallurgical grade. The average price of these exports was \$48.94 per short ton, with high and low prices of \$56 and \$46 per short ton, respectively. Comparison of these data with those for prior weeks indicates no price trend; but does disclose weekly price variations according to the quantity and grade of coal exported during a particular week.

Exports of coke manufactured from coal for the week aggregated 29,143 short tons compared with a weekly average of 4,973 short tons for the preceding six weeks of this export monitoring program. However, examination of the individual company reports indicates that the high exports for this week are not indicative of a trend but reflect only the irregular pattern of export loadings.

The average and low prices of coke exports for the week were again distorted by the inclusion of low value breeze coke shipments. The high price

for coke was \$142.79 per short ton, the same high export price reported in several prior weeks of the monitoring program. Thus no trend toward increased prices is indicated.

Domestic coal production for the week was 4,985,000 short tons, a decrease from the 5,260,000 short tons produced the preceding week. Total coal consumption for the week was 12,183,000 short tons, approximately the same level as the 12,142,000 short tons consumed the preceding week. Total coal stocks at the end of this week were 129,552,000 short tons, a decrease of 8,326,000 short tons from inventories reported for the previous week.

No change in domestic bituminous coal prices was noted.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

JANUARY 20, 1978.

TABLE 1.—U.S. exports of bituminous coal and coke of coal (in short tons)

[For week ending Jan. 20, 1978]

Commodity	Exports						
	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977	Dec. 23, 1977	Dec. 30, 1977
Low volatile metallurgical coal ¹	NA	NA	***133,877	199,136	96,895	(*)	(*)
Medium volatile metallurgical coal ²	NA	NA	NA	283,420	118,032	(*)	(*)
High volatile metallurgical coal ³	NA	NA	NA	47,055	176,827	(*)	(*)
Total metallurgical coal	NA	NA	889,125	*55,459	**436,605	521,109	128,822
Other bituminous coal	NA	NA	158,326	129,424	351,669	59,500	.....
Total bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,846	7,287	33,179	3,922	9,624	2,843	3,922
Commodity	Average			Week ending			
	January 1976	January 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978	Jan. 27, 1978	Jan. 24, 1978
Low volatile metallurgical coal ¹	NA	NA	NA	(*)	(*)	(*)	(*)
Medium volatile metallurgical coal ²	NA	NA	NA	(*)	(*)	(*)	(*)
High volatile metallurgical coal ³	NA	NA	NA	(*)	(*)	(*)	(*)
Total metallurgical coal	NA	NA	NA	174,709	311,331	.....	97,800
Other bituminous coal	NA	NA	NA	.....	.....	.....	.....
Total bituminous coal	.....	834,857	483,983	174,709	311,331	.....	97,800
Coke of coal	.....	12,326	20,514	4,468	5,062	.....	29,143

¹ 22 pct of less volatile matter.

² 31 pct or less and more than 22 pct volatile matter.

³ More than 31 pct volatile matter.

⁴ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.

** Includes 44,251 short tons of metallurgical grade coal not identified by volatility.

*** Partial, in content tons.

NA Not Available.

Source: Office of Export Administration, and Bureau of the Census.

TABLE 2.—Contracts for export of bituminous coal and coke of coal (in short tons)
[For week ending Jan. 20, 1978]

Commodity	Contracts						Next 6 weeks	Total for 12 weeks
	Week ending							
	Jan. 27, 1978	Feb. 3, 1978	Feb. 10, 1978	Feb. 17, 1978	Feb. 24, 1978	Mar. 3, 1978		
Low volatile metallurgical coal ¹	136,482	108,802	109,922	90,882	153,882	90,886	1,001,208	1,692,064
Medium volatile metallurgical coal ²	463,699	290,914	194,500	107,150	369,966	211,450	1,885,671	3,523,350
High volatile metallurgical coal ³	63,960	42,010	31,510	36,710	67,210	36,710	278,137	556,247
Total metallurgical coal.....	664,141	441,726	335,932	234,742	591,058	339,046	3,165,016	5,771,661
Other bituminous coal.....	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Coke of coal.....	66,157	3,057	23,247	27,292	2,171	2,307	15,992	140,223

¹ 22 pct or less volatile matter.

² 31 pct or less and more than 22 pct volatile matter.

³ More than 31 pct volatile matter.

* Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7 (c) of the Export Administration Act of 1969, as amended.

Source: Office of Export Administration and Bureau of the Census.

TABLE 3.—U.S. exports by commodity and area of destination (in short tons)
[For week ending Jan. 20, 1978]

Commodity and area of destination	Weekly average			Week ending	
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977
Low volatile ¹ metallurgical coal:					
Asia.....			7,458	111,525	24,808
Europe.....			43,463	40,893	69,440
Western hemisphere.....			82,956	46,718	2,647
Total.....	NA	NA	**133,877	199,136	96,895
Medium volatile ² metallurgical coal:					
Asia.....				102,906	93,291
Europe.....				173,711	15,958
Western hemisphere.....				6,803	9,383
Total.....	NA	NA	NA	283,420	118,632
High volatile ³ metallurgical coal:					
Asia.....				11,331	0
Europe.....				0	76,532
Western hemisphere.....				35,724	100,295
Total.....	NA	NA	NA	47,055	176,827
Total metallurgical coal:					
Asia.....			377,151	225,762	118,099
Europe.....			269,606	214,604	161,930
Western hemisphere.....			224,411	*110,093	*112,325
Total.....	NA	NA	***889,125	*550,459	*436,605
Week ending					
	Dec. 23, 1977	Dec. 30, 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978
Low volatile ¹ metallurgical coal:					
Asia.....	(*)	(*)	(*)	(*)	(*)
Europe.....	(*)	(*)	(*)	(*)	(*)
Western hemisphere.....	(*)	(*)	(*)	(*)	(*)
Total.....	(*)	(*)	(*)	(*)	(*)
Medium volatile ² metallurgical coal:					
Asia.....	(*)	(*)	(*)	(*)	(*)
Europe.....	(*)	(*)	(*)	(*)	(*)
Western hemisphere.....	(*)	(*)	(*)	(*)	(*)
Total.....	(*)	(*)	(*)	(*)	(*)
High volatile ³ metallurgical coal:					
Asia.....	(*)	(*)	(*)	(*)	(*)
Europe.....	(*)	(*)	(*)	(*)	(*)

TABLE 3.—U.S. exports by commodity and area of destination (in short tons)—Continued

Commodity and area of destination	Weekly average			Week ending	
	December 1975	December 1976	November 1977	Dec. 9, 1977	Dec. 16, 1977
	Week ending				
	Dec. 23, 1977	Dec. 30, 1977	Jan. 6, 1978	Jan. 13, 1978	Jan. 20, 1978
Western hemisphere.....	(*)	(*)	(*)	(*)	(*)
Total.....	(*)	(*)	(*)	(*)	(*)
Total metallurgical coal:					
Asia.....	134,389	(*)	(*)	(*)	(*)
Europe.....	206,831	(*)	(*)	(*)	(*)
Western hemisphere.....	136,928	(*)	(*)	(*)	(*)
Total.....	521,109	128,822	174,709	311,331	97,800
Other bituminous coal.....					
Total bituminous coal.....					
Coke of coal.....					
NA NA 158,326 129,424 351,669					
1,023,827 1,044,281 1,047,451 679,883 788,274					
16,646 7,287 33,179 3,922 9,624					
Weekly average Week ending					
December 1975 December 1976 November 1977 Dec. 09, 1977 Dec. 16, 1977					
Dec. 23, 1977 Dec. 30, 1977 Jan. 6, 1978 Jan. 13, 1978 Jan. 20, 1978					
59,500 0 0 0 0					
580,509 128,822 174,709 311,331 97,800					
2,843 3,922 4,466 5,062 29,143					

* 22 pct or less volatile matter.

* 31 pct or less and more than 22 pct volatile matter.

* More than 31 pct volatile matter.

* Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

* Includes 44,251 short tons of metallurgical grade coal not identified by volatility.

** Partial, in content tons.

*** Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.

NA: Not available.

Source: Office of Export Administration, and the Bureau of the Census.

TABLE 4.—Anticipated exports by commodity and area of destination (in short tons)

[For week ending Jan. 20, 1978]

Commodity and area of destination	Contracts						Next 6 weeks	Total for 12 weeks
	Week ending							
	Jan. 27, 1978	Feb. 3, 1978	Feb. 10, 1978	Feb. 17, 1978	Feb. 24, 1978	Mar. 3, 1978		
Total metallurgical coal: ¹								
Asia.....	365,648	174,089	109,761	87,421	315,437	191,725	1,700,743	2,944,824
Europe.....	263,106	123,726	192,076	113,226	241,528	113,226	1,226,703	2,273,589
Western hemisphere.....	35,387	143,911	34,095	34,095	34,095	34,095	204,570	520,248
Total.....	664,141	441,726	335,932	234,742	591,058	339,046	*3,165,016	*5,771,661
Other bituminous coal.....	(²)	(²)	(²)	(²)	(²)	(²)	(²)	(²)
Total bituminous coal.....	(²)	(²)	(²)	(²)	(²)	(²)	(²)	(²)
Coke of coal.....	66,157	3,057	23,247	27,292	2,171	2,307	15,992	140,223

¹ Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.² Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.³ Data withheld to avoid disclosure of data withheld above. See footnote 2.⁴ Includes 33,000 short tons to destinations not listed above.

Source: Office of Export Administration and Bureau of the Census.

TABLE 5.—Export prices of bituminous coal and coke of coal, in dollar per short ton
[Week ending Jan. 20, 1978]

Commodity	January 1976 average	January 1977 average	November 1977 average	Weighted average	High	Low
Low volatile metallurgical coal ¹	NA	NA	NA	(*)	(*)	(*)
Medium volatile metallurgical coal ²	NA	NA	NA	(*)	(*)	(*)
High volatile metallurgical coal ³	NA	NA	NA	(*)	(*)	(*)
Total metallurgical coal.....	NA	NA	\$53.84	\$48.94	\$56.00	\$46.00
Other bituminous coal.....	NA	NA	35.01			
Total bituminous coal.....	\$49.16	\$54.34	50.99	48.94	56.00	46.00
Coke of coal.....	61.22	45.25	79.70	51.64	142.79	33.29

¹ 22 pct or less volatile matter.

² 31 pct or less and more than 22 pct volatile matter.

³ More than 31 pct volatile matter.

⁴ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

TABLE 6.—U.S. trade in bituminous coal and coke of coal, in short tons
[For week ending Jan. 20, 1978]

	Weekly average, December 1975	Weekly average, December 1976	Weekly average, November 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Imports:							
Bituminous coal ¹	20,097	21,452	31,158	NA	NA	NA	NA
Coke of coal.....	20,774	28,903	41,267	NA	NA	NA	NA
Exports:							
Bituminous coal ¹	1,023,827	1,044,281	1,047,451	879,883	788,274	580,609	128,822
Coke of coal.....	16,646	7,287	33,179	3,922	9,624	2,843	3,922
			January 1976 average	January 1977 average	Week ending Jan. 6, 1978	Week ending Jan. 13, 1978	Week ending Jan. 20, 1978
Imports:							
Bituminous coal ¹			16,346	27,198	NA	NA	NA
Coke of coal.....			3,483	5,987	NA	NA	NA
Exports:							
Bituminous coal ¹			834,857	483,983	174,709	311,331	97,800
Coke of coal.....			12,326	20,514	4,466	5,062	29,143

¹ Includes both metallurgical grade and steam coal.

Source: Office of Export Administration and Bureau of the Census.

TABLE 7.—Bituminous coal and coke of coal* production, consumption, and stocks (in thousand short tons)
[For week ending Jan. 21, 1978]

	Weekly average			Week ending			
	December 1975	December 1976	November 1977	Dec. 10, 1977	Dec. 17, 1977	Dec. 24, 1977	Dec. 31, 1977
Total bituminous coal production**.....	12,019	12,593	14,798	9,100	5,080	5,515(R)	5,700
Consumption.....							
Metallurgical***.....	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other bituminous.....							
Electric utility.....	8,414	9,387	NA	9,228	9,550	9,398	8,928
General industry.....	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total other.....	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total bituminous.....	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous coal stocks (end of specified periods)							
Metallurgical***.....	8,871	9,804	NA	15,084(R)	14,776	13,982	13,088
Other Bituminous.....							
Electric utility.....	109,707	117,468	NA	146,171(R)	141,691	136,993	131,308
General industry.....	8,504	6,900	NA	9,495	9,248	8,896	8,425
Total other.....	118,211	124,368	NA	155,666	150,939	145,889	139,713
Total bituminous.....	126,882	134,172	NA	170,750	165,715	159,871	152,801
	Weekly average			Week ending			
	January 1976	January 1977	Jan. 7, 1978	Jan. 14, 1978	Jan. 21, 1978	Jan. 28, 1978	Feb. 4, 1978
Total bituminous coal production**.....	11,627	9,520	5,755	5,260(R)	4,985		
Consumption.....							
Metallurgical***.....	1,505	1,428	1,291	1,192	1,221		
Other bituminous.....							
Electric utility.....	9,009	9,730	9,359	9,652	9,763		
General industry.....	1,211	1,442	1,220	1,298	1,199		
Total other.....	10,220	11,172	10,579	10,950	10,962		
Total bituminous.....	11,725	12,600	11,870	12,142	12,183		
Bituminous coal stocks (end of specified periods)							

TABLE 7.—Bituminous coal and coke of coal* production, consumption, and stocks (in thousand short tons)—Continued

	Weekly average			Week ending		
	December 1975	December 1976	November 1977	Dec. 10, 1977	Dec. 17, 1977	Dec. 24, 1977
Metallurgical***	8,115	8,107	11,992	10,900	9,771	
Other bituminous						
Electric utility	104,456	103,883	126,268	119,399	112,535	
General industry	6,425	5,960	8,046	7,579	7,246	
Total other	110,881	109,843	134,314	126,978	119,781	
Total bituminous	118,996	117,950	146,306	137,878	129,552	

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised.

Data Source: Department of Energy.

TABLE 8.—Representative domestic bituminous coal and coke of coal prices (Dollars per short tons FOB mine of coke plant)
[For Week Ending Jan. 21, 1978]

		Metallurgical Coal			Other bituminous	Coke	
		Low volume	Medium volume	High volume		Furnace	Foundry
December 1975	Spot	(46.38)		29.28	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.50
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week ending Dec. 10, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 17, 1977	Spot	44/51	31/37	29/36	18.87	85/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 24, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Dec. 30, 1977	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 7, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 14, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA
Week ending Jan. 21, 1978	Spot	44/51	31/37	29/36	18.87	80/90	129/134
	Contract	43/50	40/43	31/38	19.12	NA	NA

Source: McGraw-Hill's "Coal Week." Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes. NA: Not Available.

[FR Doc. 78-4791 Filed 2-17-78; 12:58 pm]

[3510-25]

Industry and Trade Administration

JOINT MEETING—SIX TECHNICAL ADVISORY COMMITTEES

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the six technical advisory committees listed below will be held on Thursday, March 16, 1978, at 9:30 a.m. in Room 6802, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

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

and the Federal Advisory Committee Act.

2. Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

3. Numerically Controlled Machine Tool Technical Advisory Committee. This Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

4. Semiconductor Technical Advisory Committee. This Committee was

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

5. Electronic Instrumentation Technical Advisory Committee. This Committee was initially established on October 23, 1973. On October 7, 1975, and October 21, 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.

6. Telecommunications Equipment Technical Advisory Committee. This Committee was initially established on April 5, 1973. On March 12, 1975, and March 16, 1977, the Acting Assistant Secretary for Administration approved the recharter and extension of the

Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. app. sec. 2404(c)(1) and the Federal Advisory Committee Act.

These committees, where they have expertise in such matters, advise the Office of Export Administration, U.S. Department of Commerce, 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 any articles, materials, and supplies, including technical data or other information, 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 Committees will meet only in executive session to discuss matters properly classified under Executive Order 11652, dealing with the United States and COCOM control program and strategic criteria related thereto.

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

The Acting Assistant Secretary of Commerce for Administration with the concurrence of the delegate of the General Counsel, has formally determined, 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 by each of the aforementioned technical advisory committees in the executive session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the executive session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the committees during the joint meeting have been properly classified under Executive Order 11652. All committee members have appropriate security clearances.

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

Following are the dates of approval of the Notices of Determination to close meetings or portions thereof of the series of meetings of the technical advisory committees involved in this

joint meeting, and of any subcommittees thereof; the dates the full texts of the Notices of Determination were published in the FEDERAL REGISTER; and the FEDERAL REGISTER citations:

	Date approved	Date published
Computer Systems Technical Advisory Committee.	Jan. 27, 1977..	Feb. 2, 1977 (42 FR 6374).
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.	do	Feb. 8, 1977 (42 FR 7973).
Numerically Controlled Machine Tool Technical Advisory Committee.	do	Feb. 1, 1977 (42 FR 5991).
Semiconductor Technical Advisory Committee.	do	Mar. 2, 1977 (42 FR 12078).
Electronic Instrumentation Technical Advisory Committee.	Oct. 21, 1977..	Oct. 28, 1977 (42 FR 58767).
Telecommunications Equipment Technical Advisory Committee.	Apr. 22, 1977 ..	May 25, 1977 (42 FR 26882).

Dated: February 17, 1978.

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

[FR Doc. 78-4899 Filed 2-23-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

A meeting of the Scientific and Statistical Committee of the New England Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will be held on March 15, 1978, from 9:30 a.m. to approximately 4:30 p.m., at the JFK Building, Room 307, Government Center, Boston, Mass. The meeting may be extended or shortened depending on progress on the agenda.

Proposed Agenda: (1) Herring Population Modeling; (2) Long-term Economic and Social Data Needs; and (3) Other Business.

The meeting is open to the public. For more information of seating, changes to the agenda, and/or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, Telephone 617-535-5450.

Dated: February 16, 1978.

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

[FR Doc. 78-4895 Filed 2-23-78; 8:45 am]

[3510-22]

COMMONWEALTH OF VIRGINIA

Determination of Commercial Fishery Failure Due to Resource Disaster

Whereas, many individuals and firms in Virginia are engaged in harvesting, processing, and marketing oysters to meet consumer demands; and

Whereas, the oyster resources in Virginia make an important contribution to the economy of this State with a combined production value of more than \$10 million; and

Whereas, mortalities of oyster stocks due to ice scouring in the 1976-77 winter months, a natural cause, was about 95 percent on public oyster beds on the Eastern Shore; and

Whereas, it is known that the damaged oyster resources can be effectively and economically restored through planting of cultch material;

Now, therefore, as the authorized representative of the Secretary of Commerce, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster arising from natural causes within the meaning of subsection 4(b) of the Commercial Fisheries Research and Development Act as amended. I hereby authorize the use of Federal funds under this Act to restore and put back into production the damaged oyster resources in Virginia's Eastern Shores.

RICHARD A. FRANK,
Administrator.

[FR Doc. 78-4898 Filed 2-23-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON COMMAND AND CONTROL SYSTEMS MANAGEMENT

Advisory Committee Meeting

The Defense Science Board Task Force on Command and Control Systems Management will meet in closed session on March 23-24, 1978, in the Pentagon, room 3E282.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is examining possible improvements in the process by which the Department of Defense plans for, develops and acquires Defense command and control systems.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: February 21, 1978.

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

[FR Doc. 78-4945 Filed 2-23-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. SEPA 78-1 and
Supplement No. 1]

LAUREL PROJECT, SOUTHEASTERN POWER ADMINISTRATION

Intent To Act on Proposal for Short-Term Rates
and Amendment to Notice of Hearing

AGENCY: Economic Regulatory Admin-
istration, Department of Energy.

ACTION: Notice.

SUMMARY: On February 6, 1977, the Acting Assistant Secretary for Resources Applications requested that the Administrator of the Economic Regulatory Administration (ERA) confirm and approve short-term rates and charges for the Laurel project, Southeastern Power Administration, for a period beginning on November 1, 1977, and ending on April 30, 1978. This request amends an earlier request from the Acting Assistant Secretary to confirm and approve rates and charges for a period ending on January 31, 1978. The purpose of this notice is to advise the public that the Administrator of ERA intends to exercise his confirmation and approval authority with respect to the Acting Assistant Secretary's requests in a consolidated proceeding, to invite interested parties to submit written comments, and to offer interested parties the opportunity to make an oral presentation at a public hearing. The public hearing on the earlier request previously scheduled for February 23, 1978, is rescheduled for March 8, 1978.

DATES: Written comments are due on or before March 27, 1978. A public hearing will be held on March 8, 1978. Written summaries of oral testimony, if furnished, should be filed by March 6, 1978.

ADDRESSES: Ten copies of written comments should be submitted to: Office of Regulations Management, Box QQ, Department of Energy, Room 2313, 2000 M Street NW., Washington, DC 20461. The public hearing will be held in: Room 2105, 2000 M Street NW., Washington, DC 20461.

FOR FURTHER INFORMATION CONTACT:

A. Grey Staples, Office of Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Room 538, Washington, DC 20461, 202-254-9782; or

Richard W. Manning, Office of the General Counsel, 12th and Pennsylvania Avenue NW, Room 6146, Washington, DC 20461, 202-566-9653.

SUPPLEMENTARY INFORMATION: Pursuant to section 301(b) of the Department of Energy Organization Act (Pub. L. 95-91), the function to confirm and approve rates for the Southeastern Power Administration was transferred to the Secretary of Energy. By delegation order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Energy Regulatory Administration (ERA).

The Southeastern Power Administration entered into a contract (contract No. 89-00-1501-564) for the sale of power from the Laurel project to East Kentucky Power Cooperative, Inc., for a period beginning on November 1, 1977, and ending on January 31, 1978. On November 28, 1977, the Acting Assistant Secretary for Resource Applications (RA) requested ERA to confirm and approve the short term rates as contained in the contract. Notice of ERA's intent to act on this proposal was published in the FEDERAL REGISTER on December 23, 1977 (42 FR 64406), which invited interested parties to submit written comments relevant to the proposed short term rates. A public hearing was scheduled for February 23, 1978, in Washington, DC, 43 FR 5861 (February 10, 1978).

On February 6, 1978, RA requested that ERA confirm and approve the short-term rates and charges for a period beginning on November 1, 1977, and ending on April 30, 1978, on the ground that the subject contract was extended for an additional 3-month period through April 30, 1978. ERA is consolidating this request with RA's request of November 28, 1977, to eliminate the need to hold two separate hearings. Accordingly, the hearing scheduled for February 23, 1978, is rescheduled for March 8, 1978.

The public is invited to submit comments, as set forth in this notice, relative to RA's requests. At the conclusion of the comment procedure the

Administrator of ERA will evaluate all comments received in response to this notice and the notice published on December 23, 1977, and will take final action on the request for short term rates and charges.

COMMENT PROCEDURES

Interested persons are invited to submit comments with respect to the subject matter set forth in this notice to: Office of Regulations Management, Box QQ, Room 2313, Department of Energy, 2000 M Street NW., Washington, DC 20461.

Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.s.t., March 27, 1978.

Any person who has an interest in this matter or is a representative of a group or class of persons that has an interest in it, will be afforded an opportunity to make an oral presentation at a public hearing. DOE will establish the procedures governing the conduct of the hearing. The length of each presentation may be limited based on the number of persons requesting to be heard.

The hearing will be held in Room 2105, 2000 M Street NW., Washington, DC, on March 8, 1978, and will begin at 9:30 a.m.

Public comments and the hearing record will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC, between the hours of 8 a.m., and 4:30 p.m., Monday through Friday.

Issued in Washington, DC, February 21, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility
Systems, Economic Regula-
tory Administration.

[FR Doc. 78-4896 Filed 2-23-78; 8:45 am]

[3128-01]

Office of the Special Counsel for Compliance

[Case No. 660R00102]

KERR-McGEE CORP.

Notice of Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Department of Energy (DOE) hereby gives Notice of a Consent Order which was executed between Kerr-McGee Corp. (Kerr-McGee) and the DOE on January 30, 1978. In accordance with that section, DOE will receive comments with respect to this Consent Order. Although DOE has signed and tentatively accepted this Consent Order, DOE may, after consideration of comments received, withdraw its ac-

ceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

Kerr-McGee Corp., with its home office located in Oklahoma City, Okla. 73102, is a refiner engaged in the production of crude oil and refining and marketing of petroleum products subject to DOE Regulations. Triangle Refineries, Inc. (TRI), a subsidiary of Kerr-McGee, and Cotton Valley Solvents Co. (CVSC), a subsidiary of TRI, are both firms subject to DOE regulations.

On July 1, 1973, Kerr-McGee and the previously mentioned subsidiaries discontinued an early payment discount to certain customers on certain products. Kerr-McGee Refining Corp. discontinued an early payment discount on No. 1 and No. 2 distillates, gasoline, and bulk lube products. TRI discontinued the early payment discount on gasoline and distillate products. CVSC discontinued the early payment discount on naphtha. Kerr-McGee reinstated the discount on February 1, 1976, but CVSC did not reinstate the discount until March 1, 1976. DOE has preliminarily determined that Kerr-McGee's discontinuation of the early payment discount or its modification constitutes the imposition of more stringent credit terms than those in effect on May 15, 1973, for the class of purchasers, in violation of 10 CFR § 210.62.

In resolution of the issue raised, DOE and Kerr-McGee executed a Consent Order on January 30, 1978, the significant terms of which are as follows:

(1) Kerr-McGee, within 90 days of the effective date of the Consent Order, will refund to its overcharged customers \$6,636,626 plus interest.

(2) Kerr-McGee will compute its recovery of increased product costs without regard to the amount discounted because of early payment, pursuant to Ruling 1975-13.

(3) The provisions of 10 CFR § 205.197, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. Gerald E. Koester, Branch Manager, Southwest District Refiner Audit, Tulsa Branch Office, P.O. Box 45875, Tulsa, Okla. 74145. Copies of this Consent Order may be received free of charge by written request to this same address or by calling 918-581-7986.

Comments should be identified on the outside of the envelope and on documents submitted with the designation, "Comments on Kerr-McGee Consent Order." All comments received by 4:30 p.m. c.s.t., on or before

April 7, 1978 will be considered by the DOE in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

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

PAUL L. BLOOM,
Special Counsel for Compliance.
[FR Doc. 78-4859 Filed 2-23-78; 8:45 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION

[Project No. 2146]

ALABAMA POWER CO. (WALTER BOULDIN DAM)

Meeting

FEBRUARY 17, 1978.

TIME: 1 p.m., March 2, 1978.

PLACE: Hearing Room G, South Building, 825 North Capitol Street, NE., Washington, D.C.

EXPECTED PARTICIPANTS:

FERC STAFF: Messrs. Lindsay, Stout, Corso, Wilson, Occhipinti, Thomas (Washington Office), and Fishburne, Miller, and Askew (ARO), and Mr. Hagenlock (or OGC representative).

Others: Messrs. Barton (Exec. V.P.), Clayton (Senior V.P.), Krotzer, Dougherty, Glass (Alabama Power Co.), Swiger and Conn (Consulting Board), and Legal Counsel (APCO).

PURPOSE: To discuss Alabama Power Co.'s licensee program for remedial work to Logan Martin Dam (FERC Project No. 2146) as directed by the Commission's letter dated October 27, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4920 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed Tariff Filing

FEBRUARY 16, 1978.

Take notice that on February 10, 1978, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute First Revised Sheet No. 36-A and Substitute First Revised Sheet No. 36-B. These revised tariff sheets are proposed to become effective as of March 12, 1978. They are in substitution for and supersede the tariff sheets heretofore filed by Alabama-Tennessee on January 16, 1978.

According to Alabama-Tennessee, the purpose of these revised tariff sheets is to provide in section 22.2 of the General Terms and Conditions that, in the event that resale customers obtain supplemental volumes of natural gas from any source other than Alabama-Tennessee sufficient to provide volumes of natural gas in excess of their priorities 1 and 2 at a time when Alabama-Tennessee has in effect on its system curtailments to its resale customers in priorities 1 and 2, then, in that event, Alabama-Tennessee will curtail such customer or customers deliveries equivalent to such excess volumes of natural gas so that such volumes may be distributed equitably to the remaining resale, but not direct industrial, customers being curtailed into priorities 1 and 2. These tariff revisions do not provide for changes in rates.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said filing should on or before February 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4914 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-337]

ALGONQUIN GAS TRANSMISSION

Petition To Amend

FEBRUARY 17, 1978.

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

Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

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

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

Take notice that on February 6, 1978, Algonquin Gas Transmission Company (Petitioner), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP77-337 a petition to amend the order of June 20, 1977 (57 FPC) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to permit Petitioner to continue its natural gas storage service under Rate Schedule S-T at rates which may be changed to reflect changes in rate made by Texas Eastern Transmission Corp. (Texas Eastern) in its ISS storage rate that one caused by changes in the GSS storage rate of Consolidated Supply Corp. (Consolidated Gas), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of June 20, 1977, Petitioner is rendering a limited-term storage service under its Rate Schedule S-T. It is further indicated that in order to render such service, Petitioner has purchased a limited-term storage service from Texas Eastern under the latter's Rate Schedule ISS, and Texas Eastern has been rendering such service pursuant to its certificate authorization issued in Docket No. CP77-313. Texas Eastern, in turn, has purchased a limited-term storage service from Consolidated Gas under the latter's Rate Schedule GSS, it is stated.

Petitioner indicates that it is filing this petition pursuant to the suggestion made by the Commission in its

order of January 27, 1978, in Docket No. CP77-313, RP77-28, et al. It is indicated that pursuant to such order the Commission amended Texas Eastern authorization in Docket No. CP77-313 so as to permit Texas Eastern to reflect in its ISS rate any changes that occur in Consolidated Gas' storage service rate under the latter's Rate Schedule GSS.

Petitioner states that since it, in turn, receives storage service from Texas Eastern under Texas Eastern's Rate Schedule ISS, Petitioner had tendered with the Commission for filing a proposed change in its tariff which would have enabled Petitioner to tract such increased storage service costs from Texas Eastern through to Petitioner's storage service customers, i.e., customers receiving service under Petitioner's Rate Schedule S-T. It is indicated, however, that pursuant to the order of January 27, 1978, the Commission rejected the proposed tariff changes as a rate filing, since the Commission's General Policy, as set forth in § 145.38(d)(3) of the Regulations under the Natural Gas Act (18 CFR 145.38(d)(3)), does not permit such tracking filings under the rate provisions of the Natural Gas Act. The Commission indicated that Petitioner's rejected tariff filing was more properly a certificate matter, and Petitioner should file a modification of its certificate(s) authorizing continuation of sales of natural gas at rates which would reflect changes in Texas Eastern's rates, it is asserted.

Accordingly, Petitioner requests that the Commission amend its order in the instant docket so as to provide for the continuation of its S-T service at rates which reflect changes in Texas Eastern's ISS rate that are caused by changes in the GSS storage service rate of Consolidated Gas. Petitioner indicates that pursuant to the Commission's order of January 27, 1978, in Docket No. CP77-313, et al., the Commission amended Texas Eastern's certificate to sell natural gas storage service under its Rate Schedule ISS at rates which may be changed to reflect changes in rates by Consolidated Gas for sales under Rate Schedule GSS of storage service to Texas Eastern. Petitioner states that it has been notified by Texas Eastern that there would be an increase in its ISS rate to Petitioner, effective April 2, 1978, due to a GSS rate increase by Consolidated Gas which becomes effective on that date.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4921 Filed 2-23-78; 8:45 am]

[6740-02]

ARKANSAS POWER & LIGHT CO.

[Project No. 271]

Application for an Amendment of License

FEBRUARY 17, 1978.

Public notice is hereby given that an application was filed on November 30, 1977, under the Federal Power Act (16 U.S.C. §§ 791a-825r), by Arkansas Power & Light Co. (Applicant) (Correspondence to: Peyton G. Bowman, III, Reid & Priest, 1701 K Street NW., Washington, D.C. 20006) for an amendment of license for FERC Project No. 271, known as the Carpenter & Remmel Developments. Project No. 271 is located on the Ouachita River in the Counties of Garland and Hot Springs, Ark.

Applicant seeks Commission approval of an amendment to the license for Project No. 271 which would allow Arkansas Power & Light Co. to grant permission to property owners around the periphery of Lake Hamilton to erect certain bulkheads or retaining walls to prevent further erosion of lakeshore property. Lake Hamilton is located within the boundary of Project No. 271. Applicant also seeks authorization to grant permits for the construction or installation within the project boundary of piers, boat docks, and boat ramps.

Any person desiring to be heard or to make protest with reference to said application should, on or before April 3, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4922 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RI78-10]

CARL E. SMITH

Amended Petition for Special Relief

FEBRUARY 17, 1978.

Take notice that on January 30, 1978, Carl E. Smith, Inc. (CES), P.O. Box 4, Sandyville, W. Va. 25275, filed an amended petition for special relief in the captioned docket, pursuant to § 2.76 of the Commission's Rules of Practice and Procedure. In its amended petition, CES requests authorization to charge \$1.74 per Mcf for gas sold to Consolidated Gas Supply Corp. (Consolidated) from three wells located on the Turner "A" Lease, Morris Creek, Kenawha County, W. Va.

In its original petition for special relief, filed on November 8, 1977 and noticed on December 8, 1977, CES requested authorization to charge \$1.79 per Mcf for the sale of the same gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4923 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RP73-65; (PGA78-2)]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

FEBRUARY 17, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia) on January 27, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, as follows:

Fortieth Revised Sheet No. 16.

Twentieth Revised Sheet No. 64A.

These proposed changes to be effective March 1, 1978, reflect the following rate adjustments:

(1) A PGA rate adjustment, pursuant to section 20.4(d) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover increased cost of gas purchased of \$95,477,505, annually.

(2) A Commodity Surcharge, pursuant to section 20.2 of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover \$23,920,462 of deferred Purchased Gas cost over the six month period March 1, 1978 through August 31, 1978. Such surcharge includes the effect of: (1) supplier refunds received; (2) revenue received from Distributors for transportation of volumes under the Emergency Natural Gas Act; (3) the undercollection of the special surcharge as authorized by FPC Opinion No. 770 and 770A; and (4) current and prior period emergency arrangements.

Copies of the filing were served upon the Company's jurisdictional customers and 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, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 28, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4915 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-213]

THE CONNECTICUT LIGHT AND POWER CO.

Proposed Transmission Agreement

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, the Connecticut Light and Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated December 27, 1977 between (1) CL&P, the Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) Westfield Gas and Electric Department (Westfield).

CL&P states that the Transmission Agreement provides for a transmission service to Westfield during the period from January 1, 1978 to October 31, 1978.

CL&P indicates that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which Westfield is entitled to receive.

CL&P requests an effective date of January 1, 1978 for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Conn.; WMECO, West Springfield, Mass. and Westfield, Westfield, Mass.

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 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 March 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4924 Filed 2-23-78; 8:45 am]

[6740-02]

EL PASO NATURAL GAS CO., ET AL

Order Granting Motion for Phasing of Proceedings and Deferral of Procedures Concerning Remedy

FEBRUARY 13, 1978.

In the matter of El Paso Natural Gas Co. (Docket No. CP74-314); Northwest Pipeline Corp., (Docket No. CP76-327); and Sun Oil Co., et al. (Docket No. CI77-526).

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), (Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the

Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.¹

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

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

A motion requesting phasing of the jurisdictional and remedial issues in this proceeding (i.e., Commission consideration of the jurisdictional issue prior to examining the problem of a remedy), was filed by the Designated Respondents on December 12, 1977, and for the reasons stated therein we now find that sufficient cause exists to phase the proceedings at this time. Therefore, we will now order that proceedings be directed specifically to the jurisdictional issues. Should resolution of the jurisdictional issues result in a finding that the transactions in question here are the equivalent of a producer sale of gas for resale in interstate commerce and therefore subject to FERC jurisdiction, we will then consider procedures to resolve the issue of remedy.

The reasons given by the respondents are essentially that a decision on the jurisdictional issues could be reached in the relatively near future, while the collection of evidence and determination of a regulatory remedy would take much longer. Therefore, efficiency and the interest of all parties in a prompt decision on jurisdiction dictates that this issue be separated and decided first.

¹The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

The motion of the Designated Respondents for Phasing of Proceedings was supported by William G. Webb, et al., producer applicants in consolidated proceedings, William G. Webb, et al., Docket Nos. G-6887, et al., (with the exceptions of Ralph E. Davis (Docket No. CI62-1175) and C. J. Brannan (Docket No. CI67-628)).² The motion for phasing was also joined and adopted by respondent AMOCO Production Co.³ The Commission Staff is agreeable to phasing of the jurisdictional and remedial issues.⁴

El Paso, supported by Pacific Gas and Electric Co., Northwest Pipeline Co. and William G. Webb, et al., contends that the Commission should defer any action on the motion until a decision could be rendered by the Fifth Circuit Court of Appeals in a case designated as *El Paso Natural Gas Company, et al., v. Sun Oil Company, et al.*, Docket No. 77-1762. In response to this contention we note that on January 9, 1978, the Fifth Circuit vacated its prior order granting referral of this case to the FERC for action and set the case for briefing on the merits of referral.⁵ It remains our view, as stated in the order of July 29, 1977, that the Commission has an independent statutory mandate to determine the issues presented by this case and that we are neither required nor is it in the public interest to delay our proceedings pending the resolution of the questions pending before the court.

In taking the action we now adopt—to phase the jurisdictional and remedial issues of the case—we have not overlooked the arguments advanced by the People of the State of California and the Public Utilities Commission of the State of California in opposition to the Motions of the Designated Respondents for Phasing of Proceedings and Deferral of Procedural Dates.⁶ California states that:

*** by deferring the remedy issue until such time as a determination on jurisdiction is conclusive would unduly delay relief for years. Such delay will effectively deny California ratepayers the possibility of receiving the benefit of any refunds that may flow from a decision as to remedy.

²Answer of William G. Webb, et al., filed December 15, 1977.

³Joinder of Amoco, filed December 15, 1977.

⁴Response of the Commission Staff to Motion of Certain Respondents for Deferral of Procedural Dates Concerning Remedy, filed December 21, 1977.

⁵Court order attached to Motion of Certain Respondents for Stay of Proceedings, filed January 18, 1978.

⁶Opposition of the People of the State of California and the Public Utilities Commission of the State of California to Motions of Designated Respondents, filed December 22, 1977.

Moreover, the California ratepayer is now faced with the payment of hundreds of millions of dollars in rate increases as a result of the transactions at issue. See the testimony of staff witness Johnson on file in this proceeding. It should also be noted that California and El Paso Natural Gas Co. have submitted testimony with respect to remedy within the time prescribed by the Commission and the Administrative Law Judge. It is respectfully submitted that not only have Movants been dragging their feet in preparing for hearings with respect to remedy, they have not shown any specific reason that would have prevented them from moving expeditiously.⁷

Although we are sympathetic with the very real concerns of California gas consumers, we are nevertheless now convinced that phasing the jurisdictional and remedial issues will promote efficiency and a more expeditious proceeding than now appears possible by concurrent consideration of the two issues. As stated in the motion of the Designated Respondents at page 7:

When it first considered the issue of phasing, the Commission opted for trial of the jurisdictional and remedy issues together, in the expressed belief that it would save time and promote efficiency. It is now clear that considering these two issues simultaneously is likely to delay, rather than foster, the timely and orderly consideration of this case. The evidence on jurisdiction, which will soon be complete, is likely to lie untouched for months while the parties develop evidence on remedy, an issue on which a hearing might never be necessary. This approach will result in needless waste of the time and resources of the parties and the Commission. The Commission apparently recognized this reality, as evidenced by Staff Counsel's statement to the Fifth Circuit that the Commission is willing to consider deferral of the remedy phase of these proceedings.

On December 27, 1977, the Presiding Administrative Law Judge suspended procedural dates on the issue of remedy in the case pending the decision of the Commission on the motion to phase.

On January 30, 1978, the Administrative Law Judge, in response to motions filed with him, extended dates for submission of evidence and ordered a hearing on the jurisdictional issue to commence on March 27, 1978.

Since issuance of the Court's order on January 9, 1978, another Motion of Respondents, who were defendants in *El Paso Natural Gas Co. v. Sun Oil Co.*, supra, joined by the Designated Respondents in this proceeding was filed on January 18, 1978, seeking a Stay of Proceeding pending final decision in the litigation now on appeal in the Fifth Circuit. The reasons ad-

⁷Opposition of California, supra, pp. 3, 4.

vanced for a stay are, in summary, that the Court intends to consider the merits of the same issues now before the Commission; the Court's final determinations on referral to the Commission and on the merits of the District Court decision with respect to the overriding royalty payments may determine the future course of action by the Commission; failure to stay would result in duplication of effort in complying with procedural schedules of the Commission and the Court; and comity, judicial and administrative economy require issuance of a stay.

Responses in opposition to the Motion to Stay have been filed by El Paso, Northwest, Commission staff, the State of California, Pacific Gas and Electric Co. and Southern California. On the basis of their comments and upon our further consideration we will deny the motion.

As stated above, we find it is not in the public interest to delay these proceedings pending final court action. This Commission has an independent statutory mandate to determine the issue pending in these proceedings. In any event, the court has not yet ruled on the issues pending before it, and there is no certainty that a duplication of effort is required by now moving forward with this proceeding. Moreover, the time of final disposition of judicial action is uncertain. We therefore deny the Motion to Stay.

The Commission finds: (1) The phasing of the issues of jurisdiction and remedy will promote more efficient procedures for resolving all the issues than the concurrent consideration of both issues in this proceeding.

The Commission orders: (A) The Motion of the Designated Respondents for Phasing of Proceedings is granted.

(B) The Motion of Certain Respondents for Stay of Proceedings is denied.

(C) The Presiding Administrative Law Judge is directed to establish procedural dates for such further presentations by the parties directed solely to the issue of jurisdiction of the FERC as will permit a sound and expeditious resolution of this issue.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4918 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ES78-21]

INTERSTATE POWER CO.

Application

FEBRUARY 16, 1978.

Take notice that on February 8, 1978, an application was filed with the Federal Energy Regulatory Commission

pursuant to section 204(a) of the Federal Power Act by Interstate Power Co. (Applicant), seeking an order authorizing the issuance and sale of \$35,000,000 principal amount of the Company's First Mortgage Bonds —% Series Due 2008 and of additional Common Stock of the par value of \$3.50 per share pursuant to its Employee and Stockholder Automatic Dividend Reinvestment and Stock Purchase Plan ("DRP") and Employee Stock Ownership Plan ("ESOP").

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

Applicant proposes to issue and sell pursuant to competitive bidding in accordance with the requirements of § 34.1(b) of the Commission's Regulations \$35,000,000 principal amount of its First Mortgage Bonds —% Series Due 2008 and pursuant to an exemption from competitive bidding, 20,000 additional shares of its presently authorized Common Stock, par value \$3.50 per share, from time to time pursuant to its DRP, and 125,000 such additional shares pursuant to its ESOP. It is presently proposed that sealed, written bids for the purchase of the First Mortgage Bonds will be opened on March 28, 1978, and that the results of such competitive bidding will be furnished to this Commission.

According to the application, the net proceeds from the sale of the New Bonds and to be received by the Applicant from the issuance and sale of the shares of additional Common Stock pursuant to the DRP and the ESOP will be used by the Applicant to retire \$20,000,000 of First Mortgage Bonds, due January 1, 1978 (from the proceeds of the New Bonds only), to discharge a portion of the short-term indebtedness incurred by the Applicant which were used to pay for a portion of its construction program and for other corporate purposes. 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 §§ 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 24, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4913 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-180]

TEXAS EASTERN TRANSMISSION CORP., AND
SOUTHERN NATURAL GAS CO.

Application

FEBRUARY 16, 1978.

Take notice that on February 2, 1978, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Southern Natural Gas Co. (Southern Natural), P.O. Box 2563, Birmingham, Ala. 35202, (Applicants) filed in Docket No. CP78-180 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an additional point of exchange, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants request authorization to establish an additional exchange point at the tailgate of Gulf Oil Co.'s Venice Processing Plant, Venice, La., where Applicants currently purchase gas and, where through mutually dispatching arrangements either company can make deliveries to the other by reducing its receipts under its gas purchase contract and permit the other to accept into its system the equivalent gas volumes.

Applicants indicate that there is a currently effective exchange agreement between them dated October 2, 1951 (Rate Schedule X-38 of Texas Eastern's FERC Gas Tariff, Original Volume 2 and Rate Schedule X-13 of Southern Natural's FERC Gas Tariff, Original Volume No. 2) which provides for the exchange of natural gas on an Mcf for Mcf basis at various points. It is indicated that exchanges under this and a preceding agreement were authorized by the Federal Power Commission's order of February 13, 1952, as amended in Docket Nos. G-1811 and in G-13223. Applicants indicate that pursuant to an agreement dated July 21, 1977, which agreement supercedes and cancels the existing exchange agreement between Applicants dated October 2, 1951, Applicants have provided for the additional exchange point for which authorization is requested herein.

Applicants assert that the Venice exchange point would be utilized to implement an arrangement between Applicants, whereby Texas Eastern would take into its system gas purchased and delivered by Southern Natural in Breton Sound Block 53 for re-

delivery to Southern Natural at the Venice plant, and that the additional point of exchange would also enhance the operating flexibility between the two companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 9, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4919 Filed 2-23-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-217]

EDISON SAULT ELECTRIC CO.

Proposed Supplement to Electric Service Contract

FEBRUARY 17, 1978.

Take notice that Edison Sault Electric Co. (Edison), on February 14, 1978, tendered for filing a Supplemental Agreement No. 1 between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated November 10,

1977, which will supplement an existing Contract for Electric Service, dated February 1, 1977, between the same two parties. Edison indicates that the contract between the parties, dated February 1, 1977, has been designated Rate Schedule FERC No. 8 (Docket No. ER77-477). Edison states that the proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated February 1, 1977.

According to Edison, copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement 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 March 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 agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4925 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket Nos. AR70-1, CP69-23, and RP72-155]

EL PASO NATURAL GAS CO.

Intended Disposition of Refunds

FEBRUARY 17, 1978.

Take notice that on February 7, 1978, El Paso Natural Gas Co. ("El Paso") tendered for filing in the captioned proceedings an intended disposition of producer-supplier refunds received.

El Paso states that certain of El Paso's gas sales contracts, comprising a portion of the special FS rate schedules included as a part of Volume No. 2A of El Paso's FERC Gas Tariff,¹

¹By order issued August 21, 1969, at Docket No. CP69-23, the Commission issued a certificate to El Paso granting, inter alia, authorization to continue service to 13 direct and 27 resale customers, under separate agreements, previously initiated at numerous points in production areas of El Paso's interstate pipeline system. Such order also accepted for filing Original Volume No. 2A to El Paso's FERC Gas Tariff, effective as of the date of said order, which contained the service agreements between El Paso and the said customers as special FS Rate Schedules.

provide for determination of sales rates collected thereunder based upon the weighted average cost of clean, high pressure gas ("CHPG") purchased by El Paso in the Permian Basin area. On October 4, 1977, pursuant to the Commission's Order Directing Disbursement and Flow-Through of Refunds issued April 12, 1977, at Docket No. AR70-1, West Lake Natural Gasoline Co. ("West Lake"), as plant operator of the West Lake Natural Gasoline Plant, made a producer-supplier refund to El Paso. Said refund represented the excess amount collected by West Lake under its FERC Gas Rate Schedule No. 1, for residue gas sold by West Lake to El Paso during the period June, 1960 through December, 1967.

In as much as the West Lake Plant is a source of CHPG, such refund to El Paso has the corresponding effect of reducing the CHPG weighted average purchased cost utilized by El Paso in determining the sales rates applicable under the subject FS rate schedules during the refund period involved. Accordingly, El Paso has recomputed the CHPG weighted average purchased cost applicable to such period and has determined that refund amounts aggregating \$35,553.45 are now due those resale customers under the rate provisions of certain of El Paso's FS rate schedules. Such \$35,553.45 includes principal amounts of \$16,123.09, plus interest thereon of \$19,430.36.

El Paso states that a total of twenty-two (22) customers were provided gas service during the refund period of June 23, 1960, through December 31, 1967, and were contractually entitled to receive refunds, if any, attributable to final rate determination of the CHPG producer-supplier rates as ordered by the Commission. However, as a result of termination of service to one (1) of such customers and the transfer of sixteen (16) customers to other services in accordance with the directives of the aforementioned Commission order issued August 21, 1969, at Docket No. CP69-23, only five (5) customers are presently being served under the currently effective special FS rate schedules which are subject to the effective Purchased Gas Cost Adjustment Provision—Clean High Pressure Gas ("PGAC-CHPG") contained in El Paso's FERC Tariff, Original Volume No. 2A. In order to equitably distribute the subject refund to all entitled special FS rate schedule customers, El Paso has determined the appropriate amount of refunds due each entitled special FS rate schedule customer receiving service during the refund period, and will dispose of such amounts as follows:

(1) make a direct cash flow-through of the aggregate refund amount of \$29,679.55 to those seventeen (17) customers whose sales have been transferred or terminated; and

(ii) credit to Account 191, in accordance with the applicable provisions of the currently effective PGAC-CHPG, the aggregate amount of \$5,873.90 of refunds due the remaining five (5) customers now being served under special FS rate schedules still in effect.

With respect to item (ii) above, and in accordance with the effective CHPG-PGAC provisions, the appropriate credit to Account 191, applicable to the said five (5) customers, has been recorded on El Paso's books.

El Paso has served a copy of the instant report upon each of its affected customers and interested State regulatory commissions as required by ordering paragraph (D) of the said order of April 12, 1977, issued at Docket No. AR70-1.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 3, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken; but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4926 Filed 2-23-78; 8:45 am]

[6740-02]

[Project No. 2825]

**INTERNATIONAL GENERATION AND
TRANSMISSION CO.**

Application for Preliminary Permit

FEBRUARY 17, 1978.

Public notice is hereby given that an application for a preliminary permit has been filed on November 9, 1977, under the Federal Power Act (16 U.S.C. §§ 791(a)-825(r) (1970)) by International Generation & Transmission Co. (IG&T) for proposed Project No. 2825, to be known as the Milan Pumped Storage Project. The proposed project would be located in Coos County, N.H., with a power plant in the town of Milan, and storage reservoirs extending into the city of Berlin, N.H. Correspondence regarding the application should be sent to: Mr. John M. Harris, Vice President and Project Director (IG&T) P.O. Box 600, Berlin, N.H. 03570; with copies to: Earl F. Gage, Esq., Attorney-at-Law, Coe Street, Berlin, N.H. 03570.

IG&T seeks approval for a 36-month preliminary permit for the purpose of studying the feasibility of constructing a potential pumped storage hydroelectric project. In conjunction with the proposed project, IG&T intends to construct nuclear electric generating facilities with an ultimate capacity of 2,400 MW. The nuclear facilities would not be licensed by the Federal Energy Regulatory Commission.

The Milan Pumped Storage Project would include: (1) the Kilkenny Dam and Reservoir on the Upper Ammonoosuc River, serving as the upper reservoir for the project with a total storage capacity of 168,400 acre-feet and a surface area of 2,300 acres; (2) the West Milan Dam and Reservoir on the North Branch of the Upper Ammonoosuc River, serving as the lower reservoir for the project and as a cooling pond for the nuclear facilities, with a total storage capacity of 26,670 acre-feet and a surface area of 800 acres; (3) the Head Pond Dams and Reservoir on the North Branch of the Upper Ammonoosuc River, serving as an emergency source of cooling water for the nuclear facilities and as a recreational area, with a surface area of 500 acres; and (4) the Mud Pond Pumped Storage Hydroelectric Station located at what is presently Mud Pond, on the North Branch of the Upper Ammonoosuc River, utilizing an average head of 220 feet.

The Mud Pond Station would contain four 100-MW reversible hydroelectric pumped storage units which would provide firm peaking power. In addition, two 1.2-MW conventional hydroelectric units would be installed at the station and would utilize the flows through two 42-inch cold water intakes. The cold water would be taken from the bottom of Kilkenny Reservoir for eventual release 2.5 miles downstream from the West Milan Dam.

IG&T states that project power would be wholesaled to utilities in the northeast or in Canada. IG&T states that it is not now, nor does it intend to become, a public utility.

A Preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for a license.

Any person desiring to be heard or to make protest with reference to said application should, on or before April 24, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the re-

quirements of the Commission's Rules of Practice and Procedure (Rules) (18 CFR § 1.10 or § 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4927 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-176]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Amendment to Application

FEBRUARY 17, 1978.

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

Take notice that on February 13, 1978, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), P.O. Box 608, Hastings, Nebr. 68901, filed in Docket No. CP77-176 an amendment to its application filed in the instant docket pursuant to section 7 of the Natural Gas Act so as to authorize the construction of certain facilities and for permission and approval to abandon certain other facilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant indicates that it presently has pending before the Commission in the instant docket an application seeking authorization to install approximately 22 miles of 12-inch gathering pipeline in Fremont County, Wyo., and to abandon by sale to Northern Gas Co. (Northern Gas) approximately 29.3 miles of 6-inch gathering pipeline and 2.3 miles of 4-inch gathering pipeline (Castle-Garden line) in Fremont County, Wyo. Applicant states that the installation of the new 12-inch gathering line was necessary because Applicant must substantially increase its gathering pipeline capacity from the Madden Deep Unit Area in

order to meet its existing and reasonably projected future gas purchase contract obligations and to remain in a competition position to contract for additional gas reserves as they become available. Applicant states that it also sought authorization in its initial filing to abandon by sale the Castle-Garden gathering pipeline because it would be inadequate to handle the anticipated volumes to be acquired from the area. In its original application Applicant proposed to enter into a field exchange agreement with Northern Gas whereby volumes of gas delivered to the Castle-Garden pipeline facilities dedicated to Applicant would be received by Applicant by adjustment of volumes purchased from wells where Applicant and Northern were joint purchasers and which wells were attached to Applicant's other gathering facilities.

It is indicated that pursuant to the Federal Power Commission's (FPC) order of July 20, 1977, in the instant docket, Applicant was granted a temporary certificate to construct and operate the new gathering pipeline but that Applicant declined to enter a final decision granting the requested certificate and abandonment authorization because of the FPC's uncertainty with respect to the jurisdictional nature of the proposed exchange agreement between Applicant and Northern Gas. Applicant states that due to the unsettled nature of the matter, it did not accept the temporary certificate granted by the FPC order of July 20, 1977.

Applicant proposes herein still to construct the new 12-inch gathering line and abandon by sale the Castle-Garden line, but instead of entering into an exchange agreement with Northern Gas, Applicant now proposes to take measures designated to eliminate the need for such an agreement.

The amendment states that there are only five gas-producing wells connected to the Castle-Garden line from which Applicant possesses the right to purchase gas, and that all other wells on this gathering pipeline from which Applicant has previously purchased gas are depleted and abandoned. The amendment further states that by the end of February 1978 Applicant would have disconnected three of the five wells, Madden Deep No. 9, Spratt No. 1 and Madden Deep No. 12, from the Castle-Garden line and reconnected them to a new 8-inch gathering line constructed by Applicant to connect other wells in the area under the authority of its budget-type authorization granted in Docket No. CP78-29. It is stated that the new gathering line interconnects to Applicant's existing 8-inch gathering line which, in turn, is interconnected with the interstate transmission line of Northern Utilities, Inc. (Northern), and that Northern

would transport this gas to Applicant's Casper, Wyo., compressor station pursuant to an existing transportation agreement between Applicant and Northern dated September 14, 1965, as amended. The transportation of this gas by Northern would be performed pursuant to Northern's FERC Gas Tariff, First Revised Volume No. 1, it is stated. It is stated that no gas produced from these three wells would flow through the Castle-Garden gathering line.

Applicant proposes to enter into an assignment agreement with Northern Gas as to the two wells remaining connected to the Castle-Garden line, which agreement provides that Applicant would assign its interest in these two wells to Northern Gas in exchange for Northern Gas assigning its interest to Applicant in three wells connected to gathering lines of Applicant other than the Castle-Garden line. Applicant states that the result of this exchange would be the reciprocal transfer of the right to equivalent volumes of net remaining reserves.

It is stated that the two wells which would remain connected to the Castle-Garden line and in which Applicant would assign its interest to Northern Gas are Brunel Federal and Federal Travis. (The producers of these two wells are Odessa Natural Gas Corp. and Atlantic Richfield Co., respectively.) The Federal Travis and the Brunel Federal wells are located in Fremont County, Wyo., it is said.

The amendment states that in exchange for Applicant's assignment of its gas purchase contract rights in these two wells, Northern Gas would assign its interest in the Alkali Butte No. 8, the Palmer Federal and the Brown Federal wells to Applicant. It is stated that Applicant presently has a contract right to purchase 25 percent of the gas from the Alkali Butte No. 8 and Palmer Federal and 9.375 percent of the gas from the Brown Federal. Applicant would gather its assigned share of the gas from the Alkali Butte No. 8 and Palmer Federal wells in its 6-inch and 4-inch gathering line located in Fremont County, Wyo., which line is interconnected with Northern's interstate transmission line in SW/4 of section 14, Township 33 North, Range 94 West of Fremont County. It is indicated that the assigned share of the gas from the Brown Federal well would be gathered in Applicant's gathering line in the NE/4 of Section 20, Township 37 North, Range 90 West of Fremont County, which also interconnects with Northern's interstate transmission line and would be redelivered by Northern to Applicant at Casper.

It is indicated that the new facilities and the abandonment of existing facilities proposed by Applicant are as follows:

(a) Install approximately 22 miles of 12-inch gathering pipeline beginning at a point

in section 23, Township 37 North, Range 90 West of Fremont County, Wyo., and extending in a southerly direction to a point in section 36, Township 34 North, Range 90 West of Fremont County together with necessary pipeline appurtenances.

Abandon approximately 2.3 miles of 4-inch and 29.3 miles of 6-inch gathering pipeline beginning at a point in section 5, Township 38 North, Range 90 West of Fremont County and extending west and south to section 1, Township 33 North, Range 91 West of Fremont County, Wyo.

It is indicated that under the authority of its budget-type certificate, Docket No. CP78-29, Applicant proposes to take up and salvage approximately 9,100 feet of 6-inch gathering line at the northern end of the Castle-Garden line.

Any person desiring to be heard or to make any protest with reference to said Amendment should on or before March 10, 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. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary,

[FR Doc. 78-4928 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RI77-134]

LEACH BROTHERS, INC.

Amended Petition for Special Relief

FEBRUARY 17, 1978.

Take notice that on January 30, 1978, Leach Brothers, Inc. (Petitioner), 13601 Preston Road, Suite 714-E, Dallas, Tex. 75240, filed in Docket No. RI77-134 an amended petition for special relief. Petitioner filed a petition for special relief pursuant to section 2.76 of the Commission's Statements of General Policy and Interpretation (18 C.F.R. §2.76) on September 20, 1977, in which it sought permission to collect from United Gas Pipe Line Company a rate of \$1.75 per Mcf for sales of gas from its T. N. Mauritz No. 1 Well and the T. N. Mauritz No. 2 Well, North Laward Field, Jackson County, Tex. By this amendment, Petitioner seeks to withdraw its request to collect \$1.75 per Mcf for such sales,

and to substitute therefor a request for authorization to collect a rate of \$1.23 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 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 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4929 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RI77-127]

MAURICE L. BROWN

Amended Petition for Special Relief

FEBRUARY 17, 1978.

Take notice that on January 31, 1978, The Maurice L. Brown Co. (Petitioner), P.O. Box 11320, Kansas City, Mo. 64112, filed an amended petition for special relief in Docket No. RI77-127. On September 8, 1977, Petitioner filed a petition for special relief pursuant to section 2.76 of the Commission's Statements of General Policy and Interpretation (18 CFR § 2.76), in which Petitioner sought to collect a rate of \$1.5986 per Mcf from United Gas Pipeline Co. for sales of gas from the Blocker-Fultz Gas Unit No. 1, Harrison County, Tex. By this amendment, Petitioner withdraws its request for authorization to collect \$1.5986 per Mcf, and substitutes therefor a request for permission to charge United a rate of \$1.2931 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to in-

tervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4930 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-188]

NORTHERN NATURAL GAS CO.

Application

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Neb. 68102, filed in Docket No. CP78-188 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period beginning on the date of issuance of the requested authorization herein, and operation of field gas compression on and related metering and appurtenant facilities, 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 the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed \$3,000,000, and that the cost of any single project would not exceed \$500,000. It is indicated that these costs would be financed by Applicant from cash on hand and from revenue generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 10, 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 section 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4931 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. RP73-8; (PGA No. 78-3)]

NORTH PENN GAS CO.

Proposed Changes in FERC Gas Tariff

FEBRUARY 17, 1978.

Take notice that North Penn Gas Co. (North Penn) on February 2, 1978 tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause and Commission Order of January 16, 1978 in North Penn's Docket No. RP73-8 (PGA No. 78-3).

North Penn states that the PGA filing resulted from changes filed by Consolidated Gas Supply Corp. for effectiveness January 2, 1978 and Transcontinental Gas Pipe Line Corp. for effectiveness January 1, 1978. North Penn states that undercollections, if any, for January 1, 1978 will be recovered through Account 191, Unrecovered Purchased Gas Costs.

Substitute Fifty-First Revised Sheet No. PGA-1 is being filed in lieu of Fifty-First Revised Sheet No. PGA-1 to reflect the proper supplier rates to be effective January 2, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on January 2, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as 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 March 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4933 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-215]

NORTHERN STATES POWER CO.

Proposed Transmission and Transformation Service Agreement

FEBRUARY 17, 1978.

Take notice that Northern States Power Co. (NSPC) on February 13, 1978, tendered for filing the Transmission and Transformation Service Agreement, dated December 21, 1977, with the State Board of Higher Education for the University of North Dakota.

NSPC indicates that the Agreement provides for a transmission rate of \$2.70 per KW per year and a transformation charge of .7 mill per KWH.

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 March 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4932 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP76-491]

NORTHWEST PIPELINE CORP.

Petition To Amend

FEBRUARY 17, 1978.

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

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

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

Take notice that on February 9, 1978, Northwest Pipeline Corp. (Petitioner), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP76-491 a petition to amend the order of January 26, 1977 (56 FPC) issued by the Federal Power Commission (FPC) in the instant Docket pursuant to section 7(b) of the Natural Gas Act so as to permit Petitioner to excise the Harry Royster Well No. 1 well-tie (Bar X Lateral A-1) to the Bar X Field Line, from the list of facilities which said order granted Petitioner permission and approval to abandon, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of January 26, 1977, Petitioner was granted permission and approval to abandon certain facilities, including approximately 2.223 miles of 4½ inch pipeline and appurtenant facilities located in Grand County, Utah, which had formerly connected the

Harry Royster Well No 1 to Petitioner's Bar X Field Line. Petitioner states that at the time it proposed to abandon said facilities, the Royster well has been abandoned and Petitioner did not consider it likely that any future gas supplies would be made available in the immediate vicinity of the facilities proposed for abandonment. Petitioner indicates that it has not yet invoked the authority of the January 26, 1977, order as it pertains to the abandonment of the Bar X Lateral A-1, so the anticipated return to service of the Bar X Lateral A-1 can be readily effected.

It is indicated that Natural Gas Pipeline Co. of America (Natural) has acquired the production from the Bar Creek No. 1 Federal well located in the Bar X field, and, in order to make the volumes of gas produced therefrom available to its pipeline system, has entered into a gas purchase, gathering and transportation agreement, dated December 20, 1977, with Petitioner. Petitioner states that pursuant to said agreement, it would, *inter alia*, construct and operate the necessary gathering facilities to receive volumes of gas from the Bar Creek No. 1 Federal well and would redeliver equivalent volumes of gas, less the 25 percent which Petitioner has the option to purchase, at an existing point of interconnection with El Paso Natural Gas Co. in La Plata County, Colo. for Natural's account.

The Bar Creek No. 1 Federal well is located 1,585 feet from Petitioner's Bar X Lateral A-1, and the cost of connecting the well to the Bar X lateral is estimated to be \$44,900, about \$45,000 less than the alternative of connecting with the Bar X Trunk A line, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4934 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-528]

TEXAS GAS TRANSMISSION CORP.

Petition to Amend

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, Texas Gas Transmission Corp. (Petitioner), 3800 Frederica Street, Owensboro, Ky. 42301, filed in Docket No. CP77-528 a petition to amend the Commission's order of December 29, 1977 (57 FPC) issued pursuant to section 7(c) of the Natural Gas Act so as to provide for a reduction in the volume of natural gas that it is authorized to transport for South Jersey Gas Co. (South Jersey), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of December 29, 1977, Petitioner was authorized to transport up to 500 Mcf of natural gas per day for South Jersey. Petitioner states that it delivers such volumes, up to 500 Mcf per day at 14.73 psia, to Transcontinental Gas Pipe Line Corp. (Transco) at an existing exchange point with Transco located near Mamou, Evangeline Parish, La., or other mutually agreeable points of exchange between Petitioner and Transco.

The petition states that recently South Jersey informed Petitioner that production from wells in the North Jefferson Island Field, Iberia Parish, La., had not reached the level that South Jersey had originally anticipated, and South Jersey, therefore, was unable to cause delivery to Petitioner of volumes of natural gas at the point of receipt sufficient to allow Petitioner to deliver equivalent volumes to Transco for South Jersey's account of up to 500 Mcf per day. South Jersey presently estimates that the highest volumes it would cause to be delivered to Petitioner for transportation would be on the order of approximately 300 Mcf per day.

Consequently, Petitioner requests that the Commission reduce the volume of gas that Petitioner is authorized to deliver to Transco for South Jersey's account from 500 Mcf per day to 300 Mcf per day.

Petitioner states that it and South Jersey have entered into a transportation service agreement, dated February 1, 1978, which agreement supersedes the agreement between the parties, dated June 7, 1977, to reflect the requested reduction in transportation volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a peti-

tion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4935 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-176]

TRANSCONTINENTAL GAS PIPELINE CORP., ET AL.

Joint Petition for Declaratory Order

FEBRUARY 17, 1978.

Take notice that on January 30, 1978 Transcontinental Gas Pipe Line Corp. (Transco) and Transco Exploration Co. (TXC), P.O. Box 1396, Houston, Tex. 77001 and Lovera Pipeline Co. (Lovera), P.O. Box 1201, Wichita, KS 67201 (collectively referred to as Petitioners) filed in Docket No. CP78-176 a joint petition for declaratory order pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure.

Petitioners are seeking a declaratory order stating that proposed arrangement for the sale and delivery of gas owned by TXC and Participants from State Block 888-S, Mustang Island Area, Offshore Texas would not bring the facilities involved, the commingled gas, nor the gathering services rendered by Lovera prior to the point of delivery in interstate commerce at the outlet side of the existing Lovera primary liquid separation facility located in State Tract 434, Mustang Island Area, Nueces County, TX under the jurisdictional control of the Commission.

Specifically, Petitioners plan to construct a gathering line from the well to a proposed connection on the Lovera line in Block 881-S, Mustang Island Area. Lovera will provide the majority of gas gathering facilities for gas produced from said well to an onshore delivery point¹ where the gas would be delivered to Transco or to Transco's account, to Participants who would tender their gas to Transco for transportation to their principals and to Houston Pipe Line Co. (Houston Pipe), the existing intrastate gas purchaser of Energy Reserves Group (Energy).

¹Onshore delivery point is at the tailgate of the existing Lovera primary liquid separation facility in State Tract 434, Mustang Island Area, Nueces County, TX.

Petitioners state that the gas owned by TXC and Participants and gathered by Lovera will be commingled with gas currently being produced by Energy from State Tract 747 and sold intrastate to Houston Pipe. Petitioners further state that the Energy-Houston Pipe contract prohibits the commingling of existing intrastate gas sales at any point with other gas which is or may be sold, consumed, transported or otherwise utilized in interstate commerce. Houston Pipe has orally indicated its willingness to consider a waiver of the contractual paragraph as it applies to TXC and Participants in view of TXC's representation that past Commission decisions clearly demonstrate jurisdiction of the Commission does not commence prior to the point at which gas is delivered by the producers to the interstate purchaser or transporter. However, Lovera is estopped from agreeing to the proposed gathering arrangement absent a Commission order expressly stating that the plan described herein will not result in Commission jurisdiction over the facilities involved or the commingled stream.

Participants indicate that transportation of TXC-Participants' gas through the Lovera facilities is the only economically feasible method to bring gas onshore. Participants caution the Commission that absent an affirmative determination from the Commission, TXC-Participants' gas will be lost to the interstate market because no interstate outlet for the gas is available.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4936 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-525; CP77-529]

UNITED GAS PIPE LINE CO., AND DELHI GAS PIPELINE CORP.**Petition To Amend**

FEBRUARY 17, 1978.

Take notice that on February 8, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, and Delhi Gas Pipeline Corp. (Delhi), Fidelity Union Tower Building, Dallas, Tex., 75201 (Petitioners) filed in Docket Nos. CP77-525 and CP77-529 respectively, a petition to amend the Commission's order of December 15, 1977, and January 27, 1978 (57 FPC —) issued in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to permit Delhi to add delivery points as required from time to time on United's system and under such conditions as the Commission deems necessary and appropriate to protect the public interest, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that on July 25, 1977, Delhi filed in these proceedings its petition for a declaratory order affirming its continued non-jurisdictional status in the event it commences a delayed exchange of gas with United, and that in its petition Delhi indicated that the exchange from Delhi to United would take place at United's facilities located at the outlet of Champlin Carthage Gasoline Plant in Panola County, Tex., and at other mutually agreeable points on United's pipeline system. It is further indicated that pursuant to the Commission's order of December 15, 1977, Delhi's petition was denied and Delhi was granted authorization to effect such exchange limited to the delivery point to the outlet of the Champlin plant in Panola County, Tex. unless otherwise expressly authorized by the Commission.

The petition states that at the time Delhi filed its petition it did not have exact knowledge of which well then being drilled would prove to be productive and otherwise desirable for connection to United's system to effect the proposed delayed exchange. The petition further states that Delhi does not now know the full extent of wells which may ultimately prove to be desirable for such purpose and the point or points on United's system to which such wells could be connected. Petitioners indicate that it would be most

¹The application was initially tendered for filing on February 8, 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 February 9, 1978 thus, filing was not completed until the latter date.

desirable for them to have the flexibility to add additional delivery points as the respective gas supplies in the exchange area develop. Delhi urges the Commission to consider that any facilities installed by Delhi would impose no cost or other burden on the interstate market since the exchange is on a gas for gas basis with no charge to be imposed upon United by Delhi, nor by United upon Delhi.

Consequently, Delhi urges the Commission to amend its orders of December 15, 1977, and January 27, 1978, so as to permit Delhi to add delivery points as required from time to time, or in the alternative, to amend its prior order to include the additional delivery points as follows:

1. M.P. (Mile Post) 20.08 on United's 20-inch pipeline in or near the D. R. Bradberry Survey, Abstract No. 100, Panola County, Tex.;
2. M.P. 19.04 on United's 20-inch pipeline in or near the Joseph McNeer Survey, Abstract No. 459, Panola County, Tex.;
3. A mutually agreeable point on United's 16-inch pipeline in or near the Elizabeth Carrol Survey, Abstract No. 135, Harrison County, Tex.;
4. A mutually agreeable point on United's 20-inch pipeline in or near the Alex S. Green Survey, Abstract No. 350, Rusk County, Tex.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4938 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-216]

UTAH POWER & LIGHT CO.**Proposed Agreement**

FEBRUARY 17, 1978.

Take notice that Utah Power & Light Co. (Utah) on February 13, 1978, tendered for filing an agreement, dated October 24, 1973, for supply of capacity and energy between Utah (seller) and Idaho Power Co. (buyer), together with an amendment thereto dated January 25, 1978.

Utah requests waiver of the Commission's notice requirements to allow for an effective date of January 1, 1978.

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 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 March 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4937 Filed 2-23-78; 8:45 am]

[6740-02]

[Docket No. ER78-214]

WISCONSIN POWER & LIGHT CO.**Filing of Proposed Wholesale Power Agreement**

FEBRUARY 17, 1978.

Take notice that on February 13, 1978, Wisconsin Power & Light Co. (WPL) tendered for filing a wholesale power contract dated December 15, 1977, between the Pioneer Power & Light Co. and WPL. WPL states that this contract will supersede an existing contract for wholesale electric service dated October 14, 1966 and designated WPL Rate Schedule FPC No. 60.

WPL requests a proposed effective date of August 31, 1977, and therefore requests waiver of the notice requirements of the Commission's Regulations. WPL states that a copy of the wholesale power contract and the filing have been provided to the Pioneer Power & Light Co. and the Public Service Commission of Wisconsin.

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 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 March 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 filing are on

file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4939 Filed 2-23-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 858-7]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE, SUBCOMMITTEE ON TOXIC SUBSTANCES

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a one day meeting of the Subcommittee on Toxic Substances of the Science Advisory Board will be held on March 23, 1978 in the Administrator's Conference Room (Room 1103 West Tower), 401 M Street SW., Washington, DC. The meeting will start at 9:30 a.m.

The Subcommittee will be meeting for the second time, the purpose being to initiate an examination of tests which may become part of the testing protocols for toxic substances in the future.

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, DC. 20460, by c.o.b. March 20, 1978. Please ask for Shirley Smith. The telephone number is 202-755-0263.

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

FEBRUARY 16, 1978.

[FR Doc. 78-4846 Filed 2-23-78; 8:45 am]

[6560-01]

[FRL 859-6; OPP-240020]

STATE OF WYOMING

Approval of Request for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.), were published in the FEDERAL REGISTER (40 FR 28241). These regulations become effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by

the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of these regulations, or, if such a plan is submitted and it is disapproved by the Administrator, on the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that the Agency is not soliciting public comment with respect to requests for Interim Certification at this time. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed § 162.158(c).

The Agency has received a Request for Interim Certification to register pesticides to meet special local needs (Request) from the State of Wyoming. After reviewing the Request, the Agency found that it satisfies the requirements set forth in the FEDERAL REGISTER document of September 3, 1975. Accordingly, notice is given that the EPA has approved the Wyoming

Request for Interim Certification, as described below.

WYOMING

This Request sought authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as defined in § 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the Wyoming Department of Agriculture. This agency was notified on January 31, 1978, that its Request had been approved.

A copy of the Request for Interim Certification, along with a letter reflecting the Agency's decision to approve the Request, is available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln Street, Suite 900, Denver, Colo. 80295.

Dated: February 10, 1978.

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

[FR Doc. 78-4952 Filed 2-23-78; 8:45 am]

[6560-01]

[FRL 860-8]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Availability

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from February 13, 1978 through February 17, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date for submission of comments is April

10, 1978. The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: February 22, 1978.

JOSEPH M. McCABE,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

Mendocino National Forest, Timber Management Plan, several counties in California, February 13: The proposed action involves revising the existing timber management plan which establishes a timber harvesting level and schedule for the Mendocino National Forest for the next decade beginning FY-78. The objective of the plan is to provide a 10 year schedule of harvest and regeneration which provides for sustained yield under a legal requirement for non-declining yields into the future. The proposed action is consistent with the multiple use objectives of approved land management plans for the area. USDA-FS-R5-DES(ADM)-78-4. (ELR Order No. 80142.)

Hot Point Land Management Plan, Nezperce National Forest, Idaho County, Idaho, February 13: The proposed action involves the implementation of a land management plan for the Hot Point Planning Unit, Selway Ranger District, Nezperce National Forest, Idaho County, Idaho. This proposal is both a land management plan and an environmental statement. The Forest Service presents resource information, resource allocation decisions, management guidelines, and documents public involvement. The 15,429 acre planning unit is divided into nine management units for the purpose of resource allocation and direction. USDA-FS-R1(17)DES(ADM)-78-7. (ELR Order No. 80141.)

Cooperative Western Spruce Budworm, 1978, Whatcom, Kittitas, and Okanogan Counties, Wash., February 13: Proposed is the management of western spruce budworm on 1.2 million acres of forest in north-central Washington. The EIS covers all affected lands, regardless of ownership or land management objectives, including lands administered by the USDA Forest Service, USDI National Park Service, and State and private lands in Whatcom, Okanogan, and Kittitas Counties, Wash. USDA-FS-R6-DES(ADM)-78-6. (ELR Order No. 80140.)

Final

Beaverhead and Deerlodge National Forest Land Use Plan, several counties in Montana, February 17: The proposed action is the implementation of a land management plan for Beaverhead National Forest

and portions of Deerlodge National Forest, located in Beaverhead, Madison, Gallatin, Silver Bow and Deerlodge Counties, Mont. The plan covers 7 planning units containing 52 management units on 2,166,971 acres. Moderate to high emphasis is placed on wildlife and recreation opportunities and moderate emphasis on wood fiber, livestock forage and wilderness. Comments made by: EPA, HEW, FPC, ERDA, FEA, DOI, DOT, State and local agencies, groups and individuals. (ELR Order No. 80163.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Beluga Station 7, 8, and 9—Bernice Lake Unit 3, Alaska, February 13: Proposed is the granting of financial assistance to Chugach Electric Association for the construction of additional generating capacity at the Beluga Station and the Bernice Lake powerplant in Alaska. Also included in the application are additions to the 230 kV transmission system. Plans include expansion of units 7, 8, and 9 at the Beluga Station, located 40 air miles west and across Cook Inlet from Anchorage, and expansion of unit 3 at the Bernice Lake power plant, located at Nikiski, within the Kenai Peninsula borough. USDA-REA-ES(ADM)-76-14-F. Comments made by: EPA, DOD, DOT, DOC, DOI, USDA, State and local agencies. (ELR Order No. 80147.)

Boardman Coal Plant, Morrow County, Oreg., February 13: Proposed is the use of REA financing by Pacific Northwest Generating Co. for a 10 percent share of the Boardman Coal Plant and associated transmission and support facilities. The project includes a 1,400-acre cooling reservoir, a 500-acre ash disposal area, a 500 kV transmission line (approximately 17 miles), and a 230 kV transmission line (approximately 17.5 miles). Operation of the unit will result in the emission of nitrogen and sulfur oxides. Transmission right-of-way will require approximately 1,650 acres of land for the 39 miles of lines. Air and noise pollution levels will be increased. Comments made by: EPA, DOI, USDA, ERDA, State and local agencies. (ELR Order No. 80148.)

SOIL CONSERVATION SERVICE

Draft

Walnut Roundway Watershed, Madison and East Carroll Parishes, La., February 13: The proposed project is for watershed protection, flood prevention, and agricultural water management in the Walnut Roundway watershed in Madison and East Carroll Parishes, La. Planned structural measures to be installed consist of about 248 miles of channel work for flood prevention drainage together with appurtenant measures for channel protection and maintenance access. In addition 15 structures including five weirs, six dams in existing channels or streams, two grade stabilization and two water control structures to minimize damages to fish and wildlife will be installed. USDA-SCS-EIS-WS-(ADM)-2-78-(D)-LA. (ELR Order No. 80146.)

CIVIL AERONAUTICS BOARD

Contact: Mr. Ivars V. Mellups, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5205.

Draft

Chicago-Midway low Fare Route Proceeding, February 15: This draft environmental impact statement has been prepared in con-

junction with the Chicago Midway Low-fare proceeding, docket 30277. At issue in this proceeding is whether the Civil Aeronautics Board should authorize new service between Chicago's Midway Airport and the cities of Detroit, St. Louis, Cleveland, Kansas City, Pittsburgh, and Minneapolis/St. Paul. There are five active applicants for new authority. The proponents of this action cite two primary benefits. First, the traveling public would experience lower fares and secondly, Midway Airport would be revitalized. (ELR Order No. 80154.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Wildcat and San Pablo Creeks, Contra Costa County, Calif., February 13: Proposed is the water resources project for channel improvement on Wildcat and San Pablo Creeks located in Contra Costa County, Calif. The proposal includes minimal construction in salt marshes, earthen floodways, concrete culverts, an open trapezoidal concrete channel, and selected channel clearing to the end of the project. Mitigation of adverse impacts on cultural resources will be included (ELR Order No. 80152.)

Flood Control Project, Central and Southern Florida, Hendry County, Fla., February 17: Proposed is the Hendry County segment of the central and southern Florida flood control Project. This section of the proposal consists of a canal and control structure designed to remove flood waters more efficiently and prevent overdrainage of a 261 square mile area in eastern Hendry County, with an integrated pumping station and canal system. The project will also provide for the conveyance of agricultural water supply from Lake Okeechobee during periods of drought for distribution to part of the project area and to big Cypress Seminole Indian Reservation which is located about 5 miles south of the project area. (ELR Order No. 80162.)

Supplement

Channel and Levee Improvement, East Fork Trinity River, Kaufman County, Tex., February 17: This supplemental statement updates information on the environmental statement relative to the increment I portion of the East Fork Channel and levee improvement of the authorized project, Lavon Reservoir enlargement and East Fork Channel and levee improvement. The final EIS for Lavon Dam and Reservoir modification and East Fork Channel improvement was filed with CEQ on March 29, 1971 and is considered inadequate by current standards. An updated EIS on the Lavon Dam and Reservoir was filed with CEQ on July 23, 1976. This proposal will improve channel and utilized excavated material to raise and strengthen associated levees to protect agricultural lands from flooding. (ELR Order No. 80164.)

DEPARTMENT OF ENERGY

Contact: Mr. W. Herbert Pennington, Office of NEPA Coordination, Department of Energy, Washington, D.C. 20545, 301-353-4241.

Draft

Proton-proton storage accelerator facility, Suffolk County, N.Y., February 14: Proposed is the construction and operation of a proton-proton storage accelerator facility (Isabelle), Brookhaven National Laboratory in Upton, Suffolk County, N.Y. The Isabelle accelerator will be used for advanced research in the high energy physics program by the Department of Energy and will provide higher levels of interaction than are presently available. DOE/EIS-0003-D. (ELR Order No. 80149.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Peter Cook, Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

Draft

Proposed expansion of existing WWT facilities, Scotts Bluff County, Nebr., February 14: The proposed project is the granting of financial assistance for the improvements of publicly owned sewage treatment plants in Scotts Bluff County, Nebr. The municipalities which own and operate these facilities are Gering, Scottsbluff, and Terrytown, Nebr. Together these municipalities constitute the major trade and manufacturing center in the Nebraska Panhandle. This EIS was prepared to evaluate the potential effects of these proposed actions upon the North Platte River, Scotts Bluff County, and the surrounding area. EPA-907/9-77-008. (ELR Order No. 80151.)

Metropolitan area WWT facilities, Columbus, Franklin County, Ohio, February 17: The subject action is the approval of the facilities plans for the city of Columbus and the Board of Franklin County Commissioners for the preparation of plans to expand and upgrade wastewater collection, treatment, and disposal facilities within the Columbus metropolitan area. The proposed project includes selection of additional liquid treatment facilities for sewage processing; design and construction of pilot plants; construction of three sludge incinerators; construction of separate sanitary sewer interceptors; and the selection of a cost-effective and environmentally acceptable system to minimize combined sewer overflows. EPA-5-OH-Franklin-Columbus-WWTP&INT-77. (ELR Order No. 80165.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-755-8308.

Draft

Yerba Buena Center, urban renewal plan, San Francisco County, Calif., February 18: The Yerba Buena Center redevelopment area encompasses 87.3 acres of land situated to the southeast of San Francisco's financial and downtown retail districts in the area known locally as the "South of Market." The redevelopment was intended to eliminate substandard buildings and blighted surroundings and to provide land for re-use for activities appropriate to the downtown location, the project is now well into execution; most of the land scheduled for clearance has been cleared and some of the proposed re-uses have already been built, HUD-R09-EIS-78-2D. (ELR Order No. 80158.)

Hillshire Subdivision, Shelby County, Tenn., February 15: The project site of approximately 280 acres lies in northeast

Shelby County, Tenn., along Fletcher Creek just east and north of the Memphis City limits. The project proposes to develop this site in single-family, multi-family, commercial and office land uses, in accordance with existing zoning regulations and Memphis and Shelby County land use planning. The Hillshire project would be compatible with anticipated growth and development, natural environment in and around the site, and would involve no endangered species habitat; noise levels, air quality and water quality would remain within acceptable limits. HUD-R04-EIS-77-26-D. (ELR Order No. 80153.)

Park Meadows Subdivision, Deer Park, Harris County, Tex., February 16: The proposed action is for the Department of Housing and Urban Development to accept for HUD-FHA home mortgage insurance purposes under section 203(b) of Title II of the National Housing Act of 1934, some 267 acres of land located in the city of Deer Park, Harris County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single-family dwellings (approximately 1,000 units). HUD-R06-EIS-78-10D. (ELR Order No. 80157.)

SECTION 104 (h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. Copies are not available from HUD.

Draft

Noise exposure, Stapleton and Buckley Airports, Adams and Arapahoe Counties, Colo., February 13: The city of Aurora, Colo., proposes to approve the conduct of various federally funded housing programs in the "normally unacceptable" and "clearly unacceptable noise exposure areas around Stapleton and Buckley Airports. The types of programs include rehabilitation of existing homes, rent subsidies, purchase of houses by the Aurora Housing Authority for occupancy by qualifying persons to conduct of other similar programs except that no new housing construction is considered in the noise areas. The location is in Adams and Arapahoe Counties within Aurora's city limits. (ELR Order No. 80143.)

DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

Final

Proposed Foothills project, several counties in Colorado, February 16: Proposed are the construction, operation, and maintenance of water diversion facilities on federally managed lands on the South Platte River 25 miles southwest of Denver, Colo., as a part of the proposed Foothills project. The project would also include a water treatment plant with an ultimate capacity of 500 million gallons per day and a conduit distribution system extending into the Denver metropolitan area. Sources of water would include both the South Platte River and the Blue River via Dillon Reservoir and the Harold D. Roberts tunnel. Adverse effects include the loss of 1.7 miles of free-flowing river. Comments made by: USDA, COE, EPA, FPC, HEW, DOI, State and local agencies, organizations and individuals. (ELR Order No. 80156.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Baer Field, Fort Wayne Municipal Airport, Allen County, Ind., February 17: Proposed is the expansion of the airport facilities at Fort Wayne Municipal Airport, Baer Field, Fort Wayne, Allen County, Ind. This proposal will involve the acquisition of approximately 1,930 acres, extending runway 13-31 and parallel taxiway from 6,200 feet to 7,200 feet, relocating instrument landing system and approach light system, strengthening the entire 900-foot length of runway 4-22, general improvements to aircraft terminal area, construction of a new FAA air traffic control tower and 100 space vehicle parking lot. (ELR Order No. 80166.)

Cedar Rapids Municipal Airport runway construction, Linn County, Iowa, February 15: This project involves the acquisition of 1,077 acres of land, construction of a 950-foot extension to the northwest end of runway 13-31, construction of two new 4,000-foot general aviation runways (8R-26L and 13R-31L), including taxiways and lighting, addition to air carrier terminal and related improvements to the Cedar Rapids Municipal Airport located in Linn County, Iowa. The principal impacts include the removal of approximately 295 acres of prime farmland from production and relocation of eight families. (ELR Order No. 80155.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Mar Vista Street, Whittier Boulevard to College Avenue, Los Angeles County, Calif., February 13: The proposed Mar Vista Street (FAU 7892) is located in Los Angeles County, Calif. The proposed project is 1.04 miles in length and is along the Whittier select street system alignment and the existing alignment between Whittier Boulevard and College Avenue. The project will include widening the street to 80-110 feet, existing traffic signals will be upgraded, sidewalks and necessary wheelchair ramps will be constructed, and runoff will be diverted to a new storm drain system scheduled for concurrent construction. FHWA-CA-EIS-78-01-D. (ELR Order No. 80144.)

Hospital Loop Road, Lake City, Columbia County, Fla., February 17: The proposed action is located east of the center of Lake City, Columbia County, Fla. The project consists of providing a connecting street between North First Street in the vicinity of Franklin Street to East Duval Street in the vicinity of DeSoto Drive or the old Jacksonville Highway. The proposed Hospital Loop Road would be a municipal-type section approximately 1/2 to 1 mile in length, depending upon the alternative selected, with two travel lanes, refuge lanes, curbs, gutters, grass strip, sidewalks, and street lights. The proposed facility would follow an alignment that combines several narrow existing streets. (FHWA-FLA-EIS-77-6-D). (ELR Order No. 80161.)

State Route 1201 at Salter Path, Carteret County, N.C., February 14: The proposed

action is the improvement of an approximate 1-mile section of SR 1201 in the area of the community of Salter Path and the town of Indian Beach, Carteret County, N.C. SR 1201, east and west of Salter Path, has received approval for the construction of a two-lane road with shoulders. This action will serve as the connecting link between the improved sections of SR 1201. The new curbs and gutter roadway will be contained within a 60-foot-wide right-of-way. The remainder of the project length will be a segment of two-lane roadway (24 feet of pavement) with shoulders along the existing road which will tie into the two-lane road west of Salter Path. (ELR Order No. 80150.)

3rd Street, Southeast Mandan, Improvement, Morton County, N. Dak., February 13: The proposed project is located in Southeast Mandan, Morton County, N. Dak. The purpose of the proposed improvement is to construct a street from ND Highway 1806 easterly to Memorial Highway. The length of the project varies from 6,000 to 6,600 feet depending upon which alternative is selected. The project consists of the purchase of right-of-way and the construction of a street between the two aforementioned highways. FHWA-ND-EIS-78-01D. (ELR Order No. 80139.)

Final

U.S. 54 improvement, Wichita, Sedgwick County, Kans., February 13: Proposed is the improvement of 0.7 mile of U.S. 54 Highway to six-lane freeway standards, from Topeka Avenue east to Lulu Avenue, all in the city of Wichita, Kans. The improvement will consist of right-of-way acquisition with full control of access, grading, surfacing, bridges, fencing, lighting, signalization, and all other work necessary to complete the facility. Adverse effects include the displacement of 34 homes, 5 apartment houses, and 15 businesses. (Region 7.) Comments made by: USDA, EDA, HUD, FEA, HEW, EPA, DOI, DOT, OEO, COE, State and local agencies, groups and individuals. (ELR Order No. 80145.)

I-215 southeast belt route, Salt Lake City, Salt Lake County, Utah, February 16: The statement proposes the construction of 6.5 miles of controlled access, six-lane freeway to complete I-215, the beltway around Salt Lake City. Adverse impacts would be the displacement of 12 to 36 residences and 0 to 20 businesses, substantial noise impact to some adjacent locations, long-term visual impact, removal of existing vegetation within the project corridor and resulting decreased water quality due to added roadway runoff, and temporary construction disruption. FHWA-UT-EIS-75-03-F. Comments made by: DOI, USDA, EPA, HUD, LAB, groups and individuals. (ELR Order No. 80159.)

OFFICIAL NOTICE OF RETRACTION

The supplemental EIS prepared by the Corps of Engineers, for the Missouri River levee system, Nebraska (ELR No. 80049), was received by EPA on January 18, 1978, and notice of availability was published in the January 27, 1978 FEDERAL REGISTER. Since that time, it has come to EPA's attention that the statement is not available for public distribution at this time. Therefore, EPA officially rescinds the availability date of this

statement. When EPA is notified by the Corps of Engineers that the statement is ready for distribution, EPA will at that time republish its availability in the FEDERAL REGISTER.

[FR Doc. 78-5062 Filed 2-23-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 898]

COMMON CARRIER SERVICES INFORMATION

Re: Applications Accepted for Filing

FEBRUARY 21, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than March 28, 1978, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications March 27, 1978 and March 16, 1978 for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by which date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION

WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20618-CD-P-78 Northern Illinois Radio-phone and Paging Systems, Inc. (KTS200). C.P. for additional facilities to operate on 158.70 MHz at a new site described as location No. 5: 401 East 32d Street, Chicago, Ill.

20695-CD-P-78 Professional Communications, Inc. (new). C.P. for a new station to operate on 454.200 MHz to be located at R.D. No. 4, Carter Hill Road, Wayne Township, Corry, Pa.

20703-CD-P-(2)-78 Illinois Bell Telephone Co. (KSD677). C.P. to change antenna system and relocate facilities operating on 152.54 MHz; and to consolidate facilities operating on 152.60 MHz from KSJ813 under KSD677 to be located 3.5 miles NW of Lorenzo, Lorenzo, Ill.

20750-CD-P-78 South Shore Radio-Telephone, Inc. (KTS201). C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as location No. 5: 2425 Main Street, Evanston, Ill.

20735-CD-P-(2)-78 Professional Communications, Inc. (new). C.P. for a new station to operate on 454.150 and 454.300 MHz to be located 1.5 miles SW of Meadville, Pa.

20814-CD-P-78 New York Telephone Co. (KED356). C.P. to change antenna location operating on 152.57, 152.63 MHz: Jackson Hill, Miller Road, 3.3 miles ESE of Newark, New York, N.Y.

20741-CD-P-78 Otis L. Hale d.b.a. Mobile Communications (KLB500). C.P. to change antenna system and relocate facilities operating on 454.025, 454.300 MHz from location No. 4 to location No. 2: Shinnell Mountain, 9 miles WNW of Little Rock, Ark.

20815-CD-P-78 The Ohio Bell Telephone Co. (KQK594). C.P. to change antenna system and relocate facilities operating on 152.84 MHz at location No. 3 to be located at 188 East Charles Street, Massillon, Ohio.

20820-CD-P-78 Fred A. Roscoe, Jr. d.b.a. Mobile Phone Answering Co. (KSV899). C.P. for additional facilities to operate on 454.250 MHz to be located near U.S. Highway No. 287 and city limits, Dumas, Tex.

20821-CD-P-78 Marc Weber Tobias and Michael Charles Tobias, d.b.a. MY Systems, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located on Old Highway No. 77, approximately 2.5 miles north of Brookings, S. Dak.

20822-CD-P-78 Marc Weber Tobias and Michael Charles Tobias, d.b.a. MY Systems, Inc. (new). C.P. for a new 2-way station to operate on 152.09 MHz: Old Highway No. 77, approximately 2.5 miles north of Brookings, S. Dak.

20823-CD-AL-78 Inman Telephone Co., consent to assignment of license from Inman Telephone Co., Assignor to South Carolina Telephone Corp., Assignee. Station: K1Y781, Inman, S.C.

20824-CD-P-(2)-78 North Mississippi Mobilphone, Inc. (new). C.P. for a new 2-way station to operate on 152.06, 152.12 MHz: Within city limits, Ashland, Miss.

20828-CD-P-78 Hendrix Electronics, Inc. d.b.a. Cal-Com Radio Telephone Service, (KLF520). C.P. for additional facilities to operate on 2128.0 MHz (repeater) at location No. 1: Black Mountain, 14 miles East of Glamis; 2178.0 MHz (control) at loca-

tion No. 2: 496 West Euclid Avenue, El Centro, Calif.

20829-CD-AL-78 Radio Telephone Service, Inc., consent to assignment of license from Radio Telephone Service, Inc., Assignor to Radio Telephone, Inc., Assignee. Station: KWU405, East River Mountain, Va.

20835-CD-P-78 Radio Telephone Communications, Inc. (KUO563). C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located 0.4 mile north of I-10, 0.6 mile west of Old Bainbridge Road, Tallahassee, Fla.

20838-CD-MP-(4)-78 Burlington, Brighton & Wheatland Telephone Co. (KUO636). Modification permit for additional facilities to operate on 72.06 MHz (control) 75.92 MHz repeater at location No. 3: 2.2 miles northeast of Footville; 75.50 MHz repeater at location No. 5: Near County Trunk M. 2.25 miles NW of Delavan; 72.72 MHz at location No. 8 (control): 2.8 miles SE of Verona, Wis.

20828-CD-P-78 Radiophone of Sedalia, Inc. (KRS633). C.P. for additional facilities to operate on 152.18 MHz to be located at 1819 West Main Street, Sedalia, Mo.

20825-CD-TC-(3)-78 All City Answering Service, Inc., consent to transfer of control from Harold S. Leich, deceased, Transferor to M & I Marshall & Ilsley Bank, personal representative of the estate of Harold Leich; and subsequent transfer to George A. Carlin as trustee of the voting trust created by will of the deceased, transferee. Stations: KSC373, KRS716 and KSA266, Milwaukee, Wis. Renewal of license expiring 4-1-78, Term April 1, 1978 to April 1, 1979, Vegas Instant Page, Nevada, KFL943.

CORRECTION

20786-CD-P-78 Comex, Inc., correct file number to read 20882-CD-P-78, all other particulars remains as reported on PN No. 897, dated February 3, 1978.

MAJOR AMENDMENT

21647-CD-P-(2)-77 Empire Mobilcomm Systems, Inc. (new). Amend to show location of control station at 202 Oak Street, Hood Oreg. Other particulars remain as reported on PN No. 865 dated July 5, 1977.

21648-CD-P-(3)-77 Empire Mobilcomm Systems, Inc. (new). Amend to show location of control station at 202 Oak Street, Hood Oreg. Other particulars remain as reported on PN No. 865 dated July 5, 1977.

20345-CD-P-77 Radio Broadcasting Co. (KGB874). Amend to change the directivity of the proposed antenna.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency 152.24 MHz

20032-CD-P-(3)-78 Charles L. Slocum (new). Near Corry, Pa.

21979-CD-P-77 M M Answering Service, Inc. (new). Near Bradford, Pa.

The following application is a major action as defined by section 1.1305 of the Commission's rules concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to petitions to deny on environmental grounds pursuant to section 1.1311 of the Commission's rules:

20573-CD-P-78 Coastal Bends Communications (new). Ambassador Row and Columbia Street, Corpus Christi, Tex.

RURAL RADIO

60089-CR-P-78 The Mountain States Telephone & Telegraph Co. (new). C.P. for a new rural subscriber station to operate on 157.98 MHz: Meadowlark Lemon, 13 miles south of Tombstone, Ariz.

60096-CR-P-78 The Pacific Telephone & Telegraph Co. (new). C.P. for a new rural subscriber station to operate on 459.500 MHz: Grapevine Range Station, 46 miles NW of Furnace Creek, Calif.

60105-CR-P-78 Cameron Telephone Co. (KLO86). C.P. for additional facilities to operate on 158.07 MHz to be located approximately 17 miles SE of Grand Chenier Post Office, Grand Chenier, La.

60106-CR-P-78 AAA Answerphone, Inc.-Jackson (new). C.P. for a new rural subscriber station to operate on 158.49 MHz, at any temporary-fixed location within the territory of the grantee.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

50008-CG-P/L-78 The Offshore Telephone Co. (WBY633). C.P. for additional facilities to operate on 491.425, 491.450, 491.475, 491.500 MHz to be located within the territory of the grantee.

POINT TO POINT MICROWAVE RADIO SERVICE

AK-1312-CF-P-78 RCA Alaska Communications, Inc. (WAS444) Kimball PSS 44 miles SSE of Glennallen, Alaska. Lat. 61°30'51" N., Long. 145°01'38" W. C.P. to increase structure height and change name of transmit site, change polarization from V to H on 6404.8 MHz on azimuth 228.1° toward PS 12 PV, Alaska. (Name change from Pump Station 12 RP), correct receive station distance and ground elevation.

AK-1313-CF-P-78 Same (WAS57) Pump Stn. 12 48 miles south of Glennallen, Alaska. Lat. 61°28'33" N., Long. 145°08'37" W. C.P. to increase structure height and change name of transmit site, change polarization from V to H on frequency 5945.2 MHz on azimuth 59.1° toward PS 12 PV, Alaska. (Name change from PSTN 12 RP), correct receive station distance and ground elevation.

AL-1335-CF-P-78 South Central Bell Telephone Co. (KIO41) 4.5 miles north Fort Mitchell, (Russell) Ala. Lat. 32°24'40" N., Long. 85°01'23" W. C.P. to add frequency 3950V MHz toward Columbus, Ala. WI-1150-CF-P-78 General Telephone Co. of Wisconsin. (WSL72) Columbia GE, 4 miles south of Portage, (Columbia) Wis. Lat. 43°29'04" N., Long. 89°25'11" W. C.P. to increase height of receive diversity antenna for frequency 2172H MHz transmitting from Poynette, Wis. (WSL73).

IL-1344-CF-P-78 Illinois Bell Telephone Co. (KSN55) 211 North Church St. Rockford, (Winnebago) Ill. Lat. 42°16'23" N., Long. 89°05'39" W. C.P. to change emission on frequencies 10935V and 11095V MHz toward Caledonia, Ill.

IL-1345-CF-P-78 Same (WBO85) 2.4 miles south of Caledonia, (Boone) Ill. Lat. 42°19'52" N., Long. 88°53'33" W. C.P. to change frequency 11385V to 11265V MHz toward Woodstock, Ill. and replace transmitters, change emission on frequencies 11505V and 11665V MHz toward Rockford, Ill.

IL-1346-CF-P-78 Same (WAN61) 1.1 miles WNW of Woodstock (McHenry) Ill.

Lat. 42°19'10" N., Long 88°28'09" W. C.P. to change frequency 10975V to 11055V MHz toward Caledonia, Ill. and replace transmitters.

FL-1349-CF-P-78 General Telephone Co. of Florida (WPF85). Old SR 70 and Lebanon St. Myakka, (Manatee) Fla. Lat. 27°21'01" N., Long. 82°09'44" W. C.P. to replace transmitters on frequency 6375.2V MHz toward Verna, Fla.

FL-1350-CF-P-78 Same (KIO65) Pine Place and Bamboo Lane Sarasota, (Sarasota) Fla. Lat. 27°20'06" N., Long. 82°32'10" W. C.P. to replace transmitters on frequency 6256.5V MHz toward Verna, Fla.

NY-1293-CF-P-78 Eastern Microwave, Inc. (WCF977) East Meadow-Hempstead Turnpike and Carmen Avenue, East Meadow, N.Y. (Lat. 40°43'33" N., Long. 73°33'15" W.). C.P. to add a transmitter on frequency 6049.0V MHz toward New York City-Gulf & Western Bldg. (KFN21) on an azimuth of 277.7°. (Note: Carrier requests a waiver of section 21.701(i).)

KY-1301-CF-P-78 General Telephone Co. of Kentucky (WAU303). Temporary-fixed. Renewal of developmental license expiring April 4, 1978. Term: 4-4-78 to 4-4-79.

NH-276-CF-P-78 Yankee Microwave, a division of Karlen Communications, Inc. (KYZ85) Mt. Washington, Sargents Purchase, N.H. (Lat. 44°16'13" N., Long. 71°18'13" W.). C.P. to add frequency 12862.5 MHz toward Conway, N.H. on azimuth 144.17°.

NH, ME-1145-CF-P-78 Same as above (KYZ85). Same C.P. add frequency 6019.3V MHz toward Mt. Hope, Maine via power split on azimuth 156.7°. (Note: Carrier requests a waiver of section 21.701(i).)

ME, NH-1148-CF-P-78 Same (new) Mt. Hope, Sanford, Maine (Lat. 43°25'08" N., Long. 70°48'02" W.). C.P. for a new station to operate on 5989.7V and 6049.0V MHz toward Hays Hill, N.H. on azimuth 231.51°. (Note: Carrier requests a waiver of section 21.701(i).)

KS-1354-CF-P-78 Mid-Kansas, Inc. (KAK36) 1 mile north of Clay Center, Kans. (Lat. 39°23'20" N., Long. 97°06'45" W.). C.P. add frequency 6375.2V MHz toward new point of communication Washington, Kans. via power split on azimuth 4.97°. (Note: Carrier requests a waiver of section 21.701(i).)

KS, NE-1355-CF-P-78 Same as above (new) 1.5 miles north of Washington, Kans. (Lat. 39°50'31" N., Long. 97°03'41" W.). C.P. for a new station to operate on 6256.5V MHz toward Beatrice, Nebr. and Marysville, Kans. on azimuths 32.85° and 84.63°, respectively. (Note: Carrier requests a waiver of section 21.701(i).)

WI-1384-CF-P-78 Midwestern Relay Co. (WLJ46). 3 miles east of Lake Geneva, Wis. (Lat. 42°35'49" N., Long. 81°21'30" W.). C.P. to replace transmitter and increase output power from 1.5 watts to 5 watts for frequency 11625H MHz toward Lake Geneva No. 3, Wis.

WI-1385-CF-P-78 Same as above (WCG205) Lake Geneva No. 3, 1 mile north of Lake Geneva, Wis. (Lat. 42°37'05" N., Long. 88°26'21" W.). Same as above, except frequency 11175.0H MHz toward Lake Geneva No. 1 (WLJ46).

WI-1367-CF-P-78 Midwestern Relay Co. (WAU220). Lake Geneva No. 2, 1 mile N. of Lake Geneva, Wis. (Lat. 42°37'19" N., Long. 88°25'56" W.). C.P. to add frequency 11135H MHz toward Elkhorn, Wis. (hot standby) on azimuth 317.4°.

WI-1368-CF-P-78 Same as above (new). 2 miles NE of Elkhorn, Wis. (Lat. 42°41'28" N., Long. 88°31'07" W.). C.P. for a new station to operate on 11345H MHz toward Lake Geneva N. 2 (WU220) and 6345.5V MHz toward Jefferson, Wis. (WLJ68) on azimuths 137.3° and 317.5°, respectively.

WI-1369-CF-P-78 Same (WLJ68). 5 miles NW of Fort Atkinson, Wis. (Lat. 42°59'38" N., Long. 88°53'49" W.). C.P. add new point of communication to operate on 5945.2H MHz toward Elkhorn and add 6152.8H MHz toward Madison (WLJ69) on azimuths 137.3° and 278.0°, respectively.

WI-1370-CF-P-78 Same (WLJ69). 5727 Tokay Boulevard, Madison, Wis. (Lat. 43°03'09" N., Long. 89°28'42" W.). C.P. to add 6345.5H MHz toward Baraboo and 6234.5H MHz toward Jefferson on azimuths 349.0° and 97.6°, respectively.

WI-1371-CF-P-78 Same (WKR90). 7.4 miles SE of Baraboo, Wis. (Lat. 43°27'14" N., Long. 89°35'07" W.). C.P. to add 6034.2H MHz toward Davis Corner and Madison on azimuths 347.8° and 168.9°, respectively.

WI-1372-CF-P-78 Same (WKR92). 5.8 miles W of Oxford, Davis Corner, Wis. (Lat. 43°46'25" N., Long. 89°40'52" W.). C.P. add 6345.5V MHz toward Baraboo and 6375.2H MHz toward Kendall on azimuths 167.7° and 270.7°, respectively.

WI-1373-CF-P-78 Same (WKR93). 3.7 miles WSW of Kendall, Wis. (Lat. 43°46'41" N., Long. 90°28'33" W.). C.P. add 6004.5V MHz toward Davis Corner and 6093.5H MHz toward Sparta on azimuths 90.2° and 302.9°, respectively.

WI-1374-CF-P-78 Same (WKR94). 3.5 miles NW of Sparta, Wis. (Lat. 43°58'29" N., Long. 90°51'53" W.). C.P. add 6375.2V MHz toward Curran and 6375.2V MHz toward Kendall on azimuths 338.2° and 122.6°, respectively.

WI-1375-CF-P-78 Same (WKR95). 3.2 miles SSW of Northfield, Curran, Wis. (Lat. 44°24'50" N., Long. 91°06'38" W.). C.P. add 6152.8V MHz toward Montana Ridge and 5945.2H MHz toward Sparta on azimuths 253.7° and 158.0°, respectively.

WI, MN-1376-CF-P-78 Same (WKR96). 6 miles NW of Arcadia, Montana Ridge, Wis. (Lat. 44°18'35" N., Long. 91°36'10" W.). C.P. add 6375.2H MHz toward Wabasha, Minn. on azimuth 277.8 degrees and change frequencies 6286.2V 6345.5V MHz to 6315.0H 6375.2H MHz; add 6404.8V MHz toward Curran, Wis. on azimuth 73.4°.

MN, WI-1377-CF-P-78 Midwestern Relay Co. (WKR97) 3.2 miles SW of Wabasha, Minn. (Lat. 44°21'25" N., Long. 92°05'29" W.). Construction permit to add 5945.2V MHz toward Montana Ridge, Wis. and add 6123.1H MHz toward Oak Ridge, Minn. on azimuths 97.5° and 315.5°, respectively.

WI, MN-1378-CF-P-78 Same as above (WKR98) 2.2 miles east of Bay City, Oak Ridge, Wis. (Lat. 44°35'05" N., Long. 92°24'18" W.). C.P. add 6197.2H MHz toward River Falls, Wis. and 6404.8V MHz toward Wabasha, Minn. on azimuths 327.5° and 135.3°, respectively.

WI, MN-1379-CF-P-78 Same (WKR99) 4.2 miles NW of River Falls, Wis. (Lat. 44°54'10" N., Long. 92°41'27" W.). C.P. delete frequencies 6123.1H 6152.8V MHz and add 5945.2H 6034.2V 6063.8H MHz toward Arden Hills, Minn. and add 5945.2V MHz toward Oak Ridge, Wis. on azimuths 296.1° and 147.3°, respectively.

WI, MN-1380-CF-P-78 (WIV45) 1296 W County Road F, Arden Hills, Wis. (Lat. 45°03'47" N., Long. 93°09'18" W.). C.P. add 10735V MHz toward Minneapolis No. 2, Minn. and add 6375.2V MHz toward River Falls, Wis. on Azimuths 223.1° and 115.8°, respectively.

WI, MN-1381-CF-P-78 Same (new) 317 Second Avenue South, Minneapolis No. 2, Minn. (Lat. 44°58'44" N., Long. 93°15'58" W.). C.P. for a new station to operate on 11425V MHz directed toward Arden Hills, Minn. (WIV45) on azimuth 43.1°.

FL-1351-CF-P-78 General Telephone Co. of Florida (WU85) 10.9 miles SE of Parrish Verna, (Manatee) Fla. (Lat. 27°27'59" N., Long. 82°18'02" W.). C.P. to replace transmitters on frequencies 6123.1V MHz toward Myakka, Fla. and 6004.5V MHz toward Sarasota, Fla.

AR-1342-CF-P-78 Union Telephone Co., Inc. (new). Arkansas Highway 15 Dodge City, (Union) Ark. (Lat. 33°01'13" N., Long. 92°58'07" W.). C.P. for a new station on frequency 2116H MHz on azimuth 91.4° toward Junction City, Ark.

AR-1343-CF-P-78 Same (new) 124 2nd St. Junction City, (Union) Ark. (Lat. 33°00'54" N., Long. 92°43'29" W.). C.P. for a new station on frequencies 2166H MHz on azimuth 271.5° toward Dodge City, Ark., 2171V MHz on azimuth 14.1° toward El Dorado, Ark.

NY-1330-CF-P-78 The Western Union Telegraph Co (KEL61) 2.8 miles south of Warwick, N.Y. (Lat. 41°12'30" N., Long. 74°21'23" W.). Construction Permit to add 11305H MHz towards Vernon, N.J.

NJ-1331-CF-P-78 Same (WQQ40) 1.7 miles SW of Vernon, N.J. (Lat. 41°10'38" N., Long. 74°29'51" W.). Construction permit to add 11015V MHz towards Warwick, N.J. and 11095H MHz towards Glenwood, N.J.

NJ-1332-CF-P-78 Same (WQQ41) 1.1 mile NW of Vernon, Glenwood, N.J. (Lat. 41°12'44" N., Long. 74°29'38" W.). Construction permit to add 11385V MHz towards Vernon, N.J.

CORRECTIONS

TN700-CF-P-78 South Central Bell Telephone Co. (WKR83) Nashville West 605 33rd Avenue North Nashville, (Davidson) Tenn. Correct polarization to read H to V on frequency 4170. All other particulars remain the same as reported on Public Notice, December 27, 1977, report No. 890.

TN-702-CF-P-78 Same (WJG57) 3 miles NW of Dickson, (Dickson) Tenn. Correct call sign to read (KJG57), correct city of receive space diversity antenna to read Loblerville. All other particulars remain the same as reported on Public Notice dated January 23, 1978, report No. 894.

LA-948-CF-P/L-78 Same (KLW24) Nat-chitoches, Touline and Fourth Sts. Nat-chitoches, La. Correct file number to read 948-CF-P-78. All other particulars remain the same as reported on Public Notice dated January 16, 1978, report No. 893.

[FR Doc. 78-4963 Filed 2-23-78; 8:45 am]

[6712-01]

[BC Docket Nos. 78-33 and 78-34; File Nos. BPH-10,093 and BPH-10,346]

THOMASON BROADCASTING, INC. AND
BRADLEY ENTERPRISES INC.

Memorandum Opinion and Order Designating
Applications for Consolidated Hearing on
Stated Issues

ADOPTED: February 10, 1978.

RELEASED: February 21, 1978.

In re applications of Thomason Broadcasting, Inc., Cleveland, Tenn., Req: 98.3 MHz, Channel No. 252A; 3 kW (H&V); 300 feet (H&V), BC Docket No. 78-33, File No. BPH-10,093; and Bradley Enterprises, Inc., Cleveland, Tenn., Req: 98.3 MHz, Channel No. 252A; 3 kW (H&V); 295 feet (H&V), BC Docket No. 78-34, File No. BPH-10,346 for construction permits.

1. The Commission by the Chief, Broadcast Bureau, has before it for consideration the above-captioned mutually exclusive applications of Thomason Broadcasting, Inc. ("Thomason") and Bradley Enterprises, Inc. ("Bradley") for a construction permit for a new FM broadcast station at Cleveland, Tenn.¹

2. Because Bradley proposes independent programming while Thomason proposes to duplicate 50 percent of the programming of its commonly owned AM station, WBAC, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360 (1967).

3. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

¹Presently, pending before the Commission is a petition for rulemaking (File No. RM-2715) to, among other things, change Channel 252 to Channel 237 in the table of assignments for Cleveland, Tenn. If the rulemaking is finalized and the table of assignments is amended prior to a grant in this proceeding, both Thomason and Bradley will be required to amend their applications to specify Channel 237. On the other hand, if this proceeding is completed before a final determination in the rulemaking, the resulting grant will be contingent upon the outcome of the rulemaking proceeding.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

4. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to §1.221(c) of the Commission's Rules, in person, or by attorney, shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and §1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by §1.594(g) of the Rules.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4964 Filed 2-23-78; 8:45 am]

[6712-01]

[Docket No. 20639; FCC 78-113]

FLOW THROUGH OF POSSIBLE COMSAT RATE REDUCTIONS

Waiver of Ex Parte Rules for Negotiations

FEBRUARY 1122, 1978.

It appears that settlement of Docket No. 20639 concerning flow through to the ultimate consumer of possible Comsat rate reductions might be facilitated by waiver of the Commission's Ex Parte Rules to permit individual negotiations. Any organization or individual wishing to file comments concerning this matter shall do so by March 6, 1978. For further information please contact David A. Irwin at 632-6363.

Action by the Commission February 22, 1978. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, White, and Brown.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-5070 Filed 2-23-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

[Reg. Q; Docket No. R-0027]

REQUEST FOR COMMENTS ON FEDERAL RESERVE PROPOSAL AUTHORIZING AUTOMATIC TRANSFERS OF SAVINGS DEPOSITS

On February 7, 1978, the Board of Governors of the Federal Reserve System (Federal Reserve) published a proposed rule in the FEDERAL REGISTER. That proposal would amend Federal Reserve Regulation Q (12 CFR §217.5) to allow automatic preauthorized transfers from savings accounts to checking accounts to cover overdrafts. Such transfers are now specifically prohibited by both FDIC and Federal Reserve regulations (12 CFR §329.5 and 12 CFR §217.5).

The Federal Reserve proposal is a modification of previous proposals published in early 1976 by both the FDIC and the Federal Reserve.

The current Federal Reserve proposal would restrict preauthorized transfers to individuals, thus excluding business organizations and governmental units.

Unlike the earlier proposals, which would have required transfers of at least \$100.00, the new proposal requires no specific minimum amount.

The earlier proposals required forfeiture of an amount equal to not less than 30 days' interest on the funds transferred. This would have resulted in a transfer penalty even if no interest had been earned during the 30 days preceding transfer. The new Federal Reserve proposal provides for forfeiture of not less than the amount of interest actually earned during the 30 days prior to transfer. If funds had been on deposit for less than 30 days, only interest earned during the time the funds were on deposit would be forfeited.

The Federal Reserve proposal would require banks to continue to reserve the right to require 30 days' notice prior to withdrawal of a savings deposit as is now required by Regulation Q and Part 329 of FDIC's regulations.

FDIC's Board of Directors (the Board) is considering a similar amendment to its regulations, and would be interested in receiving public comment on the Federal Reserve proposal. The Board is particularly interested in the following issues:

(1) Is the automatic transfer of funds from a savings account to a checking account for the purpose of covering overdrafts legal? Does the fact that banks offering the service would be required to retain the option of insisting on 30-days' notice prior to withdrawal (transfer) make any difference with respect to the issue of whether the proposed amendment constitutes the payment of interest on

demand deposits? Similarly would the imposition of a transfer "penalty" make any difference? Addressing the same issue, does it matter what sort of penalty is prescribed, and does it matter that the law limiting NOW accounts to banks in certain States in the Northeastern United States bars other banks from making automatic transfers to cover overdrafts?

(2) The Board is interested in comments on the interest forfeiture provision in the Federal Reserve proposal. In this connection, the Board would like specific comments on the following alternatives:

(A) A lower interest rate ceiling on savings accounts subject to automatic transfer than on regular savings accounts.

(B) A fixed fee imposed on each transfer regardless of amount (perhaps one geared to the bank's actual cost of making the transfer).

(C) No fee or forfeiture of any kind so long as funds are transferred to a checking account (and thus cease to earn interest) at the time an overdraft item is paid by the bank, subject to the optional 30-days' notice provision incorporated in present regulations. Other suggested alternatives are, of course, welcome.

(3) The Board would like comments on whether FDIC should authorize mutual savings banks (those having checking account or similar powers) to pay interest on their automatic transfer accounts at rates above those afforded commercial banks.

Comments should be submitted to the Executive Secretary, Federal Deposit Insurance Corp., 550 17th Street, NW., Washington, D.C. 20429, Room 6108, no later than March 20, 1978.

By order of the Board of Directors this 16th day of February, 1978.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-4840 Filed 2-23-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

CONSUMER ADVISORY COUNCIL

Meeting

Notice is hereby given that the Consumer Advisory Council will meet on Wednesday, March 8, and Thursday, March 9, 1978. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building beginning at 1 p.m. and concluding at 5 p.m. on March 8 and beginning at 8:30 a.m. and concluding at 3:30 p.m. on March 9. The Martin Building is located on C Street NW., between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities with regard to consumer credit legislation and regulation. It is anticipated that the March 8 and 9 meeting of the Council will include consideration of the following topics:

1. *Privacy.* Recommendations of the Privacy Commission on consumer credit—implementation and policies, rights of consumers, and impact on business judgment and business privacy.

2. *Federal Trade Commission Trade Regulation—Rules.* Rules concerning unfair credit practices, including creditor remedies and holder in due course.

3. *Uniform Enforcement Guidelines.* For Truth in Lending enforcement as proposed by the Board and the other financial institution regulatory agencies.

There will be a preliminary review of the consumer aspects of electronic fund transfer systems. Brief reports will be made on the status of matters previously discussed by the Council.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors, February 22, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-5098 Filed 2-23-78; 8:45 am]

[6210-01]

DIRECTORS OF FEDERAL RESERVE BANKS AND BRANCHES OF FEDERAL RESERVE BANKS

Guide to Conduct

Directors of Federal Reserve Banks have a special obligation to maintain the integrity and reputation of the Federal Reserve System. In their capacity as directors, these individuals are changed by law with the responsibility of supervising and controlling the operations of the Reserve Banks, under the general supervision of the Board of Governors, and for assuring that the affairs of the Banks are administered fairly and impartially. Chosen, as they are, from diverse segments of the community at large, directors are expected to bring to their deliberations the benefit of experienced judgment and advice on specific matters within their respective districts and on other general issues confronting the System as a whole. To assure the proper performance of System business and the maintenance of public confidence in the System, it is essential that directors, through adherence to high ethical standards of conduct, avoid actions that might impair the effectiveness of System operations or in any way tend to discredit the System. Therefore, Federal Re-

serve directors should be guided by the following principles.

(1) Directors of Federal Reserve Banks, in carrying out their System responsibilities, should avoid any action which might result in or create the appearance of:

(a) Using their position as director for private gain.

(b) Giving unwarranted preferential treatment to any organization or person.

(c) Impeding System efficiency or economy.

(d) Losing complete independence or impartiality of action.

(e) Making a decision as a director outside of official System channels, or

(f) Affecting adversely the confidence of the public in the integrity of the Federal Reserve System.

(2) Directors should strictly preserve the confidentiality of System information that, if revealed, could inure to the private benefit of any person or organization or could impair or compromise the effectiveness of System operations and policies. In public speeches and communications, directors should avoid statements that suggest the nature of any monetary policy action that has not been officially disclosed.

(3) Class C directors are prohibited by the Federal Reserve Act (12 U.S.C. 303) from owning stock of any bank. In furtherance of the intended purpose of this prohibition, as a matter of System policy, class C directors appointed or reappointed following adoption by the Board of Governors of this Guide should also refrain from ownership of stock of a bank holding company. Directors should consider the stock ownerships of a spouse or minor child living at home to be their ownerships. Interests held or acquired by a class C director in a bank holding company, and interests held or acquired by the director's spouse or minor child in a bank or bank holding company should be promptly disposed of unless, after full disclosure to the Board of Governors or its designee, it is determined that retention of such stock would not, in the circumstances presented, significantly conflict with the underlying philosophy of the Act. Nothing set forth in this paragraph should be viewed as precluding a class C director from investing or participating in a diversified mutual fund, investment company, or other form of investment plan whose management may from time to time direct the purchase of stock, ownership of which is otherwise precluded by this paragraph, provided that the class C director's role is that of a passive investor and the director does not contribute in any manner to the investment decisions.

NOTE.—A regulation relating to directors of Federal Reserve Banks has been adopted

by the Board of Governors pursuant to 18 U.S.C. § 208 and appears in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

Board of Governors of the Federal Reserve System, February 17, 1978.

THEODORE E. ALLISON,
Secretary.

[FR Doc. 78-5000 Filed 2-23-78; 8:45 am]

[4110-89]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Meeting

AGENCY: Department of Health, Education, and Welfare, Office of Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the next public meeting of the Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of its opportunity to attend and to participate.

DATES: March 15, 1978, 9 a.m. to 5 p.m., local time; March 16, 1978, 9 a.m. to 5 p.m.; and March 17, 1978, 9 a.m. to 3 p.m. Requests for oral presentations before the Committee must be received on or before March 3, 1978. All written material which a party wishes to file may be submitted at any time and will be considered by the Advisory Committee.

ADDRESS: Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Va. 22204.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-9873.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, United States Code). The Committee is directed to:

1. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and designation of accrediting agencies and associations wishing to be designated as nationally recognized accrediting agencies and associations, and recommend desirable changes in criteria and procedures;

2. Review all current and future policies relating to the responsibility of the Commissioner for the recognition and listing of State agencies wishing to be designated as reliable authority as to the quality of public postsecondary vocational education, and of nurse education, and recommend desirable changes in criteria and procedures;

3. Review and advise the Commissioner of Education in the formation of all current and future policy relating to the matter of institutional eligibility;

4. Review the provisions of current legislation affecting Office of Education responsibility in the area of accreditation and institutional eligibility and suggest needed changes to the Commissioner of Education;

5. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition and designation of accrediting agencies and associations in accordance with legislative provisions, Presidential directives, or interagency agreements;

6. Review and recommend to the Commissioner of Education for designation as nationally recognized accrediting agencies and associations of reliable authority all applicant accrediting agencies and associations which meet criteria established under (5) above;

7. Develop and recommend to the Commissioner of Education criteria and procedures for the recognition, designation, and listing of State agencies in accordance with statutory provisions, Executive orders, or interagency agreements;

8. Review and recommend to the Commissioner of Education for designation as State agencies of reliable authority as to the quality of public postsecondary vocational education, and of nurse education, all applicant State agencies which meet criteria established under (7) above;

9. Develop, under the authority of the Vocational Education Act of 1963, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of private vocational training institutions which have no alternative route by which to establish eligibility for Federal funding programs;

10. Develop, under the authority of the Higher Education Act of 1965, as amended, and recommend for the approval of the Commissioner of Education, standards and criteria for specific categories of institutions of higher education, for which there is no recognized accrediting agency or association, in order to establish eligibility for participation in the student loan programs authorized by Title IV-B thereof;

11. Maintain a continuous review of Office of Education administrative practice, procedures and judgments relating to accreditation and institutional eligibility and advise the Commissioner of needed changes;

12. Keep within its purview the accreditation and approval process as it develops in all levels of education;

13. Advise the Commissioner of Education concerning the relations of the Office with accrediting agencies or associations, or other approval bodies as the Commissioner may request;

14. Advise the Commissioner of Education, pursuant to the Bureau of the Budget (Office of Management and Budget) policy dated December 23, 1954, regarding the award of degree-granting status to Federal agencies and institutions;

15. Not later than March 31 of each year, make an annual report of its activities, findings, and recommendations.

The meeting on March 15, 16, and 17, 1978, will be open to the public. This meeting will be held at the Sheraton National Motor Hotel, Arlington, Va. The Committee will review petitions and reports by nationally recognized accrediting agencies and associations relative to continued recognition by the U.S. Commissioner of Education. The Committee also will hear presentations by representatives of the petitioning agencies and interested third parties, and will review policy items pertaining to accreditation and institutional eligibility. Agencies having petitions and reports pending before the Committee are:

American Assembly of Collegiate Schools of Business, Accreditation Council

American Optometric Association, Council on Optometric Education

American Veterinary Medical Association, Committee on Animal Technician Activities and Training

Middle States Association of Colleges and Schools, Commission on Higher Education

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped

National Council for Accreditation of Teacher Education

Southern Association of Colleges and Schools, Commission on Occupational Education Institutions

Requests for oral presentations before the Committee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Requests must be received by the Division of Eligibility and Agency Evaluation on or before March 3, 1978. Time constraints may limit oral presentations. However, all

additional written material that a party wishes to file will be considered by the Advisory Committee.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C., on February 16, 1978.

JOHN R. PROFFITT,
Director, Division of Eligibility
and Agency Evaluation, Office
of Education.

[FR Doc. 78-4860 Filed 2-23-78; 8:45 am]

[4110-02]

Office of Education

COMMUNITY EDUCATION ADVISORY
COUNCIL

Meeting

AGENCY: Office of Education, HEW, Community Education Advisory Council.

ACTION: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Community Education Advisory Council. It also describes the functions of the Council. Notice of these meetings is required under section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-634. This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings: March 13, 1978.

ADDRESS: The Ball Room, North Star Inn, 618 2d Avenue, South, Minneapolis, Minn. 55402.

FOR FURTHER INFORMATION
CONTACT:

Martha S. Methee, Office of Education, Department of Health, Education, and Welfare, Room 5622-ROB 3, 7th and D Streets SW., Washington, D.C. 20202, telephone 202-245-0691.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Pub. L. 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interests of community schools.

All sessions of this meeting will be open to the public.

The meeting will begin at 8:30 a.m. and end at 4:30 p.m.

During the Council's last meeting held in Washington, D.C. on January 17 and 18, it was decided that there was a need in the field of community education for a model(s) designed to identify strategies for enhancing cooperative efforts between the community schools and other agencies (both public and private) within the community. Also to be included in this model(s) would be the identification of

certain problem areas for which community education programs may offer a solution. Ultimately, the model(s) would demonstrate the ability of community schools to work cooperatively with identified agencies in the delivery of services to the community.

The purpose of this planning committee meeting will be to: (1) Identify possible target groups who have been working cooperatively with community schools; (2) identify programs which have worked successfully with these groups; (3) identify agencies who have not been involved with community schools, but who have the potential of making valuable use of schools to aid in the delivery of services; and, (4) identify problem areas for which community education programs may offer a solution. The results of this meeting will be compiled and presented to the Council during the next full Council meeting. The Council will then review the materials, make recommendations and solidify the targeted groups and successful programs to be used as the basis of the model(s) to be developed.

The proposed agenda includes: (1) Discussion with selected Community Education leaders.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 5622, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 21, 1978.

RON CASTALDI,
Acting Director,

Community Education Program.

[FR Doc. 78-4901 Filed 2-23-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Committee on Program Effectiveness and Evaluation of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: March 18, 1978, 9:30 a.m. to 3:30 p.m.

ADDRESS: Stapleton Plaza Motor Hotel, 3333 Quebec Street, Denver, Colo. 80207.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on

Adult Education, 425 13th St. NW., Washington, D.C. 20004, 212-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public.

The proposed agenda includes:

Continued review and development of the Committee's report on program and administrative effectiveness.

Discussion of legislative recommendations. Development of the Committee's annual report recommendations.

Development of a five-year Committee plan.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Building, 425 13th Street, NW., Washington, D.C., 20004.

Signed at Washington, D.C. on February 17, 1978.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education

[FR Doc. 78-4906 Filed 2-23-78; 8:45 am]

[4110-85]

Office of the Assistant Secretary for Health

HEALTH MAINTENANCE ORGANIZATIONS

New Applications

The Department publishes Notices from time to time announcing the availability of Federal financial assistance for feasibility surveys, planning, and for initial development of Health Maintenance Organizations pursuant to Title XIII of the Public Health Service Act (42 U.S.C. 300e et seq.) and sets deadlines for submission of new

applications. The last Notice was published in the FEDERAL REGISTER (42 FR 41925-41926) on August 19, 1977.

This Notice establishes the date that eligible organizations may submit new applications and it outlines a requirement imposed by the Office of Management and Budget on such applications.

NEW APPLICATIONS

New applications may be submitted to the appropriate Department of Health, Education, and Welfare (DHEW) Regional Office by organizations meeting the applicable requirements of sections 1303 and 1304 of the Act and 42 CFR Part 110.

Deadline for Submission of New Applications

Grants for Feasibility, Planning, and for Initial Development Costs (public or private nonprofit entities) and Loan Guarantees for Planning and Initial Development Costs (nonprofit private or private entities (other than nonprofit private entities))—June 30, 1978.

Anticipated Date of Award

September 29, 1978.

Applications submitted after June 30, 1978, will be reviewed, evaluated, and considered, based upon availability of funds, for funding in fiscal year 1979 beginning October 1, 1978.

It is anticipated that a 90-day review period will be required between receipt of such applications and final action on their disposition.

EXPANSION APPLICATIONS FROM QUALIFIED HMO'S

Organizations qualified under Title XIII of the Public Health Service Act may submit applications as soon as possible for funding for significant expansion of their operation. Applications may be made irrespective of whether the health maintenance organization previously received financial support under Title XIII. Individual application requests will be accepted for grant or loan guarantee support. It is estimated that a 90-day period will be required between the receipt of such applications and final action on their disposition. Expansion grants will be considered for feasibility and planning and initial development while loan guarantees are available for planning and initial development costs of nonprofit private health maintenance organizations, and of private (other than nonprofit private) qualified health maintenance organizations which intend to serve medically underserved populations.

OFFICE OF MANAGEMENT AND BUDGET CIRCULAR NO. A-95 REQUIREMENT

It should be noted that applicants requesting Federal financial assistance under Title XIII of the Public Health

Service Act are subject to the Office of Management and Budget Circular No. A-95 requirements in addition to the applicable requirements of Title XIII and 42 CFR Part 110. Any agency of State or local government or any organization or individual undertaking to apply for assistance to a project or major substantive modification there-to under a Federal program covered by the OMB Circular A-95 will be required to notify both the State and areawide planning and development clearinghouse in the jurisdiction where the project is to be located, of its intent to apply for assistance at such time as it determines it will develop an application. Clearinghouses may take a total of 60 days to consider the applicant's notification of intent or completed application or both. All health maintenance organization applications must contain clearinghouse comments before a competitive review is made by DHEW of the application. Applicants are advised to submit such notifications and completed applications at the earliest possible date in order to be able to meet the schedule for grant review.

Dated: February 17, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

[FR Doc. 78-4892 Filed 2-23-78; 8:45 am]

[4110-03]

Office of the Assistant Secretary for Health

PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH NATIONAL COMMISSION

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on March 10 and 11, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including the performance of Institutional Review Boards, the basic ethical principles that should underlie the conduct of research on human subjects, delivery of health services under programs conducted or supported by the Department of Health, Education, and Welfare, and other matters identified in the legislative mandate to the Commission, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer, 301-496-

7776, Westwood Building, Room 125, 5333 Westbard Avenue, Bethesda, Md. 20016.

Dated: February 14, 1978.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc. 78-4893 Filed 2-23-78; 8:45 am]

[4110-02]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part EE, Office of Education, section EE-10 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended to reflect the addition of a Division of State Vocational Program Operations in the Bureau of Occupational and Adult Education which will administer all State plan programs authorized by the Vocational Education Act, as amended. Therefore the statement published in the FEDERAL REGISTER of April 26, 1974, at 39 FR 14738 is amended by the addition of a Division of State Vocational Program Operations immediately following the statement under the heading Division of Vocational and Technical Education to read as follows:

Division of State Vocational Program Operations (EEWX). Administers OE State plan operations under the Vocational Education Act, as amended. Reviews and recommends the approval or disapproval and necessary action on vocational education State plans and requested reports. Provides technical assistance through: (a) The interpretation of regulations, guidelines, and manuals to State and local education agencies, institutions of higher education, other agencies and organizations, and individuals interested in federally supported vocational and occupational programs; (b) the maintenance of close contact with OE contractors, grantees, and award recipients in the States in an effort to maximize the utilization and benefit of OE sponsored programs and makes recommendations for the improved management of such programs as warranted; (c) the conduct of liaison between the interested groups, coordinating various elements and aspects of the vocational education area; and (d) the communication of pertinent information to a wide variety of recipients.

Dated: February 8, 1978.

CHARLES MILLER,
Acting Assistant Secretary for Management and Budget.

[FR Doc. 78-4894 Filed 2-23-78; 8:45 am]

[4110-03]

Food and Drug Administration

[Docket No. 78P-0001]

DEPUY

Request for Date and Information on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice invites interested persons to submit information, data, and views on a petition filed under section 513(f) (21 U.S.C. 360c(f)) of the Federal Food, Drug, and Cosmetic Act by DePuy, Warsaw, Ind., for a metal stem, ceramic self-locking ball, total hip prosthesis. Material submitted will be forwarded to members of the Orthopedic Device Classification Panel, which will make a recommendation on the petition to the Food and Drug Administration (FDA).

DATA: Information, data, and views should be submitted by March 27, 1978.

ADDRESS: Copies of the petition are available at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Information, data, and views should be submitted (five copies) to James G. Dillon, executive secretary, Orthopedic Device Classification Panel (address given below).

FOR FURTHER INFORMATION CONTACT:

James G. Dillon, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: DePuy submitted, under section 510(k) of the act (21 U.S.C. 360(k)), a premarket notification of its intent to market a metal stem, ceramic self-locking ball, total hip prosthesis to be used in conjunction with a polyethylene acetabular cup. The product uses an aluminum oxide ceramic ball held in position by a locking cone configuration on a metallic stem composed of multiphasic alloy having the trade name Protosal 10™. This device was determined by the agency to be not substantially equivalent to any device that was in commercial distribution before May 28, 1976, and is therefore classified in class III (premarket approval) under section 513(f) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III because of section 513(f)(1) of the act can be marketed, it is required to have an approval of an application for premarket approval,

unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)) or unless the device is reclassified. On December 2, 1977, DePuy submitted a petition for reclassification under section 513(f)(2) of the act. The agency reviewed the petition and determined that there were no deficiencies in the data supplied.

Section 513(f) of the act requires the Commissioner of Food and Drugs to submit the petition to a panel for a recommendation. The panel must make its recommendation to the Commissioner within 90 days after the petition is referred to the panel. Ordinarily, the petition would be discussed at an open panel meeting before the panel makes its recommendation. However, the next Orthopedic Device Classification Panel meeting is tentatively scheduled for late March 1978. This would be beyond the 90-day period in which the panel must make its recommendation. In addition, during a previous Orthopedic Device Classification Panel meeting, on November 14 and 15, 1976, before submission of the petition, the panel, after listening to extensive testimony concerning the safety and efficacy of the device in question, reached a unanimous conclusion that the device should be recommended for classification in class II. Therefore, this petition has been mailed to the voting members of the panel for their review and recommendations, and the panel will make its recommendation to FDA by mail.

Section 513(f) of the act also requires the Commissioner to provide an opportunity for interested persons to provide information, data, and views to the panel before it makes its recommendation. Information, data, and views will be mailed to the panel mem-

bers for their consideration before they make their recommendations. Then each voting member will send the executive secretary of the panel a completed supplemental data sheet and a completed classification questionnaire applicable to the device for which a recommendation is sought. The panel recommendation will be published in the *FEDERAL REGISTER*. A period for public comment will follow, and then the Commissioner will issue a final order approving or denying the petition no more than 210 days after the submission of an adequate petition.

Dated: February 14, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4598 Filed 2-23-78; 8:45 am]

[4110-03]

ONCOLOGIC DRUGS ADVISORY COMMITTEE

Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Oncologic Drugs Advisory Committee.	Mar. 30, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; Robert S. Young, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discus-

sion of additional clinical studies—Tamoxifen; clinical guidelines; Estramustine—(NDA 18-145); Cis-Platinum—(NDA 18-057); and discussion of active investigational new drugs and pending new drug applications.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee delibera-

tion. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this *FEDERAL REGISTER* notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: February 14, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4599 Filed 2-23-78; 8:45 am]

[4110-03]

Food and Drug Administration

CONTRACEPTIVE AND OTHER VAGINAL DRUG PRODUCTS PANEL

Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Contraceptive and Other Vaginal Drug Products Panel meeting scheduled for March 28, 1978, in Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Md., has been rescheduled to meet on March 13 and 14, 1978 in Conference Room F.

FOR FURTHER INFORMATION CONTACT:

Armond M. Welch, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7029), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Contraceptive and Other Vaginal Drug Products Panel scheduled for March 28, 1978, has been rescheduled for March 13 and 14, 1978, Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. The open public hearing will begin at 9 a.m. on March 13.

Dated: February 15, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4864 Filed 2-23-78; 8:45 am]

[4110-03]**GENERAL AND PLASTIC SURGERY DEVICE CLASSIFICATION PANEL****Meeting Change**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The General and Plastic Surgery Device Classification Panel meeting scheduled for March 31, 1978, in Room 1137, HEW-North, 330 Independence Avenue SW., Washington, D.C., has been rescheduled to meet on March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark F. Parrish, Bureau of Medical Devices (HFK-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee

Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of February 17, 1978 (43 FR 7036), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the General and Plastic Surgery Device Classification Panel scheduled for March 31, 1978, has been rescheduled for March 24, 1978, Rm. 1137, HEW-North, 330 Independence Avenue SW., Washington, D.C. The open committee discussion will begin at 8 a.m.

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4865 Filed 2-23-78; 8:45 am]

[4110-03]

[Docket No. 77P-0052]

HOFFMANN-LA ROCHE, INC.**Panel Recommendation on Petition for Reclassification**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the ABUSCREEN™, Radioimmunoassay for Methaqualone be reclassified from Class III (Pre-market Approval) to Class II (Performance Standards). This recommendation was made after review of the reclassification petition filed by Hoffmann-La Roche, Inc., Nutley, NJ, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments March 27, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On August 24, 1976 Hoffmann-La Roche, Inc., submitted to FDA a pre-market notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intends to market a device the manufacturer calls ABUSCREEN™, Methaqualone. After reviewing the information in the pre-market notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in Class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in Class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 24, 1976, Hoffman-La Roche, Inc., submitted a reclassification petition for the device under section 513(f)(2) of the act. On March 29, 1977, the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified in class II, after the manufacturer provided additional information. The additional information was provided on January 5, 1978.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Radioimmunoassay, methaqualone," and described the device as a kit for enzyme immunoassay for methaqualone. The device is used for the detection and quantitation of methaqualone in human urine. Methaqualone is a drug that is used as a hypnotic; it is also a drug that can be abused. The device is used to determine whether the patient is a drug abuser or whether the patient has been given an excessive dosage of methaqualone. A mild overdose of methaqualone could cause excessive central nervous system depression; a severe overdose may result in delirium and convulsions. Fatalities may occur in persons who use methaqualone as a drug of abuse and who have also ingested alcohol. The panel recommended that all devices meeting this description, and those substantially equivalent to this device, be classified in class II.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. The device is not potentially hazardous to life or good health when properly used.
3. The device is used to detect the levels of methaqualone in human urine. The device is an in vitro diagnostic product.
4. The device has performance characteristics that should be maintained. A step-by-step protocol for use by the analyst has also been included with the kit. Performance data on accuracy, precision, specificity, quantitative determinations, and interfering substances have been included.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, an independent laboratory tested 115 samples of human urine with a high positive rate by the currently accepted methodology for the assay, i.e., gas liquid chromatography. These same samples were also tested by ABUSCREEN™ Radioimmunoassay, Methaqualone. The data showed that there was a 98 percent agreement between these two methods. There were no false positives. One hundred normal urine samples from a random population were tested to determine the levels of methaqualone; equivalents found in this population were only 5 nanograms per milliliter with 92 percent of the specimens at 2 nanograms per milliliter or less.

RISKS TO HEALTH

The panel noted that inaccurate analysis from use of the device may lead to misdiagnosis or improper treatment or production of toxicities. The panel recommended that the device be classified in class II, that a standard directed toward the specificity and sensitivity of the device be developed, and that the development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, Food and Drug Administration address noted above.

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4867 Filed 2-23-78; 8:45 am]

[4110-03]

[Docket No. 77D-0416]

INVESTIGATION OF DRUGS USED IN HUMANS

Availability of Clinical Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This is a notice of the availability of 15 clinical guidelines. These guidelines represent acceptable current procedures and standards for investigation of various classes of drugs in humans and are intended to inform interested persons of what the agency views as acceptable procedures and standards for conducting clinical investigations of drugs to determine their safety and effectiveness.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

GENERAL GUIDELINES

HEW (FDA) No.	Guideline title	GPO Stock No.	Responsible individual for maintaining guideline	Cost
77-3040	General Considerations for the Clinical Evaluation of Drugs.	[017-012-00245-5]	Associate Director for New Drug Evaluation (HFD-100).	\$0.90

This guideline reviews the statutory requirements for the protection of human subjects, emphasizes the scientific principles to be observed in designing well-controlled studies on the basis of which valid conclusions can be drawn regarding the safety and efficacy of drugs, discusses the role of special studies such as drug dynamics, drug interactions, and enzyme induction, and provides definition and guidance regarding specific considerations for Phases I, II, and III of the investigation.

HEW (FDA) No.	Guideline title	GPO Stock No.	Responsible individual for maintaining guideline	Cost
77-3041	General Considerations for the Clinical Evaluation of Drugs in Infants and Children.	[017-012-00246-3]	Martha M. Freeman, M.D., Assistant to the Associate Director for New Drug Evaluation (HFD-102).	\$1.10

This guideline provides a comprehensive approach to testing drugs in infants and children, includes factors affecting both safety and efficacy of investigational drugs in immature subjects in general, and emphasizes the need to elucidate

FOR FURTHER INFORMATION CONTACT:

John S. Purvis, Bureau of Drugs (HFD-102), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4330.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) is making available a series of guidelines on the investigation of drugs in humans. The guidelines have been prepared with assistance from FDA scientific advisory committees and other consultants to the agency.

Two of the guidelines are of a general nature. One gives an overview of designing and conducting clinical investigations, including the requirements for protecting human subjects, while the other applies the general considerations to investigations that involve infants and children. The other 13 guidelines deal with specific classes of drugs.

This notice of availability of these guidelines is issued under § 10.90(b) (21 CFR 10.90(b)). That section provides for use of guidelines to outline procedures or standards of general applicability that are not legal requirements but are acceptable to FDA for a subject matter that falls within the laws administered by the Commissioner of Food and Drugs. Although a person may be assured that in following an agency guideline the procedures and standards will be acceptable to FDA, the investigator may also choose to use alternative procedures or standards for which there is scientific rationale, even though they are not provided for in the guideline. If a person chooses to differ from a guideline, that person may discuss the matter further with the agency to prevent expenditure of money and effort on work that later may be determined to be unacceptable by FDA. The guidelines subject to this notice are as follows:

unexpected toxicities resulting from immature physiologic and metabolic mechanisms and the need for a flexible approach to permit modification according to the nature of the drug, its intended use, and the age of the patient.

SPECIFIC GUIDELINES

The following guidelines pertain to specific classes of drugs and present acceptable current approaches to the study of investigational drugs in man. They represent generally accepted principles for arriving at valid conclusions concerning safety and effectiveness of new drugs, as well as the views of experts concerning appropriate methods of study of specific classes of drugs:

HEW (FDA) No.	Guideline title	GPO Stock No.	Responsible individual for maintaining guideline	Cost
77-3042	Guidelines for the Clinical Evaluation of Antidepressant Drugs.	[017-012-00247-1]	Group Leader for Psychopharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120).	\$1.00
77-3043	Guidelines for the Clinical Evaluation of Antianxiety Drugs.	[017-012-00248-0]	Group Leader for Psychopharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120).	1.00
77-3044	Guidelines for the Clinical Evaluation of Radiopharmaceuticals.	[017-012-00249-8]	Group Leader for Radiopharmaceutical Drugs, Division of Oncology and Radiopharmaceutical Drug Products (HFD-150).	.90
77-3045	Guidelines for the Clinical Evaluation of Anticonvulsant Drugs (Adults and Children).	[017-012-00251-0]	Group Leader for Neuropharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120).	.90
77-3046	Guidelines for the Clinical Evaluation of Anti-Infective Drugs (Systemic) (Adults and Children).	[017-012-00250-1]	Group Leader for Anti-Infective Drugs, Division of Anti-Infective Drug Products (HFD-140).	.90
78-3047	Guidelines for the Clinical Evaluation of Antianginal Drugs.	[017-012-00259-5]	Director, Division of Cardio-Renal Drug Products (HFD-110).	.70
78-3048	Guidelines for the Clinical Evaluation of Anti-arrhythmic Drugs.	[017-012-00256-1]	Director, Division of Cardio-Renal Drug Products (HFD-110).	.80
78-3049	Guidelines for the Clinical Evaluation of Anti-diarrheal Drugs.	[017-012-00257-9]	Director, Division of Cardio-Renal Drug Products (HFD-110).	1.00
78-3050	Guidelines for the Clinical Evaluation of Gastric Secretory Depressant (GSD) Drugs.	[017-012-00252-8]	Director, Division of Cardio-Renal Drugs Products (HFD-110).	.90
78-3051	Guidelines for the Clinical Evaluation of Hypnotic Drugs.	[017-012-00253-6]	Group Leader for Neuropharmacological Drugs, Division of Neuropharmacological Drug Products (HFD-120).	1.00
78-3052	Guidelines for the Clinical Evaluation of General Anesthetics.	[017-012-00254-4]	Director, Division of Surgical-Dental Drug Products (HFD-160).	.90
78-3053	Guidelines for the Clinical Evaluation of Local Anesthetics.	[017-012-00255-2]	Director, Division of Surgical-Dental Drug Products (HFD-160).	.80
78-3054	Guidelines for the Clinical Evaluation of Anti-Inflammatory Drugs (Adults and Children).	[017-012-00258-7]	Group Leader for Anti-Inflammatory Drugs, Division of Oncology and Radiopharmaceutical Drug Products (HFD-150).	1.50

The guidelines have been placed in the public file of guidelines and are available for public inspection at the office of the FDA Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday. Copies of the guidelines are available from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402 at the cost listed for each document. Orders for copies should include the GPO stock number.

Interested persons may submit comments on the guidelines (preferably four copies and identified with the

docket number found in brackets in the heading of this document) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20857. Any comment received shall be considered in determining the need for amending these guidelines.

Dated: February 16, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4866 Filed 2-23-78; 8:45 am]

[4110-03]

HEALTH CARE SERVICES
Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming regional ad hoc professional meeting to be chaired by the Commissioner for the Food and Drug Administration.

DATE: The meeting will be at 1 p.m., Friday, March 31, 1978.

ADDRESS: The meeting will be held at the Sheraton-Dallas Hotel, 2117 Live Oak, Dallas, Tex. 75201.

FOR FURTHER INFORMATION CONTACT:

Alan S. Kaplan, Office of Professional Programs (HFG-15), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION:

The purpose of the meeting is to exchange information, among health professionals and the Regional and District Staff Offices, relative to FDA's established procedures for eliciting health professional input into the agency's decisionmaking process; to identify common problems within the sphere of FDA's responsibility which have an effect on the practitioner and/or the delivery of health services; to seek solutions to those problems; and to conduct other activities of mutual interest and benefit.

Dated: February 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4888 Filed 2-23-78; 8:45 am]

[4110-35]

Health Care Financing Administration

**TETRACYCLINE HCl, PROPOXYPHENE HCl,
PROPOXYPHENE HCl WITH APC, AND
CHLORDIAZEPOXIDE HCl**

Final Maximum Allowable Cost Determinations

Notice is hereby given, under the authority of 45 CFR Part 19, that the Pharmaceutical Reimbursement Board of the Department of Health, Education, and Welfare has determined Maximum Allowable Costs (MAC's) for the drugs and dosage forms indicated below. MAC's are established, in accordance with the regulations, at the lowest unit price at which a drug is widely and consistently available from any formulator or labeler for multiple source drugs for which significant amounts of Federal funds are or may be expended under HEW programs and for which there are or may be significantly different prices.

Maximum Allowable Costs (MAC's) have been determined for tetracycline HCl in strengths of 250 mg and 500 mg. MAC's have also been determined for propoxyphene HCl 65 mg capsules and for propoxyphene HCl with APC 65 mg capsules. In addition, MAC's have been determined for chlorthalidone HCl capsules in strengths of 5 mg, 10 mg, and 25 mg. The MAC limits and the Board's reasons for its determinations are described in this notice.

In establishing these MAC limits, the Board followed the requirements

of the Department's regulations concerning Limitation on Payments or Reimbursement for Drugs (45 CFR Part 19). The Pharmaceutical Reimbursement Board sought the advice of the Pharmaceutical Reimbursement Advisory Committee on August 9, 1977 which met to consider the proposed MAC's on September 28-30, 1977. The Board published a notice in the FEDERAL REGISTER on November 4, 1977 (42 FR 57750-1) which contained the advice of the Pharmaceutical Reimbursement Advisory Committee with regard to the proposed MAC's and the Board's response to it. This notice also invited submission of public comments on the proposed MAC's within 30 days. The proposed MAC's as announced in the FEDERAL REGISTER of November 4, 1977 were as follows:

1. Tetracycline HCl capsules, 250 mg, \$0.0250 per capsule.
2. Tetracycline HCl capsules, 500 mg, \$0.0465 per capsule.
3. Propoxyphene HCl capsules, 65 mg, \$0.0317 per capsule.
4. Propoxyphene HCl with APC capsules, 65 mg, \$0.0330 per capsule.
5. Chlorthalidone HCl capsules, 5 mg, \$0.0270 per capsule.
6. Chlorthalidone HCl capsules, 10 mg, \$0.0378 per capsule.
7. Chlorthalidone HCl capsules, 25 mg, \$0.0640 per capsule.

The FEDERAL REGISTER notice of November 4, 1977 also announced that a public hearing would be held before the Board with regard to the proposed MAC's. The hearing was held on December 9, 1977, at 10 a.m. in Room 1331 of the Switzer Building, 330 C Street, SW., Washington, D.C. 20201. Representatives of three pharmaceutical manufacturers gave testimony at this hearing.

In arriving at the final Maximum Allowable Cost determinations set out below, the Board considered the entire record which includes the economic and quality data developed with regard to the proposed MAC's, the advice of the Advisory Committee, the public comments received with regard to the proposed MAC's and the testimony presented at the December 9 hearing. The comments received and testimony presented concerning the proposed MAC's are summarized below. The Board's response to the public comments and hearing testimony follows the summaries.

SUMMARY OF COMMENTS

A total of five comments were received concerning the proposed MAC's on tetracycline HCl, propoxyphene HCl, propoxyphene HCl with APC and chlorthalidone HCl.

Tetracycline comment: A manufacturer submitted data revealing that several drug manufacturers had reduced their advertised prices and suggested that, in view of these recent

price reductions, the proposed MAC's for tetracycline should be set at a lower level. The Board reviewed the data and decided that although these price reductions had occurred, the Board would not alter its originally proposed price levels in order to assure availability of tetracycline HCl products at its proposed price levels.

Propoxyphene comment: A hospital pharmacist commented that propoxyphene HCl in unit packaging with reverse numbering would not be available at a price below the proposed MAC and suggested establishment of separate MAC's for this specific unit dose packaging. The Board agreed with this comment and decided that the proposed MAC limits would not apply to propoxyphene HCl unit dose reverse number strip packaging for institutional use.

Chlorthalidone comments: A professional association of physicians questioned the existence of sufficient manufacturing capacity of chlorthalidone to insure its continued availability. The Board disagreed with the association of physicians on the basis of its own independent investigation and the material supplied by Roche on the availability of chlorthalidone HCl products. Also a State commented that under its substitution statute because of alleged bioequivalence problems with chlorthalidone HCl no other brand than Librium could be dispensed by pharmacists in the State thus creating a situation, if chlorthalidone had the proposed MAC limit established, that Medicaid beneficiaries could not receive the drug. The Board disagreed with the alleged bioequivalence problem based on the extensive submission of the FDA regarding the quality and bioequivalence matters relative to chlorthalidone.

General comment: A State Department of Health indicated that the drugs on which MAC's have been proposed are available from a variety of sources in that state at prices below the proposed MAC's. The Board acknowledged this supportive data.

SUMMARY OF PUBLIC HEARING

At the public hearing held on December 9, 1977, concerning the appropriateness of the proposed MAC's, testimony was presented by three pharmaceutical manufacturers. Representatives of Hoffmann-LaRoche testified that in terms of manufacturer capacity, manufacturer inventory, warehouse inventories of wholesalers and chain drug stores, and retail pharmacy shelf stock chlorthalidone HCl is not widely and consistently available at or below the proposed MAC limits as the Maximum Allowable Cost regulations require. Therefore, no MAC's should be established for chlorthalidone HCl. Representatives of Eli Lilly testified that studies showed

quality deficiencies, such as excessive impurities and pellet misfills in competitor's products as well as inconsistent labeling and lack of expiration dating for marketers of propoxyphene HCl and propoxyphene HCl with APC. Lilly, therefore asked that MAC's not be established for these products until corrective action is taken to eliminate existing quality problems. Finally, a representative of the Upjohn Co. testified that potential bioavailability problems with regard to tetracycline HCl mitigate against the establishment of MAC limits for tetracycline HCl until the bioavailability problem is resolved.

THE BOARD'S RESPONSE

The Pharmaceutical Reimbursement Board met on December 9, December 21, 1977, and February 6, 1978 to review the evidence presented to it with regard to the proposed MAC's, and to make a final determination concerning establishing them. The Board's reasons for its final MAC determination decisions are listed below:

Chlordiazepoxide HCl: The Board reviewed the studies presented to it by Roche, had the MAC staff conduct its own analysis of available data and checked with several manufacturers of chlordiazepoxide concerning its availability in the marketplace. Based on these efforts, the Board concluded that chlordiazepoxide HCl is available from over 40 manufacturers and that according to the studies submitted by Roche, over 90 percent of the wholesalers surveyed by Roche do stock other brands of chlordiazepoxide than Roche. Believing that considerations of availability involve more than a determination of what is sold at a given moment by retail pharmacies, the Board concluded that chlordiazepoxide is widely and consistently available and that sufficient manufacturing capacity exists to enable producers to supply providers sufficient to meet demands generated by HEW programs. The Board further concluded that the evidence presented by Roche concerning the availability of chlordiazepoxide made it unnecessary to allow the proposed extra 30 day implementation period for MAC limits on chlordiazepoxide HCl.

Tetracycline HCl: The Board concluded that no new evidence had been presented to it at the hearing which had not been presented to the Pharmaceutical Reimbursement Advisory Committee. In view of the advice of the PRAC, the Board saw no reason for not establishing a MAC for tetracycline based either on quality or on manufacturing considerations.

Propoxyphene HCl: In making its final determination with regard to this drug, the Board relied upon the advice of the Pharmaceutical Reimbursement Advisory Committee and on a review

by FDA of propoxyphene quality issues raised by Eli Lilly and Company in its presentations to the Committee, at the December 9, 1977 hearing before the Board and in a citizens petition submitted to FDA dated November 30, 1977. FDA did not treat the Lilly submission as a citizens petition because it required no FDA action under the statutes enforced by that agency. FDA took the position that the petition should have been directed to the Pharmaceutical Reimbursement Board, and then responded to it as if it had been. This response is contained in a memorandum dated January 20, 1978 from the Director, Bureau of Drugs, FDA to the Chairman, Pharmaceutical Reimbursement Board, HCFA. This memo takes the position that there is no reason for FDA to alter its position of June 10, 1977 that there is no reason to recommend against establishing MAC limits for propoxyphene HCl. The Board agreed with the conclusion of the FDA.

The FDA memorandum of January 20, 1978 which responds to the substantive quality issues concerning propoxyphene is available for examination in the Office of the Pharmaceutical Reimbursement Board which is located in Room 3076, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201.

ORDER

After consideration of all the evidence put before it, the Pharmaceutical Reimbursement Board has determined that the proposed MAC's on tetracycline HCl, propoxyphene HCl, propoxyphene HCl with APC, and chlordiazepoxide HCl are appropriate. The Board, therefore, established the following MAC's.

1. Tetracycline HCl capsules, 250 mg, \$0.0250 per capsule.
2. Tetracycline HCl capsules, 500 mg, \$0.0465 per capsule.
3. Propoxyphene HCl capsules, 65 mg, \$0.0317 per capsule.
4. Propoxyphene HCl with APC capsules, 65 mg, \$0.0330 per capsule.
5. Chlordiazepoxide HCl capsules, 5 mg, \$0.0270 per capsule.
6. Chlordiazepoxide HCl capsules, 10 mg, \$0.0378 per capsule.
7. Chlordiazepoxide HCl capsules, 25 mg, \$0.0640 per capsule.

The MAC's for propoxyphene HCl and propoxyphene HCl with APC will not apply to unit dose reverse number strip packaging for institutional use.

The effective date of these MAC's is April 10, 1978.

Dated: February 21, 1978.

VINCENT R. GARDNER,
Chairman, Pharmaceutical
Reimbursement Board.

[FR Doc. 78-4942 Filed 2-23-78; 8:45 am]

[4110-83]

Health Resources Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1978:

Name: National Council on Health Planning and Development.

Date and time: March 10, 1978, 8:30 a.m. to 5 p.m.

Place: Main Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery, and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: To review the progress of the health planning program and to advise on the development of the National Guidelines for Health Planning.

Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-44, Center Building, 3700 East-West Highway, Hyattsville, Md 20782, telephone 301-436-8990.

Agenda items are subject to change as priorities dictate.

Dated: February 16, 1978.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 78-5135 Filed 2-23-78; 11:04 am]

[4110-08]

National Institutes of Health

ARTERIOSCLEROSIS AND HYPERTENSION
ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given of a change in the meeting date of the Arteriosclerosis and Hypertension Advisory Committee, National Heart, Lung, and Blood Institute, which was published in the FEDERAL REGISTER on February 7, 1978, 43 FR 5073.

The Committee was to have met for one day on March 28, 1978, and will now meet for one and a half days. The meeting will now be from 1 p.m. to 6 p.m. on Tuesday, March 28, 1978, and 8:30 a.m. to 6 p.m. on Wednesday, March 29, 1978. The entire meeting will be open to the public on a space available basis in Conference Room 7, Building 31, National Institutes of Health, Bethesda, Md.

Dated: February 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4610 Filed 2-23-78; 8:45 am]

[4110-08]

BIOANALYTICAL AND
METALLOBIOCHEMISTRY STUDY SECTION

Amended Meeting

Notice is hereby given of a change in the meeting place of the Bioanalytical and Metallobiochemistry Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The Bioanalytical and Metallobiochemistry Study Section was to have met at the Radisson Denver Hotel, Denver, Colo., but will meet at the Regency Hotel, Denver, Colo., March 2-4, 1978, at 8 a.m., the same dates and time for which it was originally scheduled.

The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4607 Filed 2-23-78; 8:45 am]

[4110-08]

BIOTECHNOLOGY RESOURCES ADVISORY
COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is given of the meeting of the Biotechnology Resources Advisory Commit-

tee, Division of Research Resources, May 22, 1978, Rodeway Inn Hotel, O'Hare Airport, Chicago, Ill.

This meeting will be open to the public on May 22 from 8:30 a.m. until adjournment for discussion of the functions of the full Committee and the two Subcommittees, a review of the current status of the Biotechnology Resources Program, and a discussion of the status and review of guidelines for Prophet user sites.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B-19, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301-496-5545, will provide summaries of meetings and rosters of Committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Advisory Committee, Division of Research Resources, Building 31, Room 5B-41, National Institutes of Health, Bethesda, Md. 20014, telephone area code 301-496-5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, National Institutes of Health.)

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4613 Filed 2-23-78; 8:45 am]

[4110-08]

MICROBIOLOGY AND INFECTIOUS DISEASES
ADVISORY COMMITTEE

Amended Meeting

Notice is hereby given of changes in the times of the "closed" and "open" portions of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, which was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5895).

This meeting will be open to the public from 9 a.m. to 10:30 a.m., and from 3 p.m. until adjournment on March 6, 1978, and will be closed to the public from 10:30 a.m. to 3 p.m. on March 6, 1978.

Dated: February 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4608 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL ARTHRITIS ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis Advisory Board at the Key Bridge Marriott Hotel, Rosslyn, Va., on April 13, 1978, from 9 a.m. to 5

p.m. Notice of the meeting room will be posted in the hotel lobby.

The entire meeting, which will be open to the public, is being held to discuss the Board's activities, and to continue its evaluation of the implementation of the long-range plan to combat arthritis, formulated by the National Commission on Arthritis and Related Musculoskeletal Diseases. Attendance by the public will be limited to space available.

Messrs. James N. Fordham or Irving Shapiro, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, 301-496-3583, will provide summaries of the meeting. (Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health.)

Dated: February 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4612 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE
DISEASES

Amended Meeting

Notice is hereby given of a change in the business meeting of the National Commission on Digestive Diseases, on March 3, 1978, Room 529A, Hubert Humphrey Building, HEW, Washington, D.C. from 9 a.m. to 5 p.m., which was published in the FEDERAL REGISTER on January 27, 1978, 43 FR 3770.

The Commission business meeting location is changed to the 14th Floor Assembly Hall, Building 10, National Institutes of Health, Bethesda, Md. 20014. The Public Hearings to be held by the Commission remain the same—March 2, 10 a.m. to 6 p.m., Hubert Humphrey Building Auditorium, HEW, 2nd and C Streets SW., Washington, D.C.

Messrs. James N. Fordham or Irving Shapiro, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, telephone 301-496-3583, will provide summaries of the Commission meeting.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: February 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4606 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE
DISEASES

Public Hearing

Pursuant to Pub. L. 92-463, notice is hereby given that the National Commission on Digestive Diseases will hold a public hearing on April 3, 1978, 10 a.m. to 6 p.m., in Denver, Colo. 80262, at the Denison Auditorium, University of Colorado Medical Center, 4200 East 9th Avenue, which will be open to the public. Attendance by the public will be limited to space available.

Any member of the public who wishes to appear before the Commission on April 3, shall file a written statement or detailed summary of his remarks with the Commission before March 21, 1978. Statements or summaries may be sent to Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014, telephone 301-496-1347. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Dated: February 15, 1978.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4611 Filed 2-23-78; 8:45 am]

[4110-08]

NEUROLOGICAL SCIENCES STUDY SECTION

Amended Meeting

Notice is hereby given of a change in the meeting date of the Neurological Sciences Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The Neurological Sciences Study Section was to have met March 9-12, 1978, but will meet March 10-12, 1978 at 8:30 a.m. at the Holiday Inn, Bethesda, Md., the same time and location for which it was originally scheduled.

The meeting will be open to the public for approximately one hour at the beginning of the first session of the first day of the meeting.

Dated: February 15, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4609 Filed 2-23-78; 8:45 am]

[4110-08]

National Institutes of Health

GENERAL RESEARCH SUPPORT PROGRAM
ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, March 2 and 3, 1978, at the Holiday Inn, Bethesda, Md., which was published in the FEDERAL REGISTER on February 14, 1978, (43 FR 6324).

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health.)

Dated: February 16, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4981 Filed 2-23-78; 8:45 am]

[4110-08]

NATIONAL COMMISSION ON DIGESTIVE
DISEASES

Amended Notice of Meeting

Notice is hereby given of a time change in the National Commission on Digestive Diseases Public Hearing scheduled for March 2, 1978, which was published in the FEDERAL REGISTER on January 27, 1978, 43 FR 3770.

The Public Hearing was to have commenced at 10 a.m. to 5 p.m., but has been changed to commence at 9 a.m. to 5 p.m. The location remains the same—Hubert Humphrey Building Auditorium, HEW, 2d and C Streets SW., Washington, D.C.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: February 21, 1978.

THOMAS E. MALONE,
Deputy Director,
National Institutes of Health.

[FR Doc. 78-4981 Filed 2-23-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-597; FDAA-3060-EM]

CONNECTICUT

Emergency Declaration and Related
Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emer-

gency for the State of Connecticut (FDAA-3060-EM), dated February 7, 1978, and related determinations.

DATED: February 7, 1978.

FOR FURTHER INFORMATION
CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 7, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a blizzard and snowstorms in the State of Connecticut is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 92-288. I therefore declare that such an emergency exists in the State of Connecticut.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs. For the purpose of defining those areas within the State of Connecticut eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an emergency on February 7, 1978, I do hereby determine that all counties within the State of Connecticut have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 78-4876 Filed 2-23-78; 8:45 am]

[4210-01]

[Docket No. NFD-600; FDAA-3056-EM]

INDIANA

Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the notice of Emergency Declaration for the State of Indiana (FDAA-3056-EM), dated January 27, 1978.

DATED: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of Emergency for the State of Indiana dated January 27, 1978, is hereby amended for the purpose of defining those areas within the State of Indiana eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an Emergency on January 27, 1978. I do hereby determine that all counties within the State of Indiana have been adversely affected by this declared Emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS R. CASEY,
Acting Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-4873 Filed 2-23-78; 8:45 am]

[4210-01]

[Docket No. NFD-603; FDAA-546-DR]

MASSACHUSETTS

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Massachusetts (FDAA-546-DR), dated February 10, 1978, and related determinations.

DATED: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and

Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 10, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Massachusetts resulting from coastal flooding beginning about February 6, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Massachusetts.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas to have been adversely affected by this declared major disaster.

The Counties of: Barnstable, Bristol, Dukes, Essex, Nantucket, Norfolk, Plymouth, and Suffolk.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-4870 Filed 2-23-78; 8:45 am]

[4210-01]

[Docket No. NFD-599; FDAA-3059-EM]

MASSACHUSETTS

Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of an emergency for the State of Massachusetts (FDAA-3059-EM), dated February 7, 1978, and related determinations.

DATED: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 7, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a blizzard and snowstorms in the State of Massachusetts is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Massachusetts.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

Areas eligible for Federal assistance under the President's emergency declaration will be determined on a case-by-case basis by the Federal Disaster Assistance Administration based upon Federal-State assessments of immediate needs. For the purpose of defining those areas within the State of Massachusetts eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an emergency on February 7, 1978, I do hereby determine that all counties within the State of Massachusetts have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

WILLIAM H. WILCOX,
Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-4874 Filed 2-23-78; 8:45 am]

[4210-01]

[Docket No. NFD-602; FDAA-3056-EM]

MICHIGAN

Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This notice amends the notice of Emergency Declaration for the State of Michigan (FDAA-3057-EM), dated January 27, 1978.

DATED: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, chief, program support staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of Emergency for the State of Michigan dated January 27, 1978, is hereby amended for the purpose of defining those areas within the State of Michigan eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an Emergency on January 27, 1978. I do hereby determine that all counties within the State of Michigan have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS R. CASEY,
Acting Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-4871 Filed 2-23-78; 8:45 am]

[4210-01]

[Docket No. NFD-601; FDAA-3055-EM]

OHIO

Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This notice amends the notice of Emergency Declaration for the State of Ohio (FDAA-3055-EM), dated January 26, 1978.

DATED: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, chief, program support staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of Emergency for the State of Ohio dated January 26, 1978, is hereby amended for the purpose of defining those areas within the State of Ohio eligible for assistance under Federal programs automatically made available as a result of the President's declaration of an emergency on January 26, 1978. I do hereby determine that all counties within the State of Ohio have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS R. CASEY,
Acting Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-4872 Filed 2-23-78; 8:45 am]

[4210-01]

[Docket No. NFD-598; FDAA-3058-EM]

RHODE ISLAND

Notice of Emergency Declaration and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Rhode Island (FDAA-3058-EM), dated February 7, 1978, and related determinations.

DATED: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on February 7, 1978, the President declared an emergency as follows:

I have determined that the impact of an abnormal accumulation of snow resulting from a blizzard and snowstorms in the State of Rhode Island is of sufficient severity and magnitude to warrant a declaration of an emergency under Pub. L. 93-288. I therefore declare that such an emergency exists in the State of Rhode Island.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285. I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine that all counties within the State of Rhode Island have been adversely affected by this declared emergency.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 78-4875 Filed 2-23-78; 8:45 am]

[4210-01]

Office of the Secretary

[Docket No. D-78-499]

FEDERAL INSURANCE ADMINISTRATION

Delegations of Authority

SECTION A. Authority delegated with respect to the National Insurance Development Programs. The Federal Insurance Administrator is authorized hereby to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the National Insurance Development Program under Title XII of the National Housing Act (12 U.S.C. 1749bbb) except the authority to:

1. Establish and administer the National Insurance Development Fund under section 1243 (12 U.S.C. 1749bbb-13).
2. Audit the records of insurers or others under section 1234(d) (12 U.S.C. 1749bbb-14).
3. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)), applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17).
4. Sue and be sued under section 402(c)(3) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(3)), applicable under section 1247 of the National Housing Act (12 U.S.C. 1749bbb-17).
5. Borrow from the Treasury funds for losses under Title XII, under section 1243 of the National Housing Act (12 U.S.C. 1749bbb-13).

SECTION B. Authority delegated with respect to the National Flood Insurance Program. The Federal Insurance Administrator is further authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the National Flood Insurance Program (NFIP) under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, (42 U.S.C. 4001-4128) except the authority to:

1. Borrow funds from the Treasury under the Federal Flood Insurance Act of 1956, as amended by section 1303 of the National Flood Insurance Act, and under section 1309 of the National Flood Insurance Act (42 U.S.C. 2414(e) and 4016).
2. Establish and administer the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act (42 U.S.C. 4017).
3. Report on program operations, in the annual report to the President,

under section 1320 of the National Flood Insurance Act (42 U.S.C. 4027).

4. Make the determination concerning Federal operation of the program and the report to Congress under section 1340 of the National Flood Insurance Act (42 U.S.C. 4071).

5. Be sued under section 1341 of the National Flood Insurance Act (42 U.S.C. 4072).

6. Audit and examine the records of flood insurance pools and insurance companies or other private organizations under section 1348(b) (42 U.S.C. 4084(b)).

SECTION C. Authority delegated with respect to the Southeast Hurricane Disaster Relief Act. The Federal Insurance Administrator is authorized to exercise the authority of the Secretary of Housing and Urban Development with respect to the study of alternative programs to provide financial assistance to those suffering property losses in natural disasters, under section 5 of the Southeast Hurricane Disaster Relief Act of 1965 (79 Stat. 1301).

SECTION D. Authority to redelegate. The Federal Insurance Administrator is authorized to redelegate to subordinate employees any of the power and authority delegated under sections A, B, and C, except the authority to issue rules and regulations.

SECTION E. Authority to designate Acting Federal Insurance Administrator and acting subordinate officials. The Federal Insurance Administrator is further authorized to:

1. Designate one or more subordinate employees to serve as Acting Federal Insurance Administrator during the absence of the Administrator.

2. Designate one or more subordinate employees to serve as acting head of an organizational unit under the Administrator during the absence of the head of a unit or during a vacancy in the position.

SECTION F. Delegations revoked. This delegation supersedes the entire delegations of authority published at 34 FR 2680-81, February 27, 1969, and at 39 FR 2787, January 24, 1974, and any other delegation of authority issued prior to the effective date hereof pertaining to the subject matter hereof.

(Sec. 7(d), Department of HUD Act of 1965, 42 U.S.C. 3535(d).)

Effective date. This document shall be effective as of February 24, 1978.

PATRICIA ROBERTS HARRIS,
Secretary, Housing
and Urban Development.

[FR Doc. 78-4877 Filed 2-23-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 32760, 32761, 32762 and 32892]

NEW MEXICO

Applications

FEBRUARY 16, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 10 W.,
Sec. 31, SE¼NE¼.
T. 31 N., R. 10 W.,
Sec. 28, lot 3;
Sec. 27, lot 10.

These pipelines will convey natural gas across 0.298 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-4907 Filed 2-23-78; 8:45 am]

[4310-84]

[NM 32690]

NEW MEXICO

Application

FEBRUARY 14, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 25, E¼SW¼ and N¼SE¼;
Sec. 26, NE¼SE¼.

This pipeline will convey natural gas across 1.27 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-4908 Filed 2-23-78; 8:45 am]

[4310-84]

[NM 32669]

NEW MEXICO

Notice of Application

FEBRUARY 14, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 11 W.,
Sec. 29, NE¼NW¼.

This pipeline will convey natural gas across 0.054 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-4909 Filed 2-23-78; 8:45 am]

[4310-84]

QUALIFIED JOINT BIDDERS

Extension of Time To File Statements of Production

Under the regulations (43 CFR 3302.3-2(a)), any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1343) during the six months bidding period which began on November 1, 1977, must have filed no later than 45 days before that date a sworn statement of production covering the prior

production period of January 1, 1977, through June 30, 1977. In order to qualify as an unrestricted joint bidder, the filer must have been able to swear to average daily worldwide production during that production period of no more than 1.6 million barrels of crude oil, natural gas, and liquified petroleum products. A FEDERAL REGISTER notice was published on December 8, 1977 (43 FR 61640), listing all the names of qualified joint bidders whose statements of production had been received by the Director by that time.

Since that time, a number of companies who had not timely filed their statements of production have inquired as to whether an extension of time might be granted. On January 10, 1977, a notice was published in the FEDERAL REGISTER (43 FR 1548) to the effect that statements of production to qualify bidders to bid jointly during the present bidding period would be received by the Director, Bureau of Land Management, through January 20, 1978.

It has now been determined that acceptance of such statements of production through the close of business on April 14, 1978, would be in the national interest and not incompatible with the purpose of the regulations. Therefore, any sworn statements of production which attest to a daily average worldwide production of less than 1.6 million barrels of crude oil, natural gas and liquified petroleum products during the period January 1, 1977, through June 30, 1977, will be accepted in the Office of the Director, Bureau of Land Management, Washington, D.C. 20240 until the close of business on April 14, 1978, in order to qualify the filer to bid jointly at OCS lease sales held through April 30, 1978.

The list of such qualified persons and companies will be available for examination at the field offices in New York, New Orleans, Louisiana, Los Angeles, California, and Anchorage, Alaska.

Dated: February 17, 1978.

HEATHER L. ROSS,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 78-4869 Filed 2-23-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF THE SOUTH ATLANTIC COAST

Proposed Oil and Gas Lease Sale No. 43,
March 28, 1978

Correction

In FR Doc. 78-4482, appearing at page 7373 in the issue of Wednesday,

February 22, 1978, the following changes should be made:

1. On page 7378, the second complete paragraph in the first column should be designated as "(b)".

2. On page 7378, third column, the percentage sign which appears in the middle of the second line of the bidding form, should appear at the end of that line.

[4310-70]

National Park Service

FINAL IDENTIFICATION OF MANDATORY CLASS I FEDERAL AREAS WHERE VISIBILITY IS AN IMPORTANT VALUE

Response to Public Comment

INTRODUCTION

Section 128 of the Clean Air Act Amendments of 1977, Pub. L. 95-95, enacted August 7, 1977, declares as a national goal the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas. As an initial step to attain this goal, Section 169A of the Clean Air Act as amended, required the Secretary of the Interior, in consultation with other Federal land managers, to identify, by February 7, 1978, those mandatory Class I Federal areas where visibility is an important value.

The purposes of this notice are to (1) inform the public of which mandatory Class I Federal areas were identified to possess visibility as an important value, (2) describe the process used by the Secretary in this identification process, and (3) provide responses to public comments on the preliminary findings of the task force (see 42 FR 55280).

The Secretary of the Interior has identified those mandatory Class I Federal areas where visibility is an important value, and has forwarded a list of the areas, with supporting analysis, to the Administrator of the Environmental Protection Agency.

Section 169A requires the Administrator to take further steps to achieve the national goal, including:

(1) The promulgation, by August 7, 1978, of a list of mandatory Class I Federal areas in which the Administrator determines visibility is an important value, after consultation with the Secretary of the Interior;

(2) A study and report to Congress, by February 7, 1979, of the available methods for implementing the national goal; including methods for preventing and remedying manmade air pollution and the resulting visibility impairment; and

(3) The promulgation, by August 7, 1979, of regulations which (a) assure

reasonable progress towards meeting the national goal, and (b) require that each major stationary pollution source in operation for not more than 15 years on August 7, 1977, use the best available retrofit technology to control air pollutant emissions which may reasonably cause or contribute to impairment of visibility.

Inquiries relating to public participation in these steps of the visibility protection process should be addressed to the Administrator. The role of the Secretary of the Interior in these steps of the visibility protection process is limited to that of consultation with the Administrator concerning the importance of visibility in the mandatory Class I Federal areas.

Section 127 of the Clean Air Act Amendments of 1977, at Section 164(d) of the Clean Air Act as amended, requires the Federal land manager to review, by August 7, 1978, all national monuments, primitive areas, and national preserves, and to recommend any appropriate areas for redesignation as Class I where air quality related values are important attributes of the area. Presently, the Department of the Interior and the Department of Agriculture are reviewing such lands under their jurisdictions. This review is not related to the visibility protection steps to be undertaken by the Administrator, and in the near future both agencies expect to request public comment on their respective reviews.

FINAL IDENTIFICATION

The Secretary of the Interior has made the identification of mandatory Class I Federal areas where visibility is an important value and has forwarded the findings to the Administrator of EPA. Out of the 158 mandatory Class I Federal areas, 156 are identified in the final analysis as possessing visibility as an important value. The two negative identifications are two national wilderness areas—Bradwell Bay, Florida; and Rainbow Lake, Wisconsin. See Appendix 1 for the listing of mandatory Class I Federal areas.

SUMMARY OF THE ANALYSIS PROCEDURE

The Secretary of the Interior assigned responsibility for the visibility study to the Assistant Secretary for Fish and Wildlife and Parks, with the National Park Service leading a task force including representatives from the USDA Forest Service and the U.S. Fish and Wildlife Service. The Bureau of Land Management provided assistance to the task force. The task force developed criteria which were applied to make a preliminary identification that 153 of the 158 mandatory Class I Federal areas possessed visibility as an important value. Notice of the preliminary findings of the task force, an announcement about related public meetings, and an invitation for public

comment appeared in the *FEDERAL REGISTER* on October 14, 1977 (42 FR 55280).

After review and analysis of public comment and the preliminary findings, a change was made in the criteria used to identify whether visibility is an important value. The Character of the Scenic Values (Step 3) was changed such that only those areas which possess no sweeping view of background features, panoramas, or views of middleground or background features would fail to be identified to possess visibility as an important value in this step. Under the preliminary criteria an area was identified as not possessing visibility as an important value if views were primarily, or mostly, of foreground features less than 1-mile distance, although one or more background or middleground views or panoramas were present. The application of the revised criteria has identified three areas which possess visibility as an important value in addition to the 153 areas so identified in the preliminary findings. These three additional areas are: Mammoth Cave National Park, Kentucky; Moosehorn Wilderness, Maine; and Medicine Lake Wilderness, Montana.

The final analysis report which sets forth the revised criteria is attached as Appendix 2. Workbooks for each of the 158 mandatory Class I Federal areas, consisting of the final analysis report and backup information, are available for inspection at the office of the National Park Service, Room 1210, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

CRITERIA

In the final identification, the following revised criteria were applied to each mandatory Class I Federal area to identify whether visibility is an important value:

1. Does the legislation for the area indicate that scenic value was an important consideration for establishing the area? or,

Is the area possessed of scenic values that are important to public enjoyment?

2. Are any sweeping views of background features, panoramas, or views of middleground or background features present, as opposed to only views of foreground features less than 1-mile distance, e.g. streamside, trailsides?

3. Do natural sources of visibility seriously affect the ability of the public to appreciate visibility as an important value?

4. For those areas in which natural sources of visibility impairment seriously affect public appreciation of scenic values, is the magnitude of the scenic value sufficient to warrant protection from man-caused sources?

PUBLIC COMMENT

The formal agency record consists of 157 written statements, including 10

from State and 8 from Federal officials, 17 from businesses, 69 from individuals, and 53 from representatives of more than 30 organizations.

ANALYSIS AND RESPONSE TO PUBLIC COMMENT

Public comment was requested on:

- (1) The importance of visibility in Class I areas;
- (2) The preliminary criteria; and
- (3) The application of the preliminary criteria to identify the mandatory Class I Federal areas where visibility is an important value.

Following are the basic areas of concern set forth in the comments which are relevant to the final analysis:

1. THE IMPORTANCE OF VISIBILITY IN CLASS I AREAS

By and large, the comments noted the importance of visibility and the need for visibility protection in either specific mandatory Class I Federal areas or generally in all such areas. The importance of visibility was characterized in many terms, including the visitor and user experience (hikers, campers, bird and animal watchers); the esthetic qualities of breathtaking views, spiritual well-being, and a sense of awe; and economic values such as tourism and a willingness to pay surcharges to prevent visibility impairment.

2. THE PRELIMINARY CRITERIA

Some environmental organizations have expressed the view that there should be a strong presumption that visibility is an important value for each mandatory Class I Federal area, which can be rebutted only when there is overwhelming evidence to the contrary, such as a legislative statement that visibility or scenic values were not an important consideration in establishing the area. The support presented for this view is that legislation establishing these areas and providing for their public use and enjoyment, as well as actual public use and enjoyment of them, indicate the inherent importance of visibility. Cited are the National Park Service Act of 1916, which created the National Park Service and directed it to "conserve the scenery and the natural * * * objects * * * and provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired * * *," and the Wilderness Act of 1964, which sets aside areas for wilderness preservation and defines wilderness as "an area * * * untrammeled by man, * * * retaining its primeval character and influence which is protected and managed so as to preserve its natural conditions * * *." The language of these Acts is viewed as mandating the finding that visibility is an important value for all national

parks and wilderness areas under consideration in this study. Moreover, it is asserted that actual public use and enjoyment of all the national park and wilderness areas under study mandate this finding. According to this view, the inclusion of the study to identify the Class I areas in which visibility is an important value was intended only to involve the Federal land manager in an early stage of the visibility protection process, and not to compromise the House of Representatives position of affording visibility protection to all mandatory Class I Federal areas.

A number of other respondents suggest that the Secretary should adopt this presumptive approach as a means of exercising the "affirmative responsibility" to protect the air quality related values, including visibility, of Class I lands under his management set forth at Section 165(d)(2)(B) of the Clean Air Act as amended.

In response to these comments, it is noted that if Congress had been satisfied that it was appropriate to apply special visibility protection to every mandatory Class I Federal area, the Conference Committee need not have substituted the Federal land manager review provision for the House provision. The Conference adopted the Federal land manager study provision to ensure that special visibility protection would only be given to those mandatory Class I Federal areas where visibility is an important value.

On the other hand, a few comments suggest development of more restrictive criteria. One comment views visibility as an important value only if the legislation provides that scenic values are important in the establishment of the area. While enabling legislation for an area is an important source for determining whether Congress recognized the value of visibility in this area as a matter of law, visibility can also be important as a matter of fact. Both legislation and actual conditions are properly used to determine if visibility is an important value and these were used without prejudice or bias.

Another respondent notes that the Class I prevention of significant deterioration (PSD) increments are already very stringent, far more so than necessary to protect public health and welfare, and consequently believes that an additional set of requirements, relative to visibility, should be imposed only where the visibility considerations are unique or otherwise especially important to scenic, recreation, or other human needs. This same respondent, noting that the legislative history of the visibility protection provision indicates that Congress was primarily concerned with preservation of "grand vistas" and "breathtaking panoramas," suggests that only where such wide-range views exist is visibility an important value. It is noted that a

principal purpose of the visibility protection requirements is to restore visibility impairment caused by existing sources whereas the PSD requirements regulate new sources. Thus the visibility provision was designed to be supplemental to the PSD requirements. Further, the Clean Air Act Amendments require the Secretary to identify the mandatory Class I Federal areas where visibility is an important value, not areas where visibility is especially important or unique. Also, although it is true that a principal benefit of this visibility protection provision is to protect grand vistas and panoramas, the middleground and background views of national parks and wilderness areas, when they are present, are important values. The emphasis by some members of Congress on protecting "grand vistas" and "breathtaking panoramas" should not be restrictively interpreted to run counter to the national goal of the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas as expressed in section 169A. The members were expressing their recognition of a need for visibility protection rather than an intent to limit it.

A few respondents have suggested the proper test for determining whether visibility is an important value is to consider whether the area can continue to function for the purpose for which it was established if visibility is impaired. A determination by the Secretary of the degree of functional impairment to visibility is not necessary because Congress simply directed the Secretary of the Interior to identify the mandatory Class I Federal areas where visibility is an important value.

A number of comments suggested revision of the Character of Scenic Values (Step 3) criteria to include views of nighttime sky and short foreground scenery such as streamsides, trailsides, and birds and animal watching. Although these views are generally important, the legislative history indicated that the ability to see clearly a

middleground or more sweeping view of background features, or a panorama, are what make visibility an important value of a national park or wilderness area for the purposes of this provision of the Clean Air Act. As already noted, the preliminary criteria have been revised to recognize that visibility is an important value whenever one or more background or middleground views or panoramas were present. We revised this feature in accordance with Congressional intent to aggressively protect visibility values whenever they are present in the mandatory Class I Federal areas, as noted by Congressman Waxman (See Congressional Record, August 4, 1977, H8669), and with the national goals of the prevention of visibility impairment from manmade air pollution and the restoration of natural visibility in mandatory Class I Federal areas of section 169A.

We appreciate that the viewer may enjoy views of the nighttime sky and short foreground scenery. However, nighttime sky views are not generally considered among the unique natural and cultural resources of national parks and wilderness areas. Adding views of the nighttime sky as a factor in our consideration is not helpful because it does nothing to distinguish one area from another.

The same is true for short foreground views. One need not be in a national park or wilderness area to bird-watch or meander by the side of a river. In this sense, such views, although present, are not unique to national parks and wilderness areas. However, a view of the natural and cultural resources of a park or wilderness area in the foreground, with a middleground or sweeping background view, vista, or panorama, is indeed a unique feature of such lands, indicating that visibility is an important value. Furthermore, short foreground views in mandatory Class I areas are not likely to be significantly impaired by man-made air pollution whereas views of distant objects may diminish both qualitatively and quantitatively by this pollution.

Some respondents have questioned our use of the Natural Sources of Visibility Impairment (Steps 4 and 5) criteria. Comments ranged from "don't need it now but may be useful later" to "vague and nonmeaningful." The criteria, whether natural sources seriously effect visibility during use season, and if so, whether the magnitude of scenic values is such that protection from man-caused visibility impairment is warranted, were included to enable the determination of whether natural source visibility impairment is so severe such that visibility is not important value. These steps are retained in the final analysis to show that they were a part of our consideration, even though no area was disqualified for reason of impairment from natural sources of air pollution.

A number of comments questioned whether the special visibility protection provision applies to more than views of scenes within the Class I area seen from within the area. Some have asserted, and others have disagreed, that views of scenery outside of the Class I area also are protected. In the 156 mandatory Class I Federal areas identified as possessing visibility as an important value, qualifying views of scenes within the Class I area seen from within the area are present. In the identification of the two areas not possessing visibility as an important value, the existence of views with background scenes outside of the Class I area necessary to fully appreciate the scenes within the area was a factor to be considered. As no such views were identified in these two areas, the areas were not identified as possessing visibility as an important value. It was therefore, not necessary to determine whether the special visibility provision applies to protect views of scenery outside of the Class I area.

3. *Application of the Criteria.* Many comments supported the application of the preliminary criteria in identifying 153 of the 158 mandatory Class I Federal areas where visibility is an important value. Some comments asserted that one or all of the five negative determinations should be revised. Where the comments identified views

of middleground or background features—as in Mammoth Cave National Park, Moosehorn Wilderness and Medicine Lake Wilderness—we applied the final criteria and determined that visibility is an important value. The comments relating to the other two preliminary negative identifications noted only foreground features and views and application of the final criteria resulted in the same negative determination.

Two respondents questioned why the criteria had not been applied to the Beaver Creek Wilderness in Kentucky. This wilderness includes 4,576 acres of National Forest System lands within its boundaries. Federal wildernesses must exceed 5,000 acres to be designated mandatory Class I under Section 162 of the Clean Air Act as amended. The confusion appears to stem from the Administration recommendation for wilderness designation of 5,500 acres. After the area was designated as a wilderness area by Congress, the actual acreage was determined. This resulted in an acreage revision.

4. *Others.* Many comments expressed concerns about impacts that may occur as a result of identification of areas which possess visibility as an important value. One respondent suggested that the identification process be delayed until after the Administrator of EPA has promulgated the visibility protection regulations, as this should enable a more precise determination on the importance of visibility. Congress, by requiring the identification process prior to the promulgation of visibility protection regulations, foreclosed the suggested alternative. Concerns about resulting impacts, such as that expressed by many respondents, particularly from the Northwest and Southeast, concerning prescribed burning utilized by forest land managers for several important purposes, should be addressed to the Administrator of EPA in anticipation of promulgation of the visibility protection regulations.

Dated: February 8, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.

APPENDIX 1.—Federal class I areas designated under provision of Clean Air Act Section 162 (a)

(A star (*) preceding the area name indicates the final determination that the area is not one where visibility is an important value.)

Area name ¹	State	Acreage	Establishing public law	Federal land manager
Sipsey Wild	Alabama	12,646	93-622	USDA-FS
Bering Sea Wild	Alaska	41,113	91-622	USDI-FWS
Mount McKinley NP	do	1,939,493	64-353	USDI-NPS
Simeonof Wild	do	25,141	94-557	USDA-FWS
Tuxedni Wild	do	6,402	91-504	USDI-FWS
Chiricahua National Monument Wild	Arizona	9,440	94-567	USDI-NPS
Chiricahua Wild	do	18,000	88-577	USDA-FS
Galluro Wild	do	52,717	88-577	USDA-FS
Grand Canyon NP	do	1,176,913	85-277	USDI-NPS
Mazatzal Wild	do	205,137	88-577	USDA-FS
Mount Baldy Wild	do	6,975	91-504	USDA-FS
Petrified Forest NP	do	93,493	85-358	USDI-NPS
Pine Mountain Wild	do	20,061	92-230	USDA-FS
Saguaro Wild	do	71,400	94-567	USDI-NPS
Sierra Ancha Wild	do	20,850	88-577	USDA-FS
Superstition Wild	do	124,117	88-577	USDA-FS
Sycamore Canyon Wild	do	47,757	92-241	USDA-FS
Caney Creek Wild	Arkansas	14,344	93-622	USDA-FS
Upper Buffalo Wild	do	9,912	93-622	USDA-FS
Agua Tibia Wild	California	15,934	93-632	USDA-FS
Caribou Wild	do	19,080	88-577	USDA-FS
Cucamonga Wild	do	9,022	88-577	USDA-FS
Desolation Wild	do	63,469	91-82	USDA-FS
Dome Land Wild	do	62,206	88-577	USDA-FS
Emigrant Wild	do	104,311	93-632	USDA-FS
Hoover Wild	do	47,916	88-577	USDA-FS
John Muir Wild	do	484,673	88-577	USDA-FS
Joshua Tree Wild	do	429,690	94-567	USDI-NPS
Kaiser Wild	do	22,500	94-577	USDA-FS
Kings Canyon NP	do	459,994	76-424	USDI-NPS
Lassen Volcanic NP	do	105,800	64-184	USDI-NPS
Lava Beds Wild	do	28,640	92-493	USDI-NPS
Marble Mountain Wild	do	213,743	88-577	USDA-FS
Minarets Wild	do	109,484	88-577	USDA-FS
Mokelumne Wild	do	50,400	88-577	USDA-FS
Pinnacles Wild	do	12,952	94-567	USDI-NPS
Point Reyes Wild	do	25,370	94-544, 94-567	USDI-NPS
Redwood NP	do	27,792	90-545	USDI-NPS
San Gabriel Wild	do	36,137	90-318	USDA-FS
San Geronio Wild	do	34,644	88-577	USDA-FS
San Jacinto Wild	do	20,564	88-577	USDA-FS
San Rafael Wild	do	142,722	90-271	USDA-FS
Sequoia NP	do	386,642	26 Stat. 478, (51st Cong.)	USDI-NPS
South Warner Wild	do	68,507	88-577	USDA-FS
Thousand Lakes Wild	do	15,695	88-577	USDA-FS
Ventana Wild	do	95,152	91-58	USDA-FS
Yolla-Bolly-Middle-Eel Wild	do	109,091	88-577	USDA-FS
Yosemite NP	do	759,172	58-49	USDI-NPS
Black Canyon of The Gunnison Wild	Colorado	11,180	94-567	USDI-NPS
Eagles Nest Wild	do	133,910	94-352	USDA-FS
Flat Tops Wild	do	235,230	94-146	USDA-FS
Great Sand Dunes Wild	do	33,450	94-567	USDI-NPS
La Garita Wild	do	48,486	88-577	USDA-FS
Maroon Bells-Snowmass Wild	do	71,060	88-577	USDA-FS
Mesa Verde NP	do	51,488	59-353	USDI-NPS
Mount Zirkel Wild	do	72,472	88-577	USDA-FS
Rawah Wild	do	26,674	88-577	USDA-FS
Rocky Mountain NP	do	263,138	63-238	USDI-NPS
Weminuche Wild	do	400,907	93-632	USDA-FS
West Elk Wild	do	61,412	88-577	USDA-FS
*Bradwell Bay Wild	Florida	23,432	93-622	USDA-FS
Chassahowitzka Wild	do	23,360	94-557	USDI-FWS
Everglades NP	do	1,397,429	73-267	USDI-NPS
St. Marks Wild	do	17,745	93-632	USDI-FWS
Cohotta Wild	Georgia	33,776	93-622	USDA-FS
Okefenokee Wild	do	343,850	93-429	USDI-FWS
Wolf Island Wild	do	5,126	93-632	USDI-FWS
Haleakala NP	Hawaii	27,208	86-744	USDI-NPS
Hawaii Volcanoes	do	217,029	64-171	USDI-NPS
Craters of the Moon Wild	Idaho	43,243	91-504	USDI-NPS
Hells Canyon Wild*	do	83,800	94-199	USDA-FS
Sawtooth Wild	do	216,383	92-400	USDA-FS
Selway-Bitterroot Wild*	do	988,770	88-577	USDA-FS
Yellowstone NP*	do	31,488	17 Stat. 32 (42d Cong.)	USDI-NPS
Mammoth Cave NP	Kentucky	51,303	69-283	USDI-NPS
Breton Wild	Louisiana	5,000+	93-632	USDI-FWS
Acadia NP	Maine	37,503	65-278	USDI-NPS
Moosehorn Wild	do	7,501		USDI-FWS
(Edmunds Unit)	do	(2,782)	91-504	
(Baring Unit)	do	(4,719)	93-632	
Isle Royale NP	Michigan	542,428	71-835	USDI-NPS
Seney Wild	do	25,150	91-504	USDI-FWS
Boundary Waters Canoe Area Wild	Minnesota	747,840	88-577	USDA-FS
Voyageurs NP	do	114,964	99-261	USDI-NPS
Hercules-Glades Wild	Missouri	12,315	94-557	USDA-FS
Mingo Wild	do	8,000	94-557	USDI-FWS
Anaconda-Pintlar Wild	Montana	157,803	88-577	USDA-FS
Bob Marshall Wild	do	950,000	88-577	USDA-FS
Cabinet Mountains Wild	do	94,272	88-577	USDA-FS
Gates of the Mountain Wild	do	28,562	88-577	USDA-FS
Glacier NP	do	1,012,599	61-171	USDI-NPS

APPENDIX 1.—Federal class I areas designated under provision of Clean Air Act Section 162 (a)—Continued
(A star (*) preceding the area name indicates the final determination that the area is not one where visibility is an important value.)

Area name ¹	State	Acreage	Establishing public law	Federal land manager
Medicine Lake Wild.....	do	11,366	94-557	USDI-FWS
Mission Mountain Wild.....	do	73,877	93-632	USDA-FS
Red Rock Lakes Wild.....	do	32,350	94-557	USDI-FWS
Sagegoat Wild.....	do	239,295	92-395	USDA-FS
Selway-Bitterroot Wild ²	do	251,930	88-577	USDA-FS
U.L. Bend Wild.....	do	20,890	94-557	USDI-FWS
Yellowstone NP ³	do	167,624	17 Stat. 32 (42d Cong.)	USDI-NPS
Jarvis Wild.....	Nevada	64,667	88-577	USDA-FS
Great Gulf Wild.....	New Hampshire	5,552	88-577	USDA-FS
Presidential Range-Dry River Wild.....	do	20,000	93-622	USDA-FS
Brigantine Wild.....	New Jersey	6,603	93-632	USDI-FWS
Bandelier Wild.....	New Mexico	23,267	94-567	USDI-NPS
Bosque del Apache Wild.....	do	30,850	93-632	USDI-FWS
Carlsbad Caverns NP.....	do	46,435	71-216	USDI-NPS
Gila Wild.....	do	433,890	88-577	USDA-FS
Pecos Wild.....	do	167,416	88-577	USDA-FS
Salt Creek Wild.....	do	8,500	91-504	USDI-FWS
San Pedro Parks Wild.....	do	41,132	88-577	USDA-FS
Wheeler Peak Wild.....	do	6,027	88-577	USDA-FS
White Mountain Wild.....	do	31,171	88-577	USDA-FS
Great Smoky Mountains NP ⁴	North Carolina	273,551	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild ⁵	do	10,201	93-622	USDA-FS
Linville Gorge Wild.....	do	7,575	88-577	USDA-FS
Shining Rock Wild.....	do	13,350	88-577	USDA-FS
Swanquarter Wild.....	do	9,000	94-557	USDI-FWS
Lostwood Wild.....	North Dakota	5,557	93-632	USDI-FWS
Theodore Roosevelt NMP.....	do	69,675	80-38	USDI-NPS
Wichita Mountains Wild.....	Oklahoma	8,900	91-504	USDI-FWS
Crater Lake NP.....	Oregon	160,290	57-121	USDI-NPS
Diamond Peak Wild.....	do	36,637	88-577	USDA-FS
Eagle Cap Wild.....	do	293,476	88-577	USDA-FS
Gearhart Mountain Wild.....	do	18,709	88-577	USDA-FS
Hells Canyon Wild ⁶	do	108,900	94-199	USDA-FS
Kalmiopsis Wild.....	do	76,900	88-577	USDA-FS
Mountain Lakes Wild.....	do	23,071	88-577	USDA-FS
Mount Hood Wild.....	do	14,160	88-577	USDA-FS
Mount Jefferson Wild.....	do	100,208	90-548	USDA-FS
Mount Washington Wild.....	do	46,116	88-577	USDA-FS
Strawberry Mountain Wild.....	do	33,003	88-577	USDA-FS
Three Sisters Wild.....	do	199,902	88-577	USDA-FS
Cape Romain Wild.....	South Carolina	28,000	93-632	USDI-FWS
Badlands Wild.....	South Dakota	64,250	94-567	USDI-NPS
Wind Cave NP.....	do	28,060	57-16	USDI-NPS
Great Smoky Mountains NP ⁴	Tennessee	241,207	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild ⁵	do	3,832	93-622	USDA-FS
Big Bend NP.....	Texas	708,118	74-157	USDI-NPS
Guadalupe Mountains NP.....	do	76,292	89-667	USDI-NPS
Arches NP.....	Utah	65,098	92-155	USDI-NPS
Bryce Canyon NP.....	do	36,832	68-277	USDI-NPS
Canyonlands NP.....	do	337,570	88-590	USDI-NPS
Capitol Reef NP.....	do	221,896	92-507	USDI-NPS
Zion NP.....	do	142,462	68-83	USDI-NPS
Lye Brook Wild.....	Vermont	12,430	93-622	USDA-FS
Virgin Islands NP.....	Virgin Islands	12,295	84-925	USDI-NPS
James River Face Wild.....	Virginia	8,703	93-622	USDA-FS
Shenandoah NP.....	do	190,535	89-268	USDI-NPS
Alpine Lakes Wild.....	Washington	303,508	94-357	USDA-FS
Glacier Peak Wild.....	do	464,258	88-577	USDA-FS
Goat Rocks Wild.....	do	82,680	88-577	USDA-FS
Mount Adams Wild.....	do	32,356	88-577	USDA-FS
Mount Rainier NP.....	do	235,239	30 Stat. 993 (55th Cong.)	USDI-NPS
North Cascades NP.....	do	503,277	90-554	USDI-NPS
Olympic NP.....	do	892,578	75-778	USDI-NPS
Passayten Wild.....	do	505,524	90-544	USDA-FS
Dolly Sods Wild.....	West Virginia	10,215	93-622	USDA-FS
Otter Creek Wild.....	do	20,000	93-622	USDA-FS
*Rainbow Lake Wild.....	Wisconsin	6,388	93-622	USDA-FS
Bridger Wild.....	Wyoming	392,160	88-577	USDA-FS
Fitzpatrick Wild.....	do	191,103	94-567	USDA-FS
Grand Teton NP.....	do	305,504	81-787	USDI-NPS
North Absaroka Wild.....	do	351,104	88-577	USDA-FS
Teton Wild.....	do	557,311	88-577	USDA-FS
Washakie Wild.....	do	686,584	92-476	USDA-FS
Yellowstone NP ³	do	2,020,625	17 Stat. 32 (42d Cong.)	USDI-NPS

Area name	Province	Acreage	Applicable U.S. public law
Roosevelt Campobello International Park ⁷	New Brunswick, Canada	2,721	88-363

¹ Wilderness is abbreviated as Wild., National Park as NP, and National Memorial Park as NMP.

² Hells Canyon Wilderness, 193,840 acres overall, of which 108,900 acres are in Oregon and 83,800 acres are in Idaho.

³ Selway-Bitterroot Wilderness, 1,240,618 acres overall, of which 988,770 acres are in Idaho and 25,930 acres are in Montana.

⁴ Yellowstone National Park, 2,219,737 acres overall, of which 2,020,625 acres are in Wyoming, 167,624 acres are in Montana, and 31,488 acres are in Idaho.

⁵ Great Smoky Mountains National Park, 514,577 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres are in Tennessee.

⁶ Joyce Kilmer-Slickrock Wilderness, 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

⁷ Section 162(a) designates all international parks as mandatory Class I areas. This designation indicates Congressional intent to prevent visibility impairment from U.S. air pollution sources.

NOTICES

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APPENDIX 2

Final Analysis for Identification of Mandatory Class I Federal Areas in Which Visibility Is Important

PL- 95- 95

Date _____

Name of Area _____ Type of Area _____ Agency _____

Logic Network

Step 1 Legislation	Step 2 Review of Scenic Values & Their Importance	Step 3 Character of Scenic Values	Step 4 Natural Sources of Visibility Impairment	Step 5 Further Review of Narratives in Steps 1-3	Step 6 Importance of Visibility
☐ a. Strong Emphasis of Scenic Values Proceed to Step 3 (a, b, & c) ☐ b. Refers to Scenic Values but not emphasized Proceed to Step 2 (a & b)	☐ a. Scenic Values are important to public enjoyment Proceed to Step 3 (a, b & c) ☐ b. Scenic Values are not important to public enjoyment Proceed to Step 6 b ☐ c. Scenic Values are present and important to public enjoyment Proceed to Step 3 (a, b & c) ☐ d. Scenic Values are not present or are not important to public enjoyment Proceed to Step 6 b	☐ a. Sweeping views of background features, panoramas Proceed to Step 4 (a & b) ☐ b. Views of middle ground or background features, NC panoramas Proceed to Step 4 (a & b) ☐ c. No middle ground or background vistas. Views are mostly of foreground features less than 1 mile distance, e.g., streamside, trailside. Proceed to Step 6 b.	☐ a. Do not seriously affect visibility during use season. Proceed to Step 6 a ☐ b. Seriously affect visibility during use season. Proceed to Step 5 (a & b)	☐ a. Magnitude of Scenic Values is such that protection of visibility impairment is warranted. Proceed to Step 6 a ☐ b. Magnitude of Scenic Values is not sufficient to warrant protecting them from man-caused visibility impairment. Proceed to Step 6 b	☐ a. Visibility is an important value. ☐ b. Visibility is not an important value.

Begin Here

[FR Doc. 78-4767 Filed 2-23-78; 8:45 am]

[4310-70]

Office of the Secretary

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Reestablishment

This notice is issued in accordance with the provisions of Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). The Secretary of the Interior is reestablishing a Cape Cod National Seashore Advisory Commission to render advice to the Secretary of the Interior and officers and employees of the National Park Service in regard to matters pertaining to development and operations of the Cape Cod National Seashore, established pursuant to Pub. L. 87-126 (75 Stat. 284). The commission will render such advice with particular regard to the development of zoning standards and the acquisition of lands within the seashore. The Cape Cod National Seashore Advisory Commission is being reestablished after consultation with the General Services Administration. The certification of establishment is published below. Further information regarding the Cape Cod National Seashore Advisory Commission may be obtained from Robert M. Landau, Assistant for Advisory Boards and Commission, National Park Service, Department of the Interior, Washington, D.C. 202-343-8953.

CERTIFICATION

The act authorizing the establishment of the Cape Cod National Seashore places responsibility for development and management of that area in the Secretary of the Interior. In view of those responsibilities and the need to obtain advice and recommendations to meet those responsibilities, I hereby certify that establishment of the Cape Cod National Seashore Advisory Commission is in the public interest.

Dated: February 17, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.

[FR Doc. 78-4902 Filed 2-23-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish

or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 21st day of February 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING FEBRUARY 17, 1978

Name of applicant and location of enterprise	Principal product or activity
Maxium Industries, Inc., Middleborough, Mass.	Manufacture of fire-fighting apparatus.
Air North, Inc., Burlington, Vt.	Air passenger and freight transportation services.
WEAM, Inc., Morgantown, W. Va.	Rental for retail space.
Willchris, Inc., Rainelle, W. Va.	Fast food restaurant.
Elza Logging Co., Hendricks, W. Va.	Contract logger.
Blue Ridge Motel Associates, Breezewood, Pa.	Motor hotel and restaurant.
James R. Rose, Franklin, Tenn.	Powdered sintered metal products.
Great American Bituminous, Inc., Beres, Manchester, Middleboro, Ky.	Producing bituminous coal.
Gulf Paving Inc., Gulfport, Miss.	Asphalt manufacturing, road building and utility installation.
Feed Ingredient Sales & Service, Inc., Whigham, Ga.	Farm supply.
Ryan & Co., Canton, Miss.	Manufacture of bar stools, sewing chairs and sewing hassocks, and other hassocks.
Satralloy, Inc., Jefferson County, Ohio.	Manufacture of ferrochrome alloys.
GF Business Equipment, Inc. (tenant of city of Athens), Athens, Ala.	Manufacture of furniture.
McElveen Pontiac-Buick, Summerville, S.C.	New and used car sales.
Maxwell Arthur Campbell, Oslo, Minn.	Purchase, clean, and market pinto beans.
Porter County Implement Corp., Valparaiso, Ind.	Sale of machinery and equipment.
Metals Forming Corp., Indiana, Pa.	Manufacture of special fasteners and cold formed products.
Endries Fastener & Supply, Inc., Brillion, Wis.	Purchasing and distributing fasteners to automotive and industrial markets.
The Ultima Corp., Pinal County, Ariz.	Supplier of water delivery system.
Pineland Corp., Porter, Tex.	Aircraft sales, rental and service.
Vitronic Division of Penn Corp., (tenant of city of Doniphan), Doniphan, Mo.	Manufacture of vinyl plastic products.
Kalispell Feed & Grain Supply, Inc., Kalispell, Mont.	Agribusiness.
Mohall Super Markets, Inc., Mohall, N. Dak.	Retail grocery store.
Kjell and Charlotte Haaland, Cooperstown, N. Dak.	Motel, steak house and lounge.
Mischel Brother's Inc., Cortez, Colo.	Motel.
Western Camps, Inc., Sanger, Calif.	Senior citizens, groups and youth camps.
Katmai Motel, Inc., Kenai, Alaska.	Motel accommodations, restaurant, and lounge.
Jones-Normel Foods, Inc., Weston, Oreg.	Frozen food processor.
Reed's Enterprises, Inc., Hadlock, Wash.	Drug and food store.
Aladdin Manufacturing Co., Canton, Miss.	Manufacture of aluminum boats.

APPLICATIONS RECEIVED DURING THE WEEK
ENDING FEBRUARY 17, 1978—Continued

Name of applicant and location of enterprise	Principal product or activity
W. L. Sweet and Dr. C. P. Taylor, Fairlea, W. Va.	Renting of mobile home space.
Dever & Dever Excavating, Inc., Hodgeville, W. Va.	Coal stripping.
Western Dairies, Inc., Dickson, N. Dak.	Purchase, processing and sales of dairy products.

[FR Doc. 78-4903 Filed 2-23-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2599]

A. F. SAAR, INC., ROSEBURG, OREG.

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-2599: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 14, 1977 in response to a worker petition received on November 1, 1977, which was filed on behalf of workers and former workers producing wood slats for pencils at A. F. Saar, Inc., Roseburg, Oreg.

The notice of investigation was published in the Federal Register on December 6, 1977 (42 FR 63484). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of A. F. Saar, Inc., Wallace Pencil Co., its customers, the Writing Instrument Manufacturers Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The Department's investigation revealed that A. F. Saar, a producer of wood slats for pencils, is a wholly owned subsidiary of Wallace Pencil Co. A. F. Saar's property in Roseburg, Oreg. was sold to Douglas County in July 1977. By the end of 1976, Wallace Pencil, the parent company, had some

unwritten indication that the eminent domain option may be exercised by Douglas County.

On May 5, 1977 A. F. Saar was notified that they must sell their land to Douglas County or the county could acquire the land through a court action of eminent domain. Saar closed its plant in June, sold its land and vacated the premises.

During the period in which Saar operated, it sold all of its slat production to Wallace and Wallace purchased slats only from Saar. Once Saar closed, Wallace had to go elsewhere to purchase the wood slats. No other subsidiary of Wallace produces wood slats. Wallace now purchases the slats from other domestic producers. Customers of Wallace who were surveyed did not purchase imported pencils.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of writing instruments or wooden slats did not contribute importantly to the total or partial separations of workers and to the decrease in sales or production at A. F. Saar, Incorporated, Roseburg, Oregon as required for certification under Section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4721 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2171]

AMERICAN BRIDGE DIVISION, U.S. STEEL
CORP., COMMERCE, CALIF.Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2171: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 23, 1977 in response to a worker petition received on June 23, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel, pipe and galvanized carbon plate at the Commerce, Calif. plant of the American Bridge Division of U.S. Steel. The investigation revealed that fabricated steel products are produced at the plant.

The notice of investigation was published in the FEDERAL REGISTER on July 12, 1977 (42 FR 35903). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must met.

Without regard to whether any of the other criteria have been met, the following criteria has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

A survey of customers of the Commerce plant revealed that customers have not switched to imports. The plant procures all of its business through competitive bids. An examination of bids made by the Commerce plant revealed that the influence of foreign competition on the business of the Commerce plant was insignificant.

Most of the customers surveyed were construction companies. The decline in sales of the Commerce plant parallels the decline in nonresidential construction expenditures which declined from approximately \$51 billion in 1973 to \$42 billion in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with those produced at the Commerce, Calif. plant of the American Bridge Division of the U.S. Steel Corp. have not contributed importantly to the total or partial separation of workers at the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4722 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2279]

AMERICAN COLOR AND CHEMICAL CORP.,
PATERSON, N.J.Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2279: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977 in response to a worker petition received on August 18, 1977 which was filed by three workers on behalf of workers and former workers producing disperse dyes at the Paterson, N.J. plant of American Color and Chemical Corp.

The notice of investigation was published in the *FEDERAL REGISTER* on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Color and Chemical Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Paterson, N.J. plant of the American Color and Chemical Corp. was established in 1946 and had equipment that produced only disperse dyes for apparel, upholstery, and rugs. In an effort to consolidate operations, the American Color and Chemical Corp. shut down production at the Paterson plant on April 30, 1977 and transferred all of the equipment to the Lock Haven, Pa. plant (the only other plant to produce disperse dyes). This transferred equipment at the Lock Haven plant was placed into full operation during August of 1977.

The Corporation's decision to shift production from the Paterson, N.J. plant to the Lock Haven, Pa. plant included the following factors: The Paterson plant's age, the proximity of support facilities to the Lock Haven plant, and the superior pollution control capabilities of the Lock Haven plant.

Plant sales of disperse dyes from the Paterson plant increased 98.9 percent in 1976 compared to 1975 and increased 11.4 percent in the January-August period of 1977 compared to the same period of 1976.

Company production of disperse dyes (from the Paterson and Lock Haven plants prior to April 30, 1977 and from only the Lock Haven plant after this date) increased 36.4 percent in 1976 compared to 1975 and increased 1.2 percent during the January-August period of 1977 compared to the same period of 1976. During August of 1977 when the transferred equipment at the Lock Haven plant

was placed fully into operation, company production of disperse dyes increased 24.9 percent compared to August of 1976. Company estimates indicate continuing increases in production for the remainder of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with disperse dyes produced at the Paterson, N.J. plant of the American Color and Chemical Corporation did not contribute importantly to the total or partial separation of workers and to the decrease in sales or production at that plant. Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4723 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2409]

ANAMAX MINING CO.; SAHUARITA, ARIZ.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2409: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 4, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper concentrate and refined copper at the Anamax Mining Co., Sahuarita, Ariz.

The notice of investigation was published in the *FEDERAL REGISTER* on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Anamax Mining Co., the Anaconda Company, AMAX, Inc., their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons

in 1975 to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1975 to 21.0 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates, and mattes increased from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Anamax and other domestic producers of copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metal Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provided no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines

are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are \$1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of refined copper they choose to sell.

Anamax's decision to lay off workers and reduce its operations beginning in June 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from major domestic producers including the Anaconda Co. and AMAX, Inc., respective parents of Anamax, substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper concentrate and refined copper produced by the Anamax Mining Co., Sahuarita, Ariz., contributed importantly to the decline in production and to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All employees at the Anamax Mining Co., Sahuarita, Ariz., who became totally or partially separated from employment on or after June 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-4724 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2150]

BALTIMORE TYPE & COMPOSITION CORP.;
BALTIMORE, MD.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2150: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 20, 1977 in response to a worker petition received on June 17, 1977 which was filed by the Baltimore Ty-

pographical Union on behalf of workers and former workers producing cast type and composition at Baltimore Type & Composition Corp., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on June 28, 1977 (42 FR 32853). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Baltimore Type & Composition Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Baltimore Type & Composition Corp., founded in 1925, was a hot metal typesetter of type and composition for the printing industry. On July 22, 1977, Baltimore Type & Composition ceased all production operations.

Historically the composition and type industry has been characterized by hot metal typesetting firms. The recent introduction of computerized photographic typesetting systems has enabled the domestic industry to offer their services at lower cost and increased efficiency. Baltimore Type & Composition operated at a competitive disadvantage as it did not offer computerized photographic typesetting systems.

A survey of customers confirmed a switch to new technology is replacing hot metal typesetting. Most of the customers surveyed either were installing their own computerized composition systems or were using only domestic firms for typesetting services. Customers indicated that only special technical projects were foreign sourced.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with cast type and composition produced by Baltimore Type & Composition Corp., Baltimore, Md. did not contribute importantly to sales declines and to the total or partial separations of the workers of that firm as required for certification under section 222 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-4725 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2556]

BETHLEHEM STEEL CORP.; JOHNSTOWN, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2556: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1977 in response to a worker petition received on October 28, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel and steel products at the Johnstown, Pa. plant of Bethlehem Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1978 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Carbon and alloy bars, rods, wire, plates, wheels, axles, and circular forgings, accounted for almost all of the finished product sales at the Johnstown plant in 1976 and in the first 10 months of 1977.

INCREASED IMPORTS

BARS

The bars produced at the Johnstown plant are hot rolled carbon steel and alloy steel.

Imports of hot rolled carbon steel bar decreased in 1976 to 369.1 thousand tons from 418.6 thousand tons in 1975. In the first 9 months of 1977 imports increased to 528.8 thousand tons from 223.9 thousand tons in the first 9 months of 1976. The ratio of imports to domestic shipments decreased in 1976 to 6.7 percent from 8.1 percent in 1975, then increased in the first 9 months of 1977 to 11.6 percent from 5.2 percent in the first 9 months of 1976.

Imports of hot rolled alloy steel bars increased to 69.5 thousand tons in 1976 from 63.4 thousand tons in 1975. Imports increased to 85.5 thousand tons in the first 9 months of 1977 from 48.0 thousand tons in the first 9 months of 1976. The ratio of imports of alloy steel bars to domestic shipments increased in 1976 to 3.1 percent from 2.9 percent in 1975. For the first 9 months of 1977 the ratio increased to 5.0 percent from 2.7 percent in the first 9 months of 1976.

RODS

Imports of wire rods increased in 1976 to 1032.9 thousand tons from 1027.6 thousand tons in 1975. In the first 9 months of 1977 imports increased to 899.8 thousand tons from 722.1 thousand tons in the first 9 months of 1976. The ratio of imports to domestic shipments of rods decreased from 52.5 percent in 1975 to 35.7 percent in 1976. The ratio of imports to domestic shipments increased in the first 9 months of 1977 to 43.4 percent from 30.7 percent for the first 9 months of 1976.

CARBON STEEL WIRE

Imports of carbon steel wire increased from 349.6 thousand tons in 1975 to 371.8 thousand tons in 1976. Imports increased from 263.5 thousand tons in the first nine months of 1976 to 359.1 thousand tons in the first nine months of 1977. The ratio of imports to domestic shipments of wire decreased from 22.0 percent in 1975 to 19.9 percent in 1976. The ratio of imports to domestic shipments increased from 18.1 percent in the first nine months of 1976 to 25.5 percent in the first nine months of 1977.

PLATES

Imports of carbon steel plate increased to 1555.4 thousand tons in 1976 from 1353.0 thousand tons in 1975. In the first 9 months of 1977 imports increased to 1355.9 thousand tons from 1083.2 thousand tons in the first 9 months of 1977. The ratio of imports to U.S. shipments increased to

27.7 percent in 1976 from 19.4 percent in 1975. In the first 9 months of 1977 the ratio increased to 30.6 percent from 24.8 percent in the first 9 months of 1976.

WHEELS, AXLES, AND CIRCULAR FORGINGS

More than 90 percent of the circular forgings produced at the Johnstown plant are wheels and axles. Imports of steel wheels and axles for railway applications increased in the last quarter of 1976 to 9,090 tons from 8,308 tons in the last quarter of 1975. Imports increased in the first 9 months of 1977 to 44,195 tons from 23,107 tons in the first 9 months of 1976. The ratio of imports to production increased to 16.7 percent in the last quarter of 1976 from 10.2 percent in 1975. In the first 9 months of 1977 imports increased to 17.6 percent from 10.3 percent in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

BARS

The Department conducted a survey of some of the bar customers of the Johnstown plant. Several of those responding had decreased purchases from the Johnstown plant and increased purchases of imports during 1976 or 1977. These customers indicated that the lower price of foreign bars was affecting the marketing of that product.

RODS

The Department conducted a survey of some rod customers of the Johnstown plant. Most of these had purchased imports in 1976 or 1977. Several had decreased purchases from the Johnstown plant in 1977 and increased purchases of imports. Many of those surveyed indicated that the price of imported rods was affecting the market.

WIRE

A survey of some of the customers that purchase wire from the Johnstown plant was conducted. In 1977 some customers reduced purchases of wire from the Bethlehem plant compared to 1976 and increased purchases of imports in the same time period. In 1976, these same customers also purchased imported wire. Customers stated that the lower price of foreign made wire influenced their decision to purchase imports.

PLATES

The Department conducted a survey of some plate customers of the Johnstown plant. Most of these purchase imports. Several customers reduced purchases from the Bethlehem plant during 1976 or 1977 and increased purchases of imports during that same time period.

In addition, the U.S. Treasury Department made a finding on October 3, 1977 that certain Japanese firms had been dumping carbon steel plate in the U.S. market.

WHEELS, AXLES, AND CIRCULAR FORGINGS

The Department conducted separate surveys of some wheels, axles, and circular forgings customers of the Johnstown plant. One customer which had not purchased any imported forgings in 1976 began purchasing imports in 1977. Its purchases from the Johnstown plant dropped significantly during the first 9 months of 1977. Several wheel and axle customers had decreased purchases from the Johnstown plant in 1976 or 1977 and either increased purchases absolutely or increased the proportion of imports among their total wheel and axle purchases. The price of the imports was cited as one factor influencing the marketing of wheels and axles.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the steel products produced by the Johnstown, Pa. plant of Bethlehem Steel Corp. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provision of the Act, I make the following certification:

All workers at the Johnstown, Pa. plant of Bethlehem Steel Corp. who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-4726 Filed 2-23-78; 8:45 am)

[4510-28]

[TA-W-2028]

BRADLEY SCOTT CLOTHES, INC., FALL RIVER,
MASS.

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2028: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 26, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's vests, sportcoats, dress coats and women's

outer coats at Bradley Scott Clothes, Inc., Fall River, Mass.

The Notice of investigation was published in the *FEDERAL REGISTER* on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bradley Scott Clothes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department's investigation revealed that Bradley Scott Clothes, Inc., Fall River, Mass. is a contractor which produces the men's vests, sportcoats, dress coats and women's outer coats for clothing manufacturers. A survey of clothing manufacturers that contracted with the company indicated that these clothing manufacturers did not import men's vests, sportcoats, dress coats and women's outer coats and did not provide contract work for foreign firms. Sales of men's and women's clothing by these clothing manufacturers increased from the first half of 1976 to the first half of 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's vests, sportcoats, dress coats and women's outer coats produced at Bradley Scott Clothes, Inc., Fall River, Mass. did not contribute importantly to shipment declines and to the total or partial separations of workers at that firm, as required for certification under section 222 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
*Director, Office of Management,
Administration, and Planning.*

[FR Doc. 78-4727 Filed 2-23-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2281]

BROWN SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2281: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977, in response to a worker petition received on August 19, 1977, which was filed on behalf of workers and former workers producing women's leather duty shoes at the Cabool, Mo., plant of the Brown Shoe Co.

The notice of investigation was published in the *FEDERAL REGISTER* on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brown Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers at Cabool increased 16 percent from 1975 to 1976, and remained unchanged in the first 7 months of 1977 compared to the same period of 1976.

The earliest possible impact week at Cabool is in the third quarter of 1976, when employment had increased compared to the same quarter of 1975.

Employment increased from the third quarter of 1976 to the fourth

quarter of 1976, from the fourth quarter of 1976 to the first quarter of 1977, and from the first to the second quarter of 1977.

The average number of hours worked at Cabool increased 10 percent from 1975 to 1976, and then declined 6 percent in the first 7 months of 1977 compared to the same period in 1976. Therefore, the workers at Cabool did not sustain partial separations, as defined in the Act; that is, a reduction in average weekly hours of 20 percent or more.

Finally, there is no indication that current workers are threatened with separations.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that significant total or partial separations of workers have not occurred at the Cabool, Mo., plant of the Brown Shoe Co. as required for certification under section 222 of the Trade Act of 1974.

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

HARRY GRUBERT,
*Director, Office of
Foreign Economic Research.*

[FR Doc. 78-4728 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2282]

BROWN SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2282: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977, in response to a worker petition received on August 18, 1977, which was filed by the Boot & Shoe Workers' Union on behalf of workers and former workers producing children's nonrubber footwear with leather uppers at the Humboldt, Tenn., plant of the Brown Shoe Co.

The notice of investigation was published in the *FEDERAL REGISTER* on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment at the Humboldt plant declined 24 percent from 1974 to 1975, increased 2 percent from 1975 to 1976, and declined 2 percent in the first 7 months of 1977 compared to the same period of 1976. All employment was terminated in August 1977 when the plant was permanently shut-down.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of children's shoes from the Humboldt plant declined 9 percent in quantity from 1974 to 1975, declined 9 percent from 1975 to 1976, and declined 8 percent in the first 7 months of 1977 compared to the same period of 1976. Shipments represent intra-company transfers of shoes from the plant to the central warehouse. All shipments ceased in August 1977 when the plant was permanently closed.

Production at Humboldt declined 11 percent in quantity from 1974 to 1975, declined 7 percent from 1975 to 1976, and declined 10 percent in the first 7 months of 1977 compared to the same period of 1976. All production ceased in August 1977 when the plant was closed.

INCREASED IMPORTS

Imports of children's nonrubber footwear, except athletic, decreased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and decreased from 1974 to 1975. Imports increased 42 percent from 1975 to 1976 and declined 9 percent in the first 9 months of 1977 compared to the same period of 1976. The ratios of imports to domestic production and consumption increased from 60 percent and

37.5 percent, respectively, in 1975 to 75.2 percent and 42.9 percent, respectively, in 1976. The same ratios increased 74.4 percent and 42.7 percent, respectively in the first 9 months of 1976 to 94.2 percent and 48.5 percent, respectively, in the first 9 months of 1977.

CONTRIBUTED IMPORTANTLY

Brown Shoe increased its imports of children's shoes, which were competitive with those produced at Humboldt, by 91 percent from fiscal year 1974 to fiscal year 1975, and by 159 percent from fiscal year 1975 to fiscal year 1976. (Brown's fiscal year extends from November through October). A large proportion of the retail customers of Brown Shoe responding to a Department survey had increased their purchases of children's shoes from foreign sources from 1976 to 1977, in the first 9 months.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's nonrubber footwear with leather uppers produced at the Humboldt, Tenn., plant of the Brown Shoe Co. contributed importantly to the decline in production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Humboldt, Tenn., plant of the Brown Shoe Co. who became totally or partially separated from employment on or after August 15, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4729 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2242]

CAR-DEL-MAR COAT CO., INC., BROOKLYN,
N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2242: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 8, 1977, in response to a worker petition received on August 4, 1977, which was filed by the International Ladies' Garment Workers Union

on behalf of workers and former workers producing women's coats, rainwear and sportswear at Car-Del-Mar Coat Co., Brooklyn, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42397). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Car-Del-Mar, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of women's misses', and children's coats and jackets increased steadily from 1,478,000 dozen units in 1974 to 2,252,000 dozen units in 1976, an increase of 52 percent. Imports then increased from 961,000 dozen units in the first half of 1976 to 1,231,000 dozen units in the first half of 1977, an increase of 28 percent. The ratio of imports to domestic production and consumption increased from 30.9 percent and 23.6 percent, respectively, in 1974 to 57.5 percent and 36.5 percent, respectively, in 1976.

Imports of women's, misses', and children's raincoats increased from 186,000 dozen units in 1974 to 261,000 dozen units in 1976, an increase of 40 percent. Imports then decreased from 133,000 dozen units in the first half of 1976 to 116,000 dozen units in the first half of 1977, a decrease of 13 percent. The ratios of imports to domestic production and consumption increased from 31.7 percent and 24.1 percent, respectively, in 1974 to 50.4 percent and 33.5 percent, respectively, in 1976.

Imports of women's, misses' and children's suits increased from 1972 to 1975, then decreased from 412,000 dozen units in 1975 to 408,000 dozen units in 1976. Imports then decreased 178,000 dozen units in the first half of 1976 to 168,000 units in the first half of 1977.

CONTRIBUTED IMPORTANTLY

Car-Del-Mar was originally solely a contractor for women's coat manufacturing companies. In 1975, Car-Del-Mar began producing ladies' sportswear and in 1976 expanded its coat line to include all weather coats adaptable as rainwear.

Customers of Car-Del-mar (clothing manufacturers) surveyed indicated they reduced contracts for women's coats with Car-Del-Mar in 1977 be-

cause their customers (retail outlets) reduced purchases of coats from the manufacturers because of increasing purchases of imported women's coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with women's coats and sportswear produced at Car-Del-Mar Coat Co., Inc., Brooklyn, N.Y., contributed importantly to the decline in production and to the separation of the workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Car-Del-Mar Coat Co., Inc., Brooklyn, N.Y., who became totally or partially separated from employment on or after July 26, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of February 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-4730 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2412]

CHRISTMAS DIVISION OF INSPIRATION CONSOLIDATED COPPER CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2412: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 4, 1977, in response to a worker petition received on September 30, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper concentrate at the Christmas Division of Inspiration Consolidated Copper Co., Miami, Ariz.

The notice of investigation was published in the *FEDERAL REGISTER* on October 25, 1977 (42 FR 56374). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Inspiration Consolidated Copper Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, "The American Metals Market," "Metal Bulletin

," "Metals Week," industry analysts and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of refined copper increased from 147 thousand short tons in 1975 to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1975 to 21 percent in 1976.

U.S. imports of copper ore, concentrate, precipitates and mattes increased each year from 44 thousand tons in 1973 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 2.6 percent in 1973 to 5.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that while imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Inspiration and other domestic producers of refined copper/copper rod lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metal Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper,

imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrate and refined copper/copper rod. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are \$1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of refined copper they choose to sell.

Inspiration's decision to lay off workers and terminate production at its Christmas Division at the end of August 1977 was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Inspiration substantiate the fact that increased imports have contributed to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with copper produced at the Christmas Division, Miami, Ariz., facility of Inspiration Consolidated Copper Co. contributed importantly to the decline in production and to the total or partial separation of workers at that facility.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Christmas Division, Miami, Ariz., facility of Inspiration Consolidated Copper Co. who became totally or partially separated from employment on or after August 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4731 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2272]

CRESCO MEN'S OUTERWEAR

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department

of Labor herein presents the results of TA-W-2272: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 17, 1977 in response to a worker petition received on August 15, 1977 which was filed on behalf of workers and former workers producing men's outer coats and jackets at Cresco Men's Outerwear, Ashland, Ohio.

The Notice of Investigation was published in the *FEDERAL REGISTER* on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cresco Men's Outerwear, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of men's and boy's outer coats and jackets increased from 20,034 thousand units in 1975 to 22,060 thousand units in 1976 and further increased from 16,055 thousand units in the first 3 quarters of 1976 to 20,344 thousand units in the first 3 quarters of 1977. The ratio of imports to domestic production increased from 28.1 percent in 1975 to 31.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

Cresco increased purchases of imported men's outer coats and jackets from 1975 to 1976. These coats were sold under the Cresco label and displaced sales of coats and jackets made in the Ashland plant. The company ceased importing coats and jackets in December 1976 and now produces all of its coats and jackets at the Ashland plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's outer coats and jackets produced by Cresco Men's Outerwear, Ashland, Ohio contributed importantly to the decline in sales or production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Cresco Men's Outerwear, Ashland, Ohio who became totally or partially separated from employment on or after August 12, 1976 and before January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers separated after January 1, 1977 are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4732 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1877]

FAIRVIEW SPORTSWEAR, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1877: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 23, 1977 in response to a worker petition received on March 23, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing dresses at Fairview Sportswear, Inc., Mountaintop, Pa.

The notice of investigation was published in the *FEDERAL REGISTER* on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fairview Sportswear, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Fairview Sportswear produces women's clothing under contract to apparel manufacturers. Production in 1976 and the first six months of 1977 was evenly divided between ladies' robes and ladies' slacks. The manufacturer for whom Fairview produced robes increased orders with the subject firm in 1976 and the first six months of 1977 compared to the same period in the previous year.

The manufacturer for whom Fairview produced ladies slacks experienced increasing sales of women's sportswear in fiscal years (FY-May 1 through April 30) 1976 and 1977 when compared to the previous year, in spite of a decline in the manufacturer's total sales in FY 1977, attributable to a decline in sales of menswear. This manufacturer imports only a small amount of women's sportswear.

Nearly 50 percent of this manufacturer's sportswear making operations are contracted out to independent firms, such as Fairview Sportswear. The manufacturer is a large, diversified clothing firm which produces four to five seasonal lines, with from 60 to 150 different styles. Because of the wide range in styles and frequent seasonal lines, the volume of work given to any one contractor fluctuates in accordance with the specific mix of styles required by the manufacturer at that time. The decline in production at Fairview in 1976 resulted from a shift in styles offered by the manufacturer to its retail customers. This led to a reduction in the contract work awarded to Fairview.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's robes and slacks produced by Fairview Sportswear, Inc., Mountaintop, Pa., did not contribute importantly to the decline in sales or production and to the total or partial separations of workers at that firm as required for certification in section 222 of the Trade Act of 1974.

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

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-4734 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1936]

FISHER DRESS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1936: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 31, 1977, in response to a worker petition received on March 29, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and misses' dresses at Fisher Dress Co., Los Angeles, Calif.

The notice of investigation was published in the *FEDERAL REGISTER* on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fisher Dress Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increased imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to worker separations, or threat thereof, and to the decrease in sales or production.

INCREASED IMPORTS

Imported women's and misses' dresses amounted to only 4.5 percent of domestic production in 1975 as well as in 1976. Aggregate imports of women's and misses' dresses increased from 1975 to 1976 but declined by 13 percent in the first three quarters of 1977 compared to the same period in 1976.

CONTRIBUTED IMPORTANTLY

Fisher Dress Company is a captive supplier, producing high-priced dresses exclusively for a clothing manufacturer in Los Angeles. This clothing manufacturer has been increasingly using other domestic firms since 1975 for the higher-priced dresses. Although the manufacturer began importing lower-priced dresses in July 1976, the rate of importation in the first quarter of 1977 was lower than the rate of importation in the last half of 1976. The manufacturer's sales of domestically-produced dresses in the first quarter of 1977 were less than one percent below first quarter 1976 sales.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and misses' dresses produced by Fisher Dress Co., Los Angeles, Calif., did not contribute importantly to declines in

sales and to the total or partial separations of workers at that firm as required in section 222 of the Trade Act of 1974. Therefore, the petition is denied.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4735 Filed 2-23-78; 8:45 am]

[4516-28]

[TA-W-2385]

KNOPF SPORTSWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2385: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 27, 1977 in response to a worker petition received on Aug. 17, 1977 which was filed on behalf of workers and former workers producing men's and boy's leather coats and jackets at Mutual Manufacturing Co., Lawrence, Mass., a subsidiary of Mighty Mac, Inc. The petition was expanded to include the workers employed by Knopf Sportswear, Inc., of Lawrence, Mass., also a subsidiary of Mighty Mac, Inc.

The notice of investigation was published in the *FEDERAL REGISTER* on October 14, 1977 (42 FR 55316). No public hearing was requested.

The information upon which the determination was made was obtained principally from officials of Mighty Mac, Inc., the U.S. Department of Commerce, the U.S. Agriculture Department, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

INCREASED IMPORTS

The value of imports of leather coats and jackets increased in each year from \$91.7 million in 1972 to \$154.3 million in 1975 and continued to increase 53.3 percent to \$236.6 million in 1976. The ratio of imports to domestic production increased each year from 52.7 percent in 1972 to 67.1 percent in 1975 and continued to increase to 81.6 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of some of the customers of Knopf Sportswear, Inc. It was determined that some of these customers reduced their purchases from Knopf and increased purchases of imported leather coats and jackets in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and boy's leather coats and jackets produced at Knopf Sportswear, Inc., have contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Lawrence, Mass. plant of Knopf Sportswear, Inc., a subsidiary of Mighty Mac, Inc., who became totally or partially separated from employment on or after August 15, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4736 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1884]

GRAND FINALE

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1884: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 23, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's sportswear at the Wilkes-Barre and Fern Glen, Pa. plants of Grand Finale.

The notice of investigation was published in the *FEDERAL REGISTER* on April 12, 1977 (42 FR 19176). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Grand Finale and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Evidence developed in the Department's investigation revealed that Grand Finale has been producing women's sportswear under contract only since the fourth quarter of 1975 having converted to sportswear production from the production of women's dresses. This sportswear produced consists of women's blouses, jackets, slacks and skirts. The manufacturers with whom Grand Finale contracts sportswear production reported either increased sales of women's sportswear, increased contracts placed with domestic sources, or both, in 1976 compared with 1975 and in the first half of 1977 compared with the first half of 1976. Those manufacturers who reported decreased purchases from the subject firm reported increased contracts placed with other domestic sources. None of the manufacturers imported any women's sportswear nor did any of the manufacturers contract for production of women's sportswear with foreign sources.

CONCLUSION

After careful review of the facts obtained in this investigation, it is concluded that increases of imports of articles like or directly competitive with the women's sportswear produced under contract by Grand Finale in Wilkes-Barre, and Fern Glen, Pa. did not contribute importantly to the decline in sales and production or to the total or partial separations of workers of that firm as required for a certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4733 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2100]

K & G MANUFACTURING COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2100: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 25, 1977 in response to a worker petition received on May 24, 1977 which was filed by three workers on behalf of workers and former workers producing dresses, slacks and some sportswear at the K & G Manufacturing Co., Inc., Fall River, Mass. The investigation revealed that women's jackets, dresses and pant suits were the primary articles produced at K & G in the 1974-1976 period.

The notice of investigation was published in the FEDERAL REGISTER on June 10, 1977 (42 FR 30013). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the K & G Manufacturing Co., Inc., its manufacturers, its manufacturers' customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, the National Cotton Council of America and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased from 1,769 thousand dozen in 1972 to 1,807 thousand dozen in 1973 and then declined to 1,478 thousand dozen in 1974. Imports totalled 2,252 thousand dozen in 1976, a 48.5 percent increase over the 1,517 thousand dozen imported in 1975. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28.0 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively, in 1976. Imports totalled 2,081 thousand dozen in the first three quarters of

1977, an increase of 23.9 percent over the 1,680 thousand dozen imported in the first three quarters of 1976.

Imports of women's and misses' dresses declined from 963 thousand dozen in 1972 to 596 thousand dozen in 1973 and then increased to 613 thousand dozen in 1974. Imports increased to 645 thousand dozen in 1975 and increased 2.2 percent to 659 thousand dozen in 1976. The ratios of imports to domestic production and consumption remained constant at 4.5 percent and 4.3 percent, respectively, in 1975 and 1976.

Imports of women's, misses' and children's suits (including pant suits and jumpsuits) increased from 206 thousand dozen in 1972 to 245 thousand dozen in 1973 and then increased again to 387 thousand dozen in 1973 and then increased again to 387 thousand dozen in 1974. Imports increased to 412 thousand dozen in 1975 and then decreased 1.0 percent to 408 thousand dozen in 1976. The ratios of imports to domestic production and consumption declined from 12.2 percent and 10.9 percent, respectively, in 1975 to 11.6 percent and 10.4 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the Department's investigation revealed that the manufacturer which provided more than fifty percent of K & G's work in 1975 and 1976 discontinued contracting work to K & G due to declines in its own sales of women's jackets in 1976 and 1977 compared to previous years. A Departmental survey of this manufacturers' customers revealed that increases of imports of women's coats and jackets was an important factor in the manufacturer's sales declines and therefore an important factor in the resulting decline in the amount of work contracted to K & G. These findings are consistent with industry trends. Imports of women's, misses' and children's coats and jackets have increased 52.4 percent during the 1974-1976 period while domestic production has declined 18.2 percent. Consequently, imports relative to domestic production increased from 30.9 percent in 1974 to 57.5 percent in 1976.

CONCLUSION

After a careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with women's jackets, dresses, and pant suits produced at the K & G Manufacturing Co., Inc., Fall River, Mass., contributed importantly to the decline in production and to the total or partial separations of workers of the firm. In accordance with the provisions of the Act, I make the following certification:

All employees of the K & G Manufacturing Company, Incorporated, Fall River,

Massachusetts, who became totally or partially separated on or after May 19, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4737 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2407]

METHUEN INTERNATIONAL MILLS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2407: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1977, in response to a worker petition received on September 26, 1977, which was filed by the president of Methuen International Mills on behalf of workers and former workers producing woven worsted and worsted blend menswear fabric at the Methuen, Mass., plant of Methuen International Mills.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Methuen International Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the criteria have been met.

INCREASED IMPORTS

Imports of gray and finished woven woolen fabric increased from 15.8 million SYD in 1972 to 18.4 million SYD in 1973. In 1974 imports declined to 11.6 million SYD but then increased in 1975 to 12.1 million SYD and to 17.2 million SYD in 1976. Comparison of the first 6 months of 1977 to the same period in 1976 shows imports increased to 14.1 million SYD from 8.9 million SYD. As a percentage of domestic production, imports increased in the first

half of 1977 to 20.6 percent from 13.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of some of the customers of Methuen International Mills. Among those customers responding to the survey, some increased purchases of imports of worsted or worsted blend fabric in 1977 compared to 1976 and decreased their purchases from Methuen.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the worsted and worsted blend menswear fabric produced at Methuen International Mills, Methuen, Mass., contributed importantly to the decline in sales or production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Methuen International Mills, Methuen, Mass., who became totally or partially separated from employment on or after June 26, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4738 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1861]

PARSONS FASHIONS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1861: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on March 22, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's apparel at Parsons Fashions, Inc., Parsons, Pa., a subsidiary of Leslie Fay, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Leslie Fay, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the Department's investigation revealed that Parsons Fashions is a subsidiary of Leslie Fay, Inc., New York, N.Y. Leslie Fay and its subsidiaries produce women's dresses, suits, skirts, blouses, sweaters, pants and jackets, and men's apparel. Leslie Fay does not maintain records covering the specific types of garments produced by each of the subsidiaries. The apparel produced by the subsidiaries is sold by Leslie Fay to retail stores.

The evidence further revealed that Leslie Fay is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. Leslie Fay's total sales, including menswear, increased from fiscal year (fiscal year May 1 through April 30) 1975 to fiscal year 1976 and then declined from fiscal year 1976 to fiscal year 1977. The decline in fiscal year 1977 is attributable to declining sales of menswear. Leslie Fay's sales of women's dresses and sportswear increased in fiscal years 1976 and 1977 when compared to the previous year. This increase in sales of women's dresses is consistent with industrywide data for women's and misses's dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976 while the imports/production (IP) ratio remained constant. In each year from 1972 to 1976 imports of women's and misses' dresses where less than 5 percent of domestic production. In the January-June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

Over 50 percent of Leslie Fay's dress and sportswear making operations are performed at the company's own plants and subsidiaries, such as Parsons Fashions, Inc. Leslie Fay imports only a small amount of women's dresses and sportswear.

Leslie Fay has approximately 17 company plants and 33 subsidiaries. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one facility fluctuates in accordance with the

specific mix of fashions required by Leslie Fay at the time. The declines in production at Parsons Fashions in 1976 and the first six months of 1977 resulted from a shift in styles offered by Leslie Fay to its retail customers. This resulted in a reduction in work allocated to Parsons Fashions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's dresses, suits, skirts, blouses, pants, and jackets produced at the Parsons, Pa., plant of Parsons Fashions, a subsidiary of Leslie Fay, Inc., did not contribute importantly to the decline in production or to the total or partial separation of workers at that plant, as required for certification in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4739 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2213]

PAUL MODES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2213: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 18, 1977, in response to a worker petition received on July 12, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's pants, dresses, and sportswear at Paul Modes, Inc., New Bedford, Mass. In the course of the investigation it was revealed that pants, dresses, and suits are manufactured.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paul Modes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility

requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

The Department's investigation revealed that workers at Paul Modes, Inc., produced women's dresses and suits. A small quantity of pants were produced from excess piece goods until May 1977, when pants production was transferred to another domestic facility. The domestic transfer was based on a corporate decision precipitated by the change in consumer preference from pants to dresses.

U.S. imports of women's and misses' dresses, which includes gowns, increased in 1975 to 645,000 dozen, increased in 1976 to 659,000 dozen, and decreased to 471,000 dozen in the first 9 months of 1977 compared to 540,000 dozen in the same period in 1976.

The impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976 or in the first 9 months of 1977 compared to the same period of 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by only 2.2 percent in absolute terms. Imports fell by 12.8 percent in the first 9 months of 1977 compared to the same period of 1976.

U.S. imports of women's, misses', and children's suits, which includes pantsuits and jumpsuits, increased in 1975 to 412,000 dozen, decreased to 408,000 dozen in 1976, and decreased from 240,000 dozen in the first 9 months of 1976 to 201,000 dozen in the same period in 1977.

The ratio of imports to domestic production of suits declined from 12.2 percent in 1974 to 11.6 percent in 1976. Imports decreased 16.3 percent in the first 9 months of 1977 compared to the same period of 1976.

A survey of Paul Modes customers revealed that customers increased purchases from other domestic sources supplying domestically manufactured dresses, pants, and suits, and did not purchase imports.

CONCLUSION

After careful review of the facts obtained in the investigation, conclude that increases of imports of articles produced by workers at Paul Modes, Inc., New Bedford, Mass., have not contributed importantly to total or partial separations, or the threat thereof, nor to the decline in sales or production of the firm as required in section 222 of

the Trade Act of 1974. The petition is therefore denied.

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

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-4740 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1862]

PENN STATE BELT AND BUCKLE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1862: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing belts for ladies' dresses at Penn State Belt and Buckle Company, Wilkes-Barre, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Penn State Belt and Buckle Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increased imports of articles like or directly competitive with those produced by the firm or appropriate subdivision have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production.

Penn State manufactures belts to match ladies' dresses produced by clothing manufacturers. Penn State does not sell belts to retail stores. The belts produced by Penn State are non-leather.

Customers of Penn State consist of clothing manufacturers and contractors. Customers of Penn State who were surveyed indicated that they do not purchase belts from foreign manufacturers or contractors.

Industry experts indicated that imports of non-leather belts are insignificant. It is vital for belt manufacturers to maintain close contact and offer short delivery time to clothing manufacturers. For this reason, foreign belt manufacturers and contractors are at a great disadvantage in attempting to compete with domestic belt manufacturers in this specific market area.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with belts for ladies' dresses produced at Penn State Belt and Buckle Co., Wilkes-Barre, Pa. did not contribute importantly to the decline in sales or production and to the total or partial separations of workers of that firm as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4741 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-1833]

STANLEY MANUFACTURING CO., WILKES-BARRE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1833: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1977, in response to a worker petition received on March 18, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Stanley Manufacturing Co., Wilkes-Barre, Pa.

The notice of investigation was published in the *FEDERAL REGISTER* on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stanley Manufacturing Co., its customers, customers of the manufacturer, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed in the Department's investigation revealed that Stanley Manufacturing performed sewing operations on women's dresses and sportswear for clothing manufacturers. In 1975 and 1976, 100 percent and 95 percent, respectively, of Stanley's contract work was for one manufacturer. This manufacturer is a large, diversified clothing firm that produces four to five seasonal lines with from 60 to 150 different styles. The manufacturer's sales of women's dresses and sportswear increased in fiscal years (FY-May 1-April 30) 1976 and 1977 when compared to the previous fiscal year, despite a decrease in the manufacturer's total sales in FY 1977 attributable to a decline in sales of menswear. This increase in sales of women's dresses is consistent with industry-wide data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976, while the imports/production ratio remained constant. In each year from 1972 through 1976, imports of women's and misses' dresses were less than five percent of domestic production. In January-June 1977 period, imports declined 12.4 percent compared to the same period in 1976.

This manufacturer contracts out nearly 50 percent of its dress and sportswear making operations to other independent domestic firms such as Stanley Manufacturing. The manufacturer imports only a small amount of women's dresses and sportswear. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one contractor fluctuates in accordance with the specific mix of fashions required by the manufacturer at that time. The decline in production at Stanley in 1976 resulted from a shift in styles offered by the manufacturer to its retail customers. This resulted in a reduction in contracts awarded to Stanley.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's dresses, slacks, blouses, and skirts produced at Stanley Manufacturing Co., Wilkes-Barre, Pa. did not contribute importantly to the decline in production and to the total or partial separations of the workers of the plant as required

for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of February 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4742 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2265]

TRIMFOOT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2265: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 16, 1977 in response to a worker petition received on that date which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing infants' and babies' footwear at the Farmington, Mo. plant of Trimfoot Co.

The notice of investigation was published in the *FEDERAL REGISTER* on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Trimfoot Co., its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

United States imports of infants' and babies' nonrubber footwear increased to 6.9 million pairs in 1975, increased to 10.7 million pairs in 1976, and increased to 6.1 million pairs in the first half of 1977 compared to 5.7 million pairs in the first half of 1976.

The ratio of imports to domestic production increased from 28.5 percent in 1975 to 43.0 percent in 1976, and increased from 41.9 percent in the first half of 1976 to 58.1 percent in the first half of 1977.

CONTRIBUTED IMPORTANTLY

The increase in sales for the Farmington, Mo. plant of Trimfoot in the first half of 1977 can be reconciled

with concurrent declines in plant production and employment by the fact that inventory was being reduced from unacceptably high levels. Also, a portion of Trimfoot's sales (approximately equal to 15 percent of plant production in 1976) were infants' gift shoes imported by Trimfoot.

The decline in Trimfoot's production of infants' and babies' shoes, produced at the Farmington plant, can be linked to increased imports in the domestic market in accordance with the recent findings of the U.S. International Trade Commission. After considering the various factors affecting the domestic footwear industry, the Commission concluded that certain footwear articles, including infants' and babies' footwear, 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 such articles.

In the case of infants' and babies' footwear the import penetration rate increased from 1975 to 1976, and continued to increase in the first half of 1977, when the ratio of imports to domestic production was 58.1 percent.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with infants' and babies' shoes produced at the Farmington, Mo. plant of the Trimfoot Co. contributed importantly to the total or partial separation of the workers and to the decline in production at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Farmington, Mo. plant of the Trimfoot Co. who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4743 Filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2479]

UNITED PIECE DYE WORKS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2479: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 17, 1977 in response to a

worker petition received on October 4, 1977 which was filed on behalf of workers and former workers engaged in the dyeing, printing, and finishing of fabric at the North Charleston, S.C. plant of United Piece Dye Works.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58210). No public hearing was requested, and none was held.

The information upon which the determination was made was obtained principally from officials of United Piece Dye Works, fabric converters who are customers of United Piece Dye Works, customers of the fabric converters, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion four (4) was not met.

The North Charleston plant of United Piece Dye Works dyed, printed, and finished fabric on a commission basis. Fabric converters sent unfinished fabric to the plant. The fabric was then dyed or printed and the finished fabric was returned to the converters.

A survey of converters who commissioned the North Charleston plant for the dyeing and printing of fabric revealed that none of the converters reduced purchases from the North Charleston plant and increased purchases of imported finished fabric.

In addition, apparel manufacturers, who are converters' customers, were also surveyed concerning purchases of finished fabric. The survey revealed that the manufacturers did not switch purchases of finished fabric from domestic sources to imports.

Inasmuch as all types of finished fabric, flocked, dyed and printed, are

generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric dyed and printed at the North Charleston plant of United Piece Dye Works.

Aggregate imports of finished fabric (including dyed, printed, and flocked), in absolute terms, declined from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 20 percent from 1975 to 1976.

Imports of finished fabric declined in each of the last three quarters of 1976 when compared to the previous quarter. Imports declined 38 percent in the first six months of 1977 compared to the like period of 1976.

The ratios of imports to domestic production and consumption reached a peak in the most recent five year period at 2.2 percent in 1972. Since 1973 the ratios have been 2 percent or less.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric dyed, printed, and finished at the North Charleston, S.C. plant of United Piece Dye Works did not contribute importantly to the decline in sales or production or to the total or partial separations of workers at that firm as required for certification in section 222 of the Trade Act of 1974. Therefore, the petition is denied.

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

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-4744 filed 2-23-78; 8:45 am]

[4510-28]

[TA-W-2522]

WELDED TUBE COMPANY OF AMERICA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2522: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 27, 1977, in response to a worker petition received on October 25, 1977, which was filed by Local 168 of the United Electrical, Radio and Machine Workers of America on behalf of workers and former workers producing welded carbon steel tubing at the Philadelphia, Pa. plant of the Welded Tube Co. of America.

The notice of investigation was published in the *FEDERAL REGISTER* on November 15, 1977 (42 FR 59132). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Welded Tube Co. of America, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

United States imports of welded carbon steel pipe and tubing in 1974 totaled 1,583,600 tons. In 1975 the level of imports declined to 1,267,300 tons and in 1976 it increased to 1,499,500 tons. In the first nine months of 1976 imports were recorded at 1,060,800 tons and increased to 1,353,400 tons in the like period of 1977.

The ratio of imports of welded carbon steel pipe and tubing to the level of domestic U.S. shipments of the same products was recorded at 30.5 percent in 1974. The ratio increased to 33.6 percent in 1975 and increased in 1976 to 50.7 percent. The ratio of imports to domestic shipments was recorded at 46.8 percent in the January-September period of 1976 and increased to 52.1 percent in the like period of 1977.

CONTRIBUTED IMPORTANTLY

The Department surveyed some of the customers of the Philadelphia, Pa. plant of the Welded Tube Co. of America. Some of the respondents to the survey indicated that they had de-

creased their purchases of welded carbon steel tubing from the Welded Tube Co. of America and increased their purchases of imported welded carbon steel tubing during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with welded carbon steel tubing produced at the Philadelphia, Pa. plant of the Welded Tube Co. of America contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Philadelphia, Pa. plant of the Welded Tube Co. of America who became totally or partially separated from employment on or after October 17, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-4745 Filed 2-23-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investi-

gations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allen Shoe Co., Inc. (work-ers)	Haverhill, Mass	Jan. 30, 1978	Jan. 25, 1978	TA-W-3,092	Women's shoes.
Bethlehem Steel Corp., Elizabeth Reinforcing Bar Fabricating Shop (USWA).	Elizabeth, N.J.	Jan. 25, 1978	Jan. 23, 1978	TA-W-3,093	Fabricate reinforcing bars.
Bethlehem Steel Corp., Buffalo Tank Division (USWA).	Buffalo, N.Y.	Jan. 26, 1978	Jan. 25, 1978	TA-W-3,094	Welded steel plate and pressure vessels.
Cleveland-Cliffs Iron Co. (USWA) Canisteo Mine.	Coleraine, Minn.	do.....	Jan. 27, 1978	TA-W-3,095	Mining, screening, and washing iron ore.
Cross Country Clothes (ACTWU).	Painesville, Ohio	Jan. 27, 1978	Jan. 4, 1978	TA-W-3,096	Men's tailored clothing.
Cyprus Mines Corp. (work-ers).	Los Angeles, Calif	Feb. 6, 1978	Feb. 1, 1978	TA-W-3,097	Mineral exploration.
Davenshire, Inc. (ACTWU)...	Davenport, Iowa	Jan. 27, 1978	Jan. 11, 1978	TA-W-3,098	Women's sportswear.
E. H. Edwards Co. (USWA)...	South San Francisco, Calif	do.....	Jan. 24, 1978	TA-W-3,099	Wire rope products, weld fabrics, stucco fabrics and bailing wire.
General Electric Co. (International Brotherhood of Electrical Workers).	Gainesville, Fl.	Jan. 26, 1978	Jan. 23, 1978	TA-W-3,100	Nickel cadmium and rechargeable batteries.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Harbison/Walker Refractories, Inc. (USWA).	Cape May, N.J.	do	Jan. 24 1978	TA-W-3,101	Synthetic dead-burned magnesite.
Hart, Schaffner & Marx Clothes (ACTWU).	Chicago, Ill.	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,102	Men's coats
Do.	Rochester, Ind.	do	do	TA-W-3,103	Men's pants and vests.
Industrial Clean Air (International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers).	Berkeley, Calif.	Jan. 19, 1978	Jan. 16, 1978	TA-W-3,104	Fabricated metal products.
National Steel Corp., Midwest Steel Division (USWA).	Portage, Ind.	Jan. 10, 1978	Jan. 5, 1978	TA-W-3,105	Flat rolled sheet steel.
Park City Ventures (workers).	Park City Utah	Jan. 31, 1978	Jan. 25, 1978	TA-W-3,106	Zinc, lead, and silver.
Pat Jo Blouse Co. (ILGWU).	Franklinville, N.J.	Jan. 30, 1978	Jan. 19, 1978	TA-W-3,107	Women's sportswear.
Phelps Dodge Corp. Western Engineering Department (workers).	Douglas, Ariz.	Jan. 23, 1978	Jan. 18, 1978	TA-W-3,108	Provided engineering and support services to the Western operations.
Phelps Dodge Corp., Western Exploration Department (workers).	do	do	do	TA-W-3,109	Exploration for new ore bodies and support services for Douglas Reduction Works.
Pittsburg & Lake Erie RR Gateway Yard (United Transportation Union).	Struthers, Ohio	Jan. 17, 1978	Jan. 9, 1978	TA-W-3,110	Transports goods for local industries.
Robert Lewis, Inc. (ACTWU)	West Long Branch, N.J.	Jan. 27, 1978	Jan. 11, 1978	TA-W-3,111	Men's outerwear.
Seaford Clothes (ACTWU)	Rock Island, Ill.	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,112	Men's coats.
Sovereign Textiles Division of Manes Organization, Inc. (workers).	New York, N.Y.	Jan. 27, 1978	Jan. 24, 1978	TA-W-3,113	Men's shirting fabrics.

[FR Doc. 78-4746 Filed 2-23-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly

to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than March 6, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 6, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 7th day of February 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Apex Glove Co. (ACTWU)	Milwaukee, Wis.	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,068	Industrial work gloves.
Arthur Winer, Inc. (ACTWU).	Gary, Ind.	do	do	TA-W-3,069	Men's trousers.
Bennet Manufacturing Co. (ACTWU).	New Haven, Ind.	do	do	TA-W-3,070	Men's and women's sportswear.
Burnham-Edina Manufacturing Co. (ACTWU).	Edina, Mo.	do	do	TA-W-3,071	Leather work gloves.
Cyclops Corp. Empire-Detroit Steel Division (USWA).	Dover, Ohio	Jan. 10, 1978	Jan. 5, 1978	TA-W-3,072	Flat-rolled steel, ingots, coke products.
Fairfield Glove Co. (ACTWU).	Bonaparte, Iowa	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,073	Jersey and terrycloth gloves and gloves with leather palms.
Do.	Fairfield, Iowa	do	do	TA-W-3,074	Cotton work gloves and leather work gloves.
Florsheim Shoe Co. (United Shoe Workers of America).	Mexico, Mo.	Jan. 25, 1978	Jan. 20, 1978	TA-W-3,075	Women's shoes.
Frederick H. Burnham Co. (ACTWU).	Michigan City, Ind.	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,076	Work gloves and mittens.
Hercules Trouser Co. (ACTWU).	Columbus, Ohio	do	do	TA-W-3,077	Warehousing and distribution facility.
Do.	Wellston, Ohio	do	do	TA-W-3,078	Men's trousers.
Do.	Manchester, Ohio	do	do	TA-W-3,079	Men's slacks.
Do.	Hillsboro, Ohio	do	do	TA-W-3,080	Men's trousers.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Hercules Trouser Co., Fordyce, Ark. (ACTWU).	do	do	do	TA-W-3,081	Do.
Houston Electronics Corp. (International Union of Electrical, Radio and Machine Workers).	Kane, Pa.	Jan. 26, 1978	Jan. 17, 1978	TA-W-3,082	Electronic crystal bases.
The Jay Garment Co. (ACTWU).	Clarkesville, Tenn.	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,083	Men's work shirts, overalls and one-piece coveralls.
Do.	Portland, Ind.	do	do	TA-W-3,084	Men's work pants and jeans.
Jaymar-Ruby Co., Albert Givens Division (ACTWU).	East Chicago, Ind.	do	do	TA-W-3,085	Men's trousers.
Jones & Laughlin Steel Corp., Minnesota Ore Division (USWA).	McKinley, Minn.	Jan. 26, 1978	Dec. 27, 1978	TA-W-3,086	Iron ore.
Jones & Laughlin Steel Corp., Hill Annex Mine and Plant (USWA).	Calumet, Minn.	do	do	TA-W-3,087	Do.
L. J. O'Neill Shoe Co. (workers).	St. Louis, Mo.	do	Jan. 23, 1978	TA-W-3,088	Warehousing facility for women's shoes manufactured by Florsheim Shoes.
Superior Tube Co. (USWA).	Wapakoneta, Ohio	Jan. 10, 1978	Jan. 5, 1978	TA-W-3,089	Precision metal tubing.
U.S. Steel, Minnesota Ore Operations, Canisteo District.	Coleraine, Minn.	Jan. 27, 1978	Jan. 25, 1978	TA-W-3,090	Iron ore.
U.S. Steel Corp., Minnesota Ore Operations, Hibbing-Chisholm District.	Hibbing, Minn.	Jan. 26, 1978	Dec. 27, 1978	TA-W-3,091	Do.

[FR Doc. 78-4747 Filed 2-23-78; 8:45 am]

[4510-23]

Office of the Secretary

[TA-W-2467]

BETHLEHEM STEEL CORP. LEETSDALE WORKS
LEETSDALE, PA.Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2467: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 17, 1977 in response to a worker petition received on October 7, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated structural steel including transmission towers at the Leetsdale Works of the Bethlehem Steel Corp. in Leetsdale Pa.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58210). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel, Incorporated, its' customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

The Leetsdale Works produces fabricated structural steel which is used exclusively in the construction of transmission towers. There are no separate import categories for transmission towers. Imports of transmission towers are included in, and are a major component of the import category for fabricated structural steel.

Imports of fabricated structural steel declined from 99,300 tons in 1975 to 94,400 tons in 1976 and increased 52.1 percent from 77,500 tons in the first three quarters of 1976 to 117,900 tons in the first three quarters of 1977. The ratio of imports to domestic shipments increased from 2.3 percent in 1975 to 2.5 percent in 1976 and continued to increase from 2.7 percent in the first three quarters of 1976 to 4.5 percent in the first three quarters of 1977.

CONTRIBUTED IMPORTANTLY

The Leetsdale Works typically obtains its contracts for transmission towers through a competitive bidding process. Bid offers or inquiries are circulated among potential producers who in turn estimate job requirements and costs for contracts they desire to obtain and then submit bid offers. The contract is normally awarded to the lowest bidder that meets production requirements.

The Department reviewed the bid offers that the Leetsdale plant made in 1976 and the first 10 months of 1977. Several of the contracts that the Leetsdale Works bid upon and did not receive were finally awarded to foreign producers.

In the period from October 1, 1976, which was more than 1 year prior to the date of the petition—until April 1977, the workforce at Leetsdale primarily repaired towers and produced

sections of towers for the repair of previously-produced towers. Work on new tower orders began in April 1977. The plant is scheduled to close, however, by March 31, 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the transmission towers produced at the Leetsdale Works of the Bethlehem Steel Corporation have contributed importantly to the sales or production declines and to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Leetsdale Works of the Bethlehem Steel Corp. in Leetsdale, Pa. who became totally or partially separated from employment on or after April 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974"

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

HARRY GRUBERT,
Director, Office of

Foreign Economic Research.

[FR Doc. 78-4743 Filed 2-23-78; 8:45 am]

[4510-24]

Wage and Hour Division

[Administrative Order No. 654]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES
IN PUERTO RICO AND THE VIRGIN ISLANDSNotice of Cancellation of Industry Committee
Hearings

For those industries in Puerto Rico and the Virgin Islands where the mini-

minimum wage rates are below the mainland minimum, the 1977 amendments to the Fair Labor Standards Act provide, in section 6(c), for a schedule of annual automatic increases effective January 1, 1978 and each successive January 1 thereafter until the mainland minimum is reached. The amendments provide for annual automatic increases ranging from \$0.20 to \$0.30 an hour depending on the level of the minimum wage rates in Puerto Rico and the Virgin Islands as of December 31, 1977.

The 1977 amendments to the Fair Labor Standards Act further provide that additional increases may be recommended by special industry committees if economic and competitive conditions warrant. Because the automatic increases prescribed by the 1977 amendments are substantial, and exceed those which industry committees have traditionally recommended in previous years, I have concluded that no purpose would be served by convening any further special industry committees for the purpose of considering appropriate minimum wage rates in Puerto Rico and the Virgin Islands.

Accordingly, no further industry committees will be convened. This order is subject to reconsideration on petition by any interested person.

Signed at Washington, DC, on this 17th day of February 1978.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-4839 Filed 2-23-78; 8:45 am]

[4510-29; 4830-01]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 78-2]

EMPLOYEE BENEFIT PLANS

Exemption From the Prohibitions Respecting Transactions Involving the Bethel Clinic Employees' Profit Sharing Plan and Trust

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the Bethel Clinic Employees' Profit Sharing Plan and Trust (the Trust) to lease personal and real property to Bethel Clinic (Bethel), the employer of employees covered by the Trust.

FOR FURTHER INFORMATION CONTACT:

C. E. Beaver, Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of

Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, 202-523-8881. David Areson, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT, 202-566-6762. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On November 18, 1977, notice was published in the FEDERAL REGISTER (42 FR 59571) of the pendency before the Department of Labor and the Internal Revenue Service (the Agencies) of an exemption from the provisions of sections 406(a), 406(b)(1), 406(b)(2), and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Fourth National Bank & Trust Co. of Wichita, Kans., the trustee for the Trust. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for complete statement of the facts and representations. The application has been available for public inspection at the agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No request for a hearing was received by the Department. One public comment was received in support of the exemption as requested.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the

exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) This exemption is supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code the procedures set forth in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Agencies make the following determinations:

(i) The exemption is administrative-ly feasible;

(ii) It is in the interests of the Plan and of the participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26.

Effective February 24, 1978, the restrictions of sections 406(a), 406(b)(1), 406(b)(2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975 (c)(1) (A) through (E) of the Code shall not apply to a transaction involving the leasing of personal and real property by Bethel from the Trust, subject to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 21st day of February 1978.

IAN D. LANOFF,
Administrator of Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration, U.S. Department
of Labor.

FRED J. OCHS,
Director, Employee Plans Division,
Internal Revenue Service.

[FR Doc. 78-4991 Filed 2-23-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION**BOARD OF DIRECTORS COMMITTEE ON
APPROPRIATIONS AND AUDIT****Meeting**

A meeting of the Board of Directors Committee on Appropriations and Audit will be held on Wednesday evening, March 1, 1978, in the Maryland Suite of the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C.

The meeting will begin at 9 p.m. The agenda will include consideration of selection of the Corporation's auditor, review of the fiscal year 1978 budget, and the status of the 1979 appropriations request.

The entire meeting is open to the public. For more information, contact Francis A. Hennigan at the Legal Services Corporation, 733 15th Street NW., Washington, D.C., phone 202-376-5110.

THOMAS EHRLICH,
President.

[FR Doc. 78-4857 Filed 2-23-78; 8:45 am]

[7532-01]

**NATIONAL COMMISSION ON
NEIGHBORHOODS****MEETING**

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: Friday, March 10, 1978, Saturday, March 11, 1978, and Sunday, March 12, 1978. Time of meeting to be announced as soon as known.

PLACE: Conference Room, Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C.

AGENDA: To be published as soon as known.

STATUS: Open to the public.

CONTACT PERSON:

Ms. Frances Phipps, Deputy Director, telephone 202-632-5200.

JONATHAN STEIN,
Administrative Officer.

[FR Doc. 78-5130 Filed 2-23-78; 9:30 am]

[7590-01]

**NUCLEAR REGULATORY
COMMISSION****ADVISORY COMMITTEE ON REACTOR
SAFEGUARDS****Proposed Meetings**

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published in the *FEDERAL REGISTER* on January 18, 1977. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the *FEDERAL REGISTER* approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether changes have been made in the agenda for the March 9-11, 1978 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202-634-1374, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m., e.s.t.

**SUBCOMMITTEE AND WORKING GROUP
MEETINGS**

* *Indian Point Nuclear Generating Station, Unit No. 3*, February 27, 1978, Washington, D.C. Rescheduled for March 28, 1978, Washington, D.C.

* *Regulatory Activities*, March 8, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations. Notice of this meeting was published in the *FEDERAL REGISTER* on February 21, 1978.

* *Procedures*, March 8, 1978, Washington, D.C. The Subcommittee will discuss proposed ACRS recommendations regarding the establishment of a statutorily independent, quasi-judicial board for evaluation of accidents which may occur in nuclear reactors; NRC Staff procedures related to nuclear power plant operations at "stretch" power; proposed reorganization of ACRS Subcommittee and Working Group assignments; and qualifications of candidates proposed for ACRS membership. Notice of this meeting was published in the *FEDERAL REGISTER* on February 21, 1978.

* *Davis Besse Nuclear Power Station, Units 2 and 3*, March 17, 1978, Washington, D.C. Postponed indefinitely.

* *Maine Yankee*, March 18, 1978, Washington, D.C. (Rescheduled from February 4, 1978.) The Subcommittee will review the request of the Maine Yankee Atomic Power Corp. for a power level increase for this plant.

* *Electrical Systems, Control and Instrumentation/Arkansas Nuclear One, Unit No. 2*, March 20, 1978, Washington, D.C. The Subcommittee will continue their reviews of: (1) the Combustion Engineering Core Protection Calculator System to be used on the Arkansas Nuclear One, Unit No. 2, and other Combustion Engineering-type nuclear power plants, and (2) the application of the Arkansas Power & Light Co. for a license to operate Arkansas Nuclear One, Unit No. 2.

* *Arkansas Nuclear One, Unit No. 2*, March 21, 1978, Washington, D.C. Rescheduled for March 20, 1978 (combined Subcommittee meeting listed above).

* *Safety of Operating Reactors*, March 22, 1978, Washington, D.C. The Working Group will meet with the NRC Staff to discuss the review of requests for operating reactors to operate at "stretch" power.

* *Floating Nuclear Plant*, March 22, 1978, Washington, D.C. The Subcommittee will continue its review of the generic liquid pathway study for the Floating Nuclear Plant.

* *Indian Point Nuclear Generating Station, Unit No. 3*, March 28, 1978, Washington, D.C. The Subcommittee will review the request of the Consolidated Edison Co. for a power level increase for Unit No. 3.

* *McGuire Nuclear Plant*, March 29-30, 1978, Charlotte, N.C. The Subcommittee will review the application of the Duke Power Co. for a license to operate this plant.

* *Anticipated Transients Without Scram*, March 31, 1978, Washington, D.C. (Rescheduled from February 17, 1978.) The Working Group will discuss various issues pertaining to anticipated transients during reactor operations that might take place without the occurrence of reactor scram. Notices of this meeting were published in the *FEDERAL REGISTER* on December 2 and 19, 1977 and on February 15, 1978.

* *Regulatory Activities*, April 5, 1978, Washington, D.C. The Subcommittee will review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, it will discuss pertinent activities which affect the current licensing process and/or reactor operations.

ACRS FULL COMMITTEE MEETINGS

MARCH 9-11, 1978

A. * *Westinghouse Electric Corp.—Heat Transfer Correlation (WCAP-8726) and Improved Thermal Design Procedure (WCAP-8567)*.

B. * *NRC Safety Research Program for Improved Safety System Concepts*.

APRIL 6-8, 1978

Agenda to be announced.

ACRS full Committee meetings begin at 8:30 a.m. each day. The exact time when each of the above matters will be discussed during the meeting will be contained in the detailed *FEDERAL REGISTER* notice which will be published in the *FEDERAL REGISTER* approximately 15 days prior to each meeting.

Dated: February 21, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-4833 Filed 2-23-78; 8:45 am]

[7590-01]

[Docket No. 50-315]

**INDIANA & MICHIGAN ELECTRIC CO. AND
INDIANA & MICHIGAN POWER CO.**

**Proposed Issuance of Amendment to Facility
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-58 issued to the Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (the licensees) for operation of the Donald C. Cook Nuclear Plant, Unit No. 1 (the facility), a pressurized water reactor, located in Berrien County, Mich., and currently authorized for operation at power levels up to 3,250 MWt.

The amendment would incorporate Technical Specification changes associated with extending reactor core power distribution limits to fuel exposure greater than that currently defined in the Technical Specifications. The changes are based on Exxon Nuclear Co. emergency core cooling system model changes associated with fuel pin internal pressure for Exxon supplied fuel.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 27, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing

should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., of Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Contentions shall be limited to the matters within the scope of the amendment under consideration. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designed by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Commission or designated licensing board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a)(1)-(4), shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. In the event that no request for a hearing or petition to intervene is filed by the above date, the Commission may issue the amendment to the operating license upon satisfactory completion of all evaluations and without further prior notice.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the licensee's application for amendment dated February 3, 1978, which is available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085.

Dated at Bethesda, Md., this 22d day of February 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-5123 Filed 2-23-78; 9:27 am]

[3110-01]

**OFFICE OF MANAGEMENT AND
BUDGET**

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 17, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number (s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Importers' Questionnaire for Inv. No. 303-TA-2 (Leather Wearing Apparel from Uruguay), single time, importers of leather wearing apparel, C. Louis Kincannon, 395-3211.

Producers' Questionnaire—Uncoated Free Sheet Offset Paper, single time, offset paper producers, C. Louis Kincannon, 395-3211.

VETERANS ADMINISTRATION

Audit of VA Pension program, single time, VA pensioners, Caywood, D. P., 395-3443.

**UNITED STATES INTERNATIONAL TRADE
COMMISSION**

Producers' Questionnaire for Inv. No. 303-TA-2 (Leather Wearing Apparel From Uruguay), single time, producers of leather wearing apparel, C. Louis Kincannon, 395-3211.

DEPARTMENT OF COMMERCE

Bureau of Census, Transcription of Change of Address order 1980 Census, Dress Re-

hearsal, single time, individuals in the dress rehearsal area that have moved, Reese B. F., Office of Federal Statistical Policy and Standard, 395-3211.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Coal Strike Economic Impact Survey, BLS-3100, single time, firms in manufacturing and retail trade, C. Louis Kincannon, 395-3211.

REVISIONS

VETERANS ADMINISTRATION

Request for Confidential Verification of Birth (Public Birth Records—Vital Statistics), 21-4504, on occasion, Registrar of Vital Statistics, 26,000 responses, 4,333 hours, Caywood, D. P., 395-3443.

Application for Guaranty of Loan to Purchase Mobile Home, 26-8641, on occasion, veteran, 2,000 responses, 666 hours, Caywood, D. P., 395-3443.

Request for Change of Program or Place of Training (Chapter 34, Title 38, U.S.C.), 22-1995, on occasion, veteran—students, 360,000 responses, 60,000 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Food Preference Report, FNS-35, annually, State distribution agencies and school districts, 16,431 responses, 4,259 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF LABOR

Employment and Training Administration, Hire Program Proposal and Progress Report/Inventory, ETA-167-168, 169-23, other (see SF-83), large business firms, 3,360 responses, 4,800 hours, Strasser, A., 395-6132.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics, Multiple-Frame White Corn Survey, annually, white corn growers, 7,060 responses, 440 hours, Ellett, C. A., 395-6132.

Rural Electrification Administration, Request for Release of Lien and/or Approval of Sale, REA-793, on occasion, REA telephone borrowers, 75 responses, 150 hours, Ellett, C. A., 395-6132.

Farmers Home Administration, Application for Settlement of Indebtedness, FHA 456-1, on occasion, farms, 3,000 responses, 1,500 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management Modernization Program Reporting Requirements, HUD 52995, HUD 52994, single time, public housing agencies, 600 responses, 1,800 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,

Budget and Management Officer.

[FR Doc. 78-5035 Filed 2-23-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING, AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering, and Technology Advisory Panel; Transportation, Commerce, and Community Development Task Force.

Date: March 17, 1978; 9:30 a.m.-3:30 p.m.

Place: Room 3104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Louis H. Blair, Office of Science and Technology Policy, Executive Office of the President, telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by March 15, 1978.

Purpose of panel: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional, and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

Minutes of the meeting: Executive minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

1. Presentation of Department of Commerce Science and Technology program of concern to State and local governments.

2. Discussion of opportunities for ISETAP to work with the Department of Commerce.

3. Formulation of future Task Force activities.

WILLIAM J. MONTGOMERY,
*Executive Officer, Office of
Science and Technology Policy.*

FEBRUARY 21, 1978.

[FR Doc. 78-4900 Filed 2-23-78; 8:45 am]

[6325-01]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellowships will be held in each of eleven U.S. cities beginning March 14, 1978. The date and place of each meeting is as follows:

Tuesday, March 28, 1978, 8 a.m., U.S. Civil Service Commission, William J. Green, Jr., Federal Building, Room 3400, 600 Arch Street, Philadelphia, Pa.

Tuesday, March 21, 8 a.m., U.S. Civil Service Commission, John W. McCormack Post Office and Courthouse Building, Room 1038, Boston, Mass.

Wednesday, March 29, 8:30 a.m., Allied Chemical Corp., 1221 Avenue of the Americas, New York, N.Y.

Wednesday, March 15, 8 a.m., John C. Kluzinski Building, 230 South Dearborn, Chicago, Ill.

Friday, March 17, 8 a.m., Clayton Inn, 7742 Carondelet Street, St. Louis, Mo.

Monday, March 20, 8:30 a.m., U.S. Civil Service Commission, Denver Federal Center, Building 20, Denver, Colo. 80225.

Friday, March 31, 8 a.m., U.S. Civil Service Commission, Federal Office Building, Seattle, Wash.

Tuesday, March 28, 8 a.m., St. Francis Hotel, San Francisco, Calif.

Wednesday, March 22, 8:30 a.m., Continental Oil Co., Conoco Towers, 5 Greenway Plaza East, Houston, Tex.

Saturday, March 18, 8:30 a.m., Rich's Executive Offices, 45 Broad Street, 5th Floor, Atlanta, Ga.

Tuesday, March 14, 9 a.m., U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C.

These selection meetings are part of the screening process of the White House Fellowship program. In these meetings, selected applicants to the program are interviewed by a panel of eight to ten outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellowships those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of Title 5 of the United States Code, section 552b(c)(6), and that these meetings will be closed to the public.

Additional information concerning these meetings may be obtained by contacting Gerry Newman, Administrative Officer, The President's Commission on White House Fellowships, 1900 E Street NW., Room 1308, Washington, D.C. 20415, 202-653, 6263.

W. LANDIS JONES,
Director.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

THE WHITE HOUSE

DETERMINATION TO CLOSE MEETINGS OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

The regional selection meetings of the President's Commission on White House Fellowships are part of the screening process leading to the selection of individuals for White House Fellowships. In these meetings, selected applicants to the program are interviewed by a panel of eight to ten outstanding community leaders in each region. The panel also reviews confidential files and character references which we believe are exempt from disclosure under the

provisions of the Freedom of Information and Privacy Acts. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellowships those candidates who should continue in the competition.

These meetings are covered by the provisions of the Federal Advisory Committee Act; Pub. L. 92-463. That act provides that meetings may be closed to the public only as provided for by subsection (c) of section 552b of title 5, United States Code. That section contains the ten exemptions to the open meeting requirements of the "Government in the Sunshine Act." Exemption (8) permits closing of meetings where they would "disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy."

It is hereby determined that the regional selection meetings of the President's Commission on White House Fellowships are concerned with personal information as described in exemption (8) above. Accordingly, the regional panel meetings of the Commission to be held between March 14 and March 31, 1978, shall be closed to the public.

ALAN K. CAMPBELL,
Chairman, U.S. Civil
Service Commission.

[FR Doc. 78-4848 Filed 2-23-78; 8:45 am]

[7905-01]

RAILROAD RETIREMENT BOARD

DETERMINATION OF QUARTERLY RATE OF EXCISE TAX FOR RAILROAD RETIREMENT SUPPLEMENT ANNUITY PROGRAM

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1978, shall be at the rate of twelve cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1978, 15.7 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 84.3 percent of the taxes collected under such sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 16, 1978.

By authority of the Board.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 78-4863 Filed 2-23-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-53701]

FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF CHICAGO

Notice of Application Pursuant to Section 12(h) of the Securities Exchange Act of 1934 and Opportunity for Hearing

FEBRUARY 14, 1978.

First Federal Savings & Loan Association of Chicago, as originator and servicer, Bank of America Center, 555 California Street, San Francisco, Calif. 94104. Securities Exchange Act of 1934, section 12(h).

Notice is hereby given that First Federal Savings & Loan Association of Chicago (applicant) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("1934 Act") for exemption of filing certain reporting requirements under section 13 and the operation of section 16 of the 1934 Act.

The applicant states in part:

In the absence of an exemption, the applicant would be required to file reports adhering to all the item requirements of the forms 10-K, 10-Q, 8-K as well as reports pursuant to section 16 of the 1934 Act.

Accordingly, applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of the forms 10-K and 8-K, as well as reports required pursuant to section 16 of the 1934 Act are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than March 13 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order

granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-4849 Filed 2-23-78; 8:45 am]

[8010-01]

[Release No. 10122]

MUTUAL TRUST (FORMERLY MUTUAL SECURITIES FUND OF BOSTON)

Notice of Filing of an Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That the Applicant Has Ceased To Be an Investment Company

FEBRUARY 16, 1978.

In the matter of Mutual Trust (formerly Mutual Securities Fund of Boston), 111 Devonshire Street, Boston, Mass. 02109. (811-815.)

Notice is hereby given that Mutual Trust (applicant), a Massachusetts trust, registered as a closed-end, management investment company under the Investment Company Act of 1940 (Act), filed an application on July 11, 1977, and an amendment thereto on January 9, 1978, pursuant to section 8(f) of the Act, for an order of the Commission declaring that the applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The applicant registered under the Act on May 27, 1958, as an open-end, diversified management investment company under the name "Mutual Securities Fund of Boston." On that date it also filed a registration statement on form S-5 (file No. 2-14142) under the Securities Act of 1933 for the public offer and sale of shares of its common stock. This registration statement was declared effective by the Commission of July 7, 1958. On December 22, 1976, the applicant's shareholders duly approved a change in the nature of the applicant's business so that it would cease to be an investment company and an amendment to its declaration of trust so as to: (i) Change its name to "Mutual Trust," and (ii) eliminate provisions which made its outstanding shares redeemable. The declaration of trust was so amended on January 3, 1977. Accordingly, in addition to undergoing a change of name, the applicant became a closed-end, management investment company on January 3, 1977. Since May 10, 1977, the applicant has not purchased any investment securities as

that term is defined in section 3(a)(3) of the Act other than the purchase of a mortgage note secured by a mortgage on real property, described below.

In April 1977, the applicant loaned \$25,000 to an unaffiliated corporation in exchange for a mortgage note maturing on June 30, 1978. The purchase of this note, which is secured by a mortgage on real property, was consistent with the applicant's intent to invest in interests in real estate, including mortgages. Other than the mortgage note, which includes certain contractual rights incident thereto, the applicant's tangible assets consist solely of cash. The applicant's tangible assets currently total approximately \$68,900.

On June 29, 1977, the applicant's board of trustees adopted a plan of complete liquidation and termination (the "plan") which will become effective upon issuance by the Commission of an order pursuant to section 8(f) of the Act declaring that the applicant has ceased to be an investment company. Pursuant to the plan, the applicant will attempt to sell the above mortgage note and related contractual rights for cash, upon such terms and conditions as may be determined by the board of trustees to be in the best interests of the applicant and its shareholders. In the event that such sale cannot be made prior to consummation of the plan, the plan provides for the transfer of the mortgage note to a qualified person for the benefit of the applicant's shareholders until such time as the note can be sold or otherwise liquidated. The applicant has represented that all requirements of Massachusetts State law for implementation of the plan have been complied with.

Subsequent to the adoption of the plan, the applicant decided that if the above mortgage note is not sold or liquidated prior to issuance of the requested order of the Commission pursuant to section 8(f) of the Act, then the applicant will deliver the mortgage note to Jonathan B. Reisman, counsel to the applicant, to be held in escrow. The escrow arrangements will provide, *inter alia*, that the escrow agent will hold the mortgage note until such time as it can be sold or otherwise liquidated for fair value, and that the proceeds of the mortgage note and the contractual rights incident thereto will be distributed pro rata to the applicant's shareholders. The escrow arrangements will further provide that the mortgage note will not be sold to any affiliated person of the applicant, as that term is defined in section 2(a)(3) of the Act, or to any affiliated person of such person unless an application is filed pursuant to section 17(b) of the Act and an order of the Commission is issued which shall exempt such sale from the provisions of section 17(a) of the Act.

The plan provides that all of the applicant's assets after payment or provision for payment of the applicant's liabilities, shall be distributed pro rata to the applicant's shareholders. The applicant has represented that it has satisfied all of its known and ascertained liabilities; and that it is not a party to any outstanding pending litigation. If a shareholder of the applicant does not surrender certificates representing his shareholdings, his pro rata share of the liquidation distribution may be deposited with any bank or trust company having an office in Boston, Mass., with authority to such depository to make delivery thereof to such shareholder or beneficiary upon surrender to the depository for the account of the trustee of such certificate or certificates, and such deposit shall be deemed to be full payment of such pro rata share.

Immediately upon the issuance of the requested order by the Commission pursuant to section 8(f) of the Act, the applicant intends to distribute all of its assets pro rata to its shareholders other than the above mortgage note and an amount of approximately \$12,000, which will be held as a reserve for the payment of any unascertained, future or contingent liabilities. The applicant has represented that it intends to distribute any funds remaining in such reserve after all of the applicant's liabilities have been satisfied pro rata to its shareholders within 1 year of consummation of the plan. The applicant has represented that management has no reason to believe that such reserve will not be sufficient to cover any unascertained, future or contingent liabilities which may be incurred by the applicant, and that it is uncertain whether there will be any unexpended funds in the reserve available for a final distribution to shareholders. In the event no such final distribution is made, all shareholders of record on the date of the initial distribution will be so notified by the applicant.

The applicant has consented that entry of the order of the Commission which it has requested pursuant to section 8(f) of the Act may be subject to the following conditions: (a) The plan shall become effective pursuant to its terms, (b) the above escrow arrangements are implemented, and (c) the provisions of the plan, including the specified distributions of the applicant's assets are fulfilled.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice if further given that any interested person may, not later than March 13, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's on motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-4850 Filed 2-23-78; 8:45 am]

[8010-01]

[Rel. No. 20415]

Notice of Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding by Subsidiary and of Common Stock by Subsidiary to Holding Company

FEBRUARY 16, 1978.

In the matter of Ohio Edison Co., 76 South Main Street, Akron, Ohio 44308. Pennsylvania Power Co., 1 East Washington Street, New Castle, PA 16103

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), a registered holding company, and its electric utility subsidiary company Pennsylvania Power Co. ("Penn Power") have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12(f) of the Act and rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Penn Power proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act, up to \$25,000,000 principal amount of its first mortgage bonds ("bonds"), in one or more series, each series to mature in not less than 5 and not more than 30 years. The interest rate (which will be a multiple of $\frac{1}{8}$ of 1 percent) and the price (which will be not less than 100 percent, unless Penn Power shall authorize a lower percentage not less than 99 percent, and shall not exceed 102.75 percent of the principal amount of the bonds plus accrued interest) will be determined by competitive bidding. The bonds will be issued under the indenture, dated as of November 1, 1945, between Penn Power and Citibank, N.A., trustee, as heretofore amended and supplemented, and as to be further amended and supplemented by a supplemental indenture to be dated within 16 days prior to the issuance of the bonds. Penn Power proposes to notify prospective bidders not less than 72 hours prior to the time designated for the submission of bids of: (1) The number of series of bonds to be created, and (2) the maturity date of the bonds.

Penn Power also proposes to issue and sell to Ohio Edison, and Ohio Edison proposes to purchase from Penn Power, up to 600,000 shares of its authorized but unissued common stock ("common stock"), par value \$30 per share, for its aggregate par value of \$18,000,000. It is proposed that 300,000 shares be issued and sold in April 1978, 200,000 shares be issued and sold in June 1978, and 100,000 shares be issued and sold in December 1978.

It is stated that Penn Power intends to apply the proceeds from the sales of the bonds and common stock to repay a part of short-term loans and to meet requirements of its 1978 construction program. An estimate of Penn Power's 1978 construction expenditures will be filed by amendment.

The fees and expenses to be incurred in connection with the proposed issuance and sale of common stock are estimated at \$2,000. The fees and expenses to be incurred in connection with the proposed issuance and sale of the bonds will be filed by amendment. It is stated that the Pennsylvania Public Utilities Commission has jurisdiction over the proposed transactions. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he

be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-4851 Filed 2-23-78; 8:45 am]

[8010-01]

[Release No. 34-14478; AS-2421]

NOTIFICATION OF ENACTMENT OF FOREIGN CORRUPT PRACTICES ACT OF 1977

AGENCY: Securities and Exchange Commission.

ACTION: Notification of enactment of Foreign Corrupt Practices Act of 1977.

SUMMARY: The Commission wishes to call to the attention of issuers, accountants, attorneys and other interested persons the enactment of the Foreign Corrupt Practices Act of 1977. The Act requires issuers subject to the registration and reporting provisions of the Securities Exchange Act of 1934, as amended, among other things to comply with certain accounting standards. It also makes unlawful the use of any means or instrumentality of interstate commerce by any such issuer, or by any domestic concern not subject to the Securities Exchange Act, in furtherance of any offer, payment, promise to pay or authorization of the payment of any money, or offer, gift, promise to give or authorization of the giving of anything of value, to foreign officials and certain other persons for certain corrupt purposes.

FOR FURTHER INFORMATION CONTACT:

Frederick B. Wade, Office of the General Counsel, 202-755-1229, Bar-

bara L. Leventhal, Division of Corporation Finance, 202-755-1750, or Edward R. Cheramy, Office of Chief Accountant, 202-376-8020, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission wishes to call to the attention of issuers, attorneys, accountants and other interested persons, the recent enactment of the Foreign Corrupt Practices Act of 1977 [the "Act"]. The Act, which was signed by the President on December 19, 1977, and became effective on that date, amends section 13(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78m(b)] to require every issuer which has a class of securities registered pursuant to section 12 of the Securities Exchange Act, and every issuer which is required to file reports pursuant to section 15(d) of the Securities Exchange Act, to comply with certain accounting standards. The Act also makes it unlawful for such issuers, or any domestic concern not subject to the Securities Exchange Act, to engage in certain corrupt practices with respect to foreign officials. Because the Act became effective upon signing, it is important that issuers subject to the new requirements review their accounting procedures, systems of internal accounting controls and business practices in order that they may take any actions necessary to comply with the requirements contained in the Act.

The text of the Act is set forth in its entirety as an appendix to this release in the SEC Docket.¹

A. ACCOUNTING STANDARDS

Section 13(b) of the Securities Exchange Act is amended by renumbering existing subsection (b) as paragraph (b)(1) of section 13, and by adding two new paragraphs to that

¹The Act is contained in Title I of Pub. L. No. 95-213 (Dec. 19, 1977). Title II of the legislation, the Domestic and Foreign Investment Improved Disclosure Act of 1977, amends section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) to require expanded disclosure by persons who acquire or possess beneficial ownership of more than 5 percent of a class of securities which is registered pursuant to section 12 of the Exchange Act, or any equity security of an insurance company, which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) or any equity security issued by a closed end investment company registered under the Investment Company Act of 1940. Rulemaking to implement section 13(g) as part of a uniform integrated approach to disclosure under sections 13(d), (f) and (g) is under consideration and will be the subject of a separate release.

²Not published in FEDERAL REGISTER.

subsection. New paragraph 13(b)(2) applies to issuers which have a class of securities registered pursuant to section 12 of the Securities Exchange Act, and issuers required to file reports pursuant to section 15(d) of the Securities Exchange Act (hereinafter referred to collectively as "reporting companies"). It requires reporting companies to make and keep books, records and accounts which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer. The maintenance of accurate books and records by publicly-held companies is a necessary concomitant of the existing requirement for full, fair and accurate periodic reports. Inaccurate books, off-the-book accounts, and related practices are proscribed by the Act.

Reporting companies are also required to devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that:

(i) Transactions are executed in accordance with management's specific authorization;

(ii) Transactions are recorded as necessary: (a) to permit preparation of financial statements in conformity with generally accepted accounting principles or other applicable criteria; and (b) to maintain accountability for its assets;

(iii) Access to assets is permitted only in accordance with management authorization; and

(iv) The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

New paragraph 13(b)(3) of the Securities Exchange Act provides that, with respect to "matters concerning the national security of the United States, no duty or liability under paragraph (2) * * * shall be imposed upon any person acting in cooperation with the head of any Federal department or agency responsible for such matters if such act in cooperation with such head of a department or agency was done upon the specific, written directive of the head of such department or agency pursuant to Presidential authority to issue such directives." Each such directive shall expire 1 year after it is issued unless it is renewed in writing.

B. FOREIGN CORRUPT PRACTICES BY ISSUERS

Pursuant to the Act, a new section 30A has been added to the Securities Exchange Act, which makes it unlawful for any reporting company, or any officer, director, employee, or agent of the company, or any shareholder acting on behalf of such a company, to make use of the mails or any means or instrumentalities of interstate com-

merce, corruptly, in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give or authorization of the giving of anything of value, to three classes of persons:

(1) An official of a foreign government or instrumentality of a foreign government;

(2) A foreign political party or official thereof, or any candidate for a foreign political office; or

(3) Any other person where the reporting company knows, or has reason to know, that all or a portion of such money or thing of value will be offered, given or promised, directly or indirectly to any foreign official, foreign political party or official thereof, or any candidate for a foreign political office.

New section 30A applies to payments made for the purpose of influencing an act or decision of a foreign official, foreign political party or candidate for foreign political office (including a decision not to act), or inducing such a person or party to use his or its influence to affect any government act or decision, in order to assist an issuer in obtaining, retaining or directing business to any person. A "foreign official" is defined to mean any officer or employee of a foreign government or any department, agency or instrumentality thereof, or any person acting in an official capacity for or on behalf of such government. The term does not include employees whose duties are essentially ministerial or clerical.

C. THE COMMISSION'S ENFORCEMENT RESPONSIBILITIES

The legislative history of the Act reflects that the Commission's enforcement responsibilities extend to conducting investigations, bringing civil injunctive actions, commencing administrative proceedings if appropriate, including public or private disciplinary proceedings pursuant to Rule 2(e) of the Commission's Rules of Practice,¹ and referring cases to the Justice Department for criminal prosecution where warranted, just as the Commission currently does with respect to its existing responsibilities under the federal securities laws.² In addition, as is true with respect to violations of other provisions of the Securities Exchange Act, controlling persons of an issuer may be liable for violations of the new requirements,³ and a negligence standard will govern civil injunctive actions brought to enforce the Act.⁴ The

¹ 17 CFR 201.2(e).

² S. Rep. No. 95-114, 95th Cong., 1st Sess. (1977) at 12; H.R. Rep. No. 95-640, 95th Cong., 1st Sess. (1977) at 10.

³ See Section 20 of the Securities Exchange Act, 15 U.S.C. 78t.

⁴ H.R. Rep. No. 95-640, 95th Cong., 1st Sess. (1977) at 10.

legislative history of the Act also contemplates that private rights of action properly could be implied under the Act on behalf of persons who suffer injury as a result of prohibited corporate bribery.⁵

In the case of an individual, the penalties for each criminal violation of the corrupt practices provisions of new section 30A are a fine of up to \$10,000 or imprisonment for up to 5 years, or both; in the case of a corporation, the penalties for violation of the section include a fine of up to \$1,000,000. In this regard, the Act provides that any fines imposed upon individuals may not be paid directly or indirectly by an issuer.

D. FOREIGN CORRUPT PRACTICES BY DOMESTIC CONCERNS

The Act also subjects any domestic business concern, other than one subject to the reporting requirements of the Securities Exchange Act, and any officer, director or agent of such a domestic business concern or any natural person in control of such a domestic concern to the same prohibitions and penalties that are applicable to reporting companies. The provisions applicable to domestic concerns will be administered and enforced by the Justice Department rather than the Commission.

E. IMPACT ON DISCLOSURE POLICIES

While the Act imposes new requirements on reporting companies with respect to the maintenance of internal accounting controls, and outlaws certain foreign corrupt practices, it does not alter the existing obligation of such companies adequately to disclose material questionable and illegal corporate payments and practices. In addition to providing all information called for by the specific disclosure requirements of the various registration and reporting forms promulgated pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934, registrants have a continuing obligation to disclose all material information and all information necessary to prevent other disclosures made from being misleading with respect to such transactions.⁶ Although the legality or illegality of a particular transaction is one of the factors that must be assessed in determining its materiality, other factors must also be considered. A transaction which is not unlawful under the Act may still be material to investors and therefore required to be disclosed under the Federal securities laws. For guidance in determining whether or not a specific fact is material, attention is directed to the discus-

⁵ *Id.*

⁶ See e.g., 17 CFR 230.405(1); 17 CFR 230.408; 17 CFR 240.12b-20; 17 CFR 240.10b-2; 17 CFR 240.14a-9.

sion of materiality contained in Securities and Exchange Commission, Report on Questionable and Illegal Corporate Payments and Practices, which was submitted to the Senate Committee on Banking, Housing and Urban Development on May 12, 1976, at 16-32 ("Report").

F. EFFECT ON OUTSTANDING RULE PROPOSALS

On January 19, 1977 the Commission published for comment a series of rulemaking proposals designed to promote the reliability and completeness of financial information, prevent concealment of questionable or illegal corporate payments and practices, and provide information to investors concerning management involvement in such transactions.* The proposals were substantially similar to a legislative proposal submitted by the Commission to the Senate Committee on Banking, Housing and Urban Affairs on May 12, 1976, parts of which were ultimately incorporated in the Act.¹⁰ The Commission is considering the numerous comments it has received on these proposals and will determine whether to adopt, modify or withdraw those rulemaking proposals.¹¹ In view of the extensive comments which already have been received no further comments on these proposals are being solicited. An appropriate announcement respecting the Commis-

*Securities Exchange Act Release No. 13185 (Jan. 19, 1977), 11 SEC Docket 1514 (1977). (42 FR 4854), Jan. 26, 1977.

¹⁰The proposals were contained in the Commission's Report, supra, at 63, which is, accordingly, a part of the legislative history of the Act. The Commission's proposals were originally introduced by Senator Proxmire, Chairman of the Senate Committee on Banking, Housing and Urban Affairs, as S. 3418. Following hearings, the committee referred a bill to the Senate floor—S. 3664, which embodied the Commission's recommendations as well as certain other proposals. S. 3664 was passed by the Senate unanimously on September 15, 1976. The House of Representatives, however, was unable to complete work on the legislation before adjournment *sine die* on October 2, 1976.

The substance of the Commission's proposals was again included in S. 305, which was passed by the Senate on May 2, 1977, but two of the proposals were deleted in the joint conference committee appointed to reconcile the differences in the Senate and House versions of the bill, prior to final enactment of the legislation.

¹¹The accounting provisions in the new law, which are described above, are similar to proposed Rules 13b-1 and 13b-2. The rulemaking proposals not incorporated in the legislation include proposed Rule 13b-3, which would prohibit the falsification of corporate books or records; proposed Rule 13b-4, which would prohibit the making of false or misleading statements to an accountant; and proposed Item 6(d) of Schedule 14A relating to disclosure of management involvement in questionable or illegal payments or practices.

sion's determination with respect to these rule proposals will be published in the near future.

G. INQUIRIES TO THE STAFF

A number of inquiries have been received by the staff which relate to the scope of the Act and the applicability of its criminal provisions to specific factual situations. The staff has declined to address these issues on an ad hoc basis. As a matter of policy and in light of the legislative and administrative history of the Act, the Commission does not intend to render interpretive advice on the applicability of the Act's proscriptions to particular factual situations.

Dated: February 16, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-4940 Filed 2-23-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/17]

STUDY GROUP 2 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 22, 1978 at 9:30 a.m. in room 521J, NASA Building, 600 Independence Avenue, SW., Washington, DC.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The purpose of the meeting will be to discuss preparations for the special preparatory meeting which will be held in Geneva starting in October 1978, as a preliminary to the 1979 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairmen.

Dated: February 17, 1978.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc. 78-4862 Filed 2-23-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Volume No. 63]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

FEBRUARY 15, 1978.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained

following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2392 (Sub-No. 109), filed December 13, 1977. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, 7722 F Street, Omaha, NE 68124. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting *resin and resin-water soluble*, in bulk, in tank vehicles, from Detroit, MI to Denver, CO, Chicago, Decatur, Mapleton, Moline, Peoria and Rockford, ILL, Elkhart, Gary, Hammond, Indianapolis, Kendallville, Mishawaka, South Bend, and Warsaw, IN, Bettendorf, Cedar Rapids, Davenport, Dubuque and Waterloo, IA, Kansas City and Wichita, KS, Beatrice, Lincoln and Omaha, NE, Defiance, Lima and Toledo, OH, Beloit, Kenosha, Madison, Milwaukee and Racine, WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Omaha, NE or Washington, DC.

No. MC 11207 (Sub-No. 410), filed December 13, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Sheet steel containers*, and *plastic containers*, from Picayune, MS to points in AL, FL, and GA; (2) *materials*, and *supplies* used in the manufacture of sheet steel containers, and plastic containers, from points in AL, FL, and GA to Picayune, MS.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, FL or Atlanta, GA.

No. MC 11207 (Sub-No. 411), filed December 13, 1977. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Plastic containers*, from Longwood, FL to points in AL, GA, LA, MS, NC, SC, and TX; (2) *materials*, and *supplies* used in the manufacture of plastic containers, from points in AL, GA, LA, MS, NC, SC, and TX to Longwood, FL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, FL or Atlanta, GA.

No. MC 29910 (Sub-No. 182), December 15, 1977. Applicant: ARKANSAS-

BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, 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 Harrisburg, PA, and Memphis, TN: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, TN, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (2) Between Harrisburg, PA, and Dayton, OH: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 76, then over Interstate Hwy 76 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Dayton, OH, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (3) Between Harrisburg, PA, and Albany, NY: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 87, then over Interstate Hwy 87 to Albany, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (4) Between Harrisburg, PA, and Syracuse, NY: From Harrisburg, over Interstate Hwy 81 to Syracuse, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (5) Between Harrisburg, PA, and Springfield, MA: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction Interstate Hwy 91, then over Interstate Hwy 91 to Springfield, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (6) Between Harrisburg, PA, and Newark, NJ: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 78, then over Interstate Hwy 78 to Newark, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (7) Between Harrisburg, PA, and Jackson, MS: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Jackson, and return over the same route, serv-

ing Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (8) Between Harrisburg, PA, and Shreveport, LA: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Shreveport, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (9) Between Harrisburg, PA, and Dallas, TX: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Dallas, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (10) Between Harrisburg, PA, and New Orleans, LA: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to New Orleans, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (11) Between Harrisburg, PA, and Houston, TX: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Houston, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only. (12) Between Harrisburg, PA, and San Antonio, TX: From Harrisburg, over Interstate Hwy 81 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 12, then over Interstate Hwy 12 to San Antonio, and return over the same route, serving Harrisburg as a point of joinder only, as an alternate route for operating convenience only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 41404, (Sub-No. 137), filed December 29, 1977. Applicant: ARGO-

COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, TN 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from the plantsite or facilities of Rich Products Corp. at or near Murfreesboro, TN to points in AL, FL, GA, IL, IN, KY, LA, MN, MS, MO, NC, OH, and SC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Nashville, TN or Washington, DC.

No. MC 47171 (Sub-No. 102), filed December 29, 1977. Applicant: **COOPER MOTOR LINES, INC.**, P.O. Box 4259, Greenville, SC 29608. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office supplies and equipment, paper products; including file folders, paper; index cards; index guides; labels, steel filing cabinets; plastic articles; strip steel; letter, invoice or document files; binders, loose leaf, pulpboard and plastic*, from Garden City, NY and Parsippany, NJ to Augusta, GA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Washington, DC or Columbia, SC.

No. MC 47583 (Sub-No. 60), filed December 29, 1977. Applicant: **TOLLIE FREIGHTWAYS, INC.**, 1020 Sunshine Road, Kansas City, KS 66115. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned or preserved*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Muscatine and Iowa City, IA, to all points in the states of CO, KS, MO, and NE, restricted to traffic originating at the named facilities and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Pittsburgh, PA. Common control may be involved.

No. MC 48441 (Sub-No. 16), filed December 22, 1977. Applicant: **P. L. & M. EXPRESS, INC.**, P.O. Box 418 Streator, IL 61364. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facilities of Mobil Chemical Co., Plastics Division, at Frankfort, IL, to points in ND, SD, NE, KS, OK, AR, MO, MN, IA, WI, TN, KY, IN, OH, MI, CO, TX, GA, NY, CA, SC, WV, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 562), filed January 9, 1978. Applicant: **SCHNEIDER TRANSPORT, INC.**, P.O. Box 2298, Green Bay, WI 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 related products*, from Memphis, TN, to points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 52704 (Sub-No. 161), filed January 9, 1978. Applicant: **GLENN McCLENDON TRUCKING CO., INC.**, P.O. Drawer H, LaFayette, AL 36862. 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) *Plastic containers*, in trailers, between the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL, and Reserve, LA; and from such plantsites and facilities of Sewell Plastics, Inc., to points in AL, AK, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV, and DC. (2) *Plastic preforms or plastic base cups* for plastic containers from the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, the plantsite and facilities of Coats and Clark, Inc., at or near Seneca, SC, and the plantsite and facilities of Southeastern Kusan, Inc., at or near Greenville, SC, to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA. (3) *Materials, equipment and supplies* used in the manufacture and distribution of plastic containers or parts therefor (except commodities in bulk), from points in the destination states named in (1) above to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA.

No. MC 56244 (Sub-No. 55), filed January 3, 1978. Applicant: **KUHN TRANSPORTATION CO., INC.**, P.O. Box 98, R.D. No. 2, Gardners, PA

17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and frozen foods)*, from the facilities utilized by Duffy-Mott Co., Inc., in Adams, Cumberland, Dauphin, Franklin and York Counties, PA, to points in IL, IN, IA, KY, MI, MO, OH, PA, and those points in WV on and north of U.S. Hwy 50, restricted to the transportation of shipments originating at the above-named origins and destined to points in the above-named destination states (except PA).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, PA, or Washington, DC.

No. MC 59150 (Sub-No. 115), filed December 29, 1977. Applicant: **PLOOF TRUCK LINES, INC.**, 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition board*, from the facilities of Champion International Corp., at or near Charleston and Orangeburg, SC, to points in VA, AK, LA, MS, TN, AL, GA, FL, NC, KY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, FL.

No. MC 61403 (Sub-No. 251), filed January 10, 1978. Applicant: **THE MASON AND DIXON TANK LINES, INC.**, Hwy 11-W, P.O. Box 969, Kingsport, TN 37662. Name of representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides, in bulk, in tank vehicles*, from the plantsite and storage facilities utilized by Shell Chemical Co., a division of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, IL, or Houston, TX.

No. MC-75320 (Sub-No. 190), filed December 27, 1977. Applicant: **CAMPBELL SIXTY-SIX EXPRESS, INC.**, P.O. Box 807, Springfield, MO 65801. Applicant's representative: Phineas Stevens, P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by

the Commission, commodities in bulk, and those requiring special equipment), serving the junction of U.S. Hwy 69 and 266 and the junction of U.S. Hwy 69 and Interstate Hwy 40 both at or near Checotah, OK, for purposes of joinder only.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Springfield, MO.

No. MC-78228 (Sub-No. 72), filed December 15, 1977. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15230. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs and slabs*, in dump vehicles, from Massena, NY, to Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC, or Pittsburgh, PA.

No. MC-82492, (Sub-No. 175), filed December 27, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Cedar Rapids, IA, to points in Pennsylvania on and west of U.S. Highway 219 and points in that part of NY in and west of Broome, Cortland, Onondaga, and Oswego Counties, NY. Restriction: Restricted to traffic destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 83217 (Sub-No. 74), filed December 27, 1977. Applicant: DAKOTA EXPRESS, INC., 550 E. 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, transporting: *Frozen potatoes and potato products* (except in bulk), from Clark, SD to points in CT, ME, MA, NH, NC, RI, SC, TN and VT. Restricted to shipments originating at Clark, SD and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, MN.

No. MC 93980 (Sub-No. 75), filed January 6, 1978. Applicant: VANCE

TRUCKING CO., INC., P.O. Box 1119, Henderson, NC 27536. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to engage in operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of *lumber and composition board*, from Palmer, MA., to points in the U.S. in and east of OH, IN, KY, TN, and MS.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 99388 (Sub-No. 13), filed January 9, 1978. Applicant: ALL-TRANS EXPRESS U.S.A., INC., 99 West Essex Street, Maywood, NJ 07607. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. 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, frozen foods and commodities in bulk) moving on bills of lading of Freight Forwarders, between (A) Albany, NY; Baltimore, MD; Boston, MA; Harrisburg, PA; New Haven, CT; New York, NY; Providence, RI; Philadelphia and Pittsburgh, PA; Springfield, MA; Syracuse, NY; and Worcester, MA, on the one hand, and, on the other, Chicago, IL; Milwaukee, WI; St. Louis, MO; and (B) Albany, NY; Baltimore, MD; Boston, MA; Chicago, IL; Cincinnati, Cleveland, and Columbus, OH; Detroit, MI; Harrisburg, PA; Milwaukee, WI; New Haven, CT; New York, NY; Philadelphia and Pittsburgh, PA; Providence, RI; St. Louis, MO; Springfield, MA; Syracuse, NY; and Worcester, MA, on the one hand, and, on the other, Billings, MT; Boise, ID; Cheyenne, WY; Denver, CO; Las Vegas, NV; Los Angeles and Oakland, CA; Phoenix and Tucson, AZ; Pocatello, ID; Portland, OR; Reno, NV; Sacramento, San Diego, and San Francisco, CA; Salt Lake City, UT; Seattle and Spokane, WA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, NY or Washington, DC. Common control may also be involved.

No. MC 100449 (Sub-No. 86), filed December 28, 1977. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, IA 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as provided in 61 M.C.C. 209, App. I Sec. A and C and 61

MCC 766 *Descriptions in Motor Carrier Certificates* (except hides and commodities in bulk), (1) from the plant sites and storage facilities of Spencer Foods, Inc., located at Schuyler, and Fremont, NE, and Spencer, Hartley, and Fort Dodge, IA, to points in MN, ND, and IL; and (2) from the facilities utilized by Sioux Preme Packing Co. located at or near Sioux Center and Sioux City, IA, to points in NE, MO, KS, OK, and TN.

NOTE.—If a hearing is deemed necessary, the applicant requests that the hearing be held at Minneapolis, MN, Omaha, NE, or Chicago, IL.

No. MC 106074 (Sub-No. 57), filed January 9, 1978. Applicant: B AND P MOTOR LINES, INC., Shiloh Road, P.O. Box 727, Forest City, NC 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron, Hidalgo and Webb Counties, TX, to points in AR, and LA, and points in the United States in and east of IL, KY, MS, TN, and WI.

NOTE.—Applicant holds contract carrier authority in MC 140842 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Brownsville, TX or Washington, DC.

No. MC 106398 (Sub-No. 793), filed January 9, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* from AZ, CO and NM; to: NE, IA, MN, WI, MI, IL, IN, OH, PA, WV, TN, and KY.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, CO. Common control may be involved.

No. MC 106603 (Sub-No. 166), filed December 22, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies* (except in bulk) used in the manufacture, packaging, marketing, or distribution of salt and salt products from points in IL, IN, OH, and St. Louis, MO to the facilities of Hardy Salt Co. at Manistee, MI. (2) *Materials, equipment, and supplies* (except in bulk) used in the manufacture, packaging, marketing, or distribution of salt and salt products

from IL, IN, IA, MI, MO, and OH to the facilities of Diamond Crystal Salt Co. at Akron and Cincinnati, OH; Chicago, IL; and St. Clair, MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL or Washington, DC. Common control may be involved. Applicant holds motor contract carrier authority in MC 46240 (sub 6) and other subs, therefore dual operations may be involved.

No. MC 107403 (Sub-No. 1051), filed December. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Litharge, Dry*, in bulk, in tank vehicles, from Brooklyn, NY to NJ, PA, DE, VA, OH, MD, WV, ME, NH, VT, CT, MA, and RI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, DC.

No. MC 107403 (Sub-No. 1054), filed January 9, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY to points in IL, IN, KY, MI, OH, VA, and WV. Restricted to the transportation of traffic originating at the above named plantsite.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 107445 (Sub-No. 14), filed December 16, 1977. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46225. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, iron and steel articles, prefabricated metal articles, nuclear fuel storage racks and reactor handling equipment* (except commodities in bulk); and (2) *Materials, equipment, parts and supplies* used in the manufacture, installation and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Speedway Machine and Tool Co., Inc., at Indianapolis, IN, on the one hand, and, on the other, points in the United States, including AK, but excluding HI.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at either Indianapolis, IN or Chicago, IL.

No. MC 107515 (Sub-No. 1119), filed December 19, 1977. Applicant: RE-

FRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of foodstuffs (except frozen foods, meats and meat products, and dairy products), from, plantsites and storage facilities of J. M. Smucker's Co. located at or near Medina and Orrville, OH, to, points in AL, AR, FL, GA, LA, MS, NC, OK, SC, and TX. Restricted to traffic originating at named plantsites and destined to the named destination states.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Cleveland, OH or Columbus, OH.

No. MC 107515 (Sub-No. 1120), filed December 21, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Canned foodstuffs and canned pet foods*, from Gulfport, MS, to points in AL, FL, GA, KY, NC, SC and TN.

NOTE.—Applicant holds contract carrier authority in MC 126436 Sub 2 and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, CA.

No. MC 107544 (Sub-No. 143), filed December 27, 1977. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Wilmington, NC to points in WV and Covington, VA.

NOTE.—Applicant holds contract carrier authority in No. MC 113959 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or Roanoke, VA.

No. MC 111201 (Sub-No. 27), filed January 9, 1978. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, P.O. Box 91247, East Point, GA 30364. 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, transport-

ing: "(1) *Plastic containers*, in trailers, between the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA; and from such plantsites and facilities of Sewell Plastics, Inc., to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV and DC. (2) *Plastic preforms or plastic base cups for plastic containers* from the plantsites and facilities of Sewell Plastics, Inc. located at or near Atlanta, GA, the plantsite and facilities of Coats and Clark, Inc., at or near Seneca, SC, and the plantsite and facilities of Southeastern Kusan, Inc., at or near Greenville, SC, to the plantsites and facilities of Sewell Plastics, Inc., located at or near Atlanta, GA, Arlington, TX, Charlotte, NC, Collierville, TN, Havre de Grace, MD, Hollywood, FL, Kansas City, KS, Jackson, MS, Orlando, FL and Reserve, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA.

No. MC 111231 (Sub-No. 227), filed January 9, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: Don A. Smith, Post Office Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Cross County, AR and those points in Craighead and Poinsett Counties, AR located west of U.S. Hwy 63, as off-route points in connection with carrier's existing authority.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN.

No. MC 114045 (Sub-No. 490), filed January 3, 1978. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Applicant's representative: J. B. Stuart, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals and plastic material* from Metuchen, NJ and Marcus Hook, PA to CA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA. Common control may be involved.

No. MC 114273 (Sub-No. 323), filed December 16, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 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: *Iron and steel articles*, from Ecorse, MI to East Moline, IL. Restricted to traffic originating at and destined to the named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL, or Washington, DC.

No. MC 114632 (Sub-No. 130), filed January 2, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. 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: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 from the plantsite and warehouse facilities of Wilson Foods Corp. at Albert Lea, MN, to points in CT, DE, DC, ME, MD, MA, NH, NY, PA, RI, VT, and VA. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Dallas, TX, or Kansas City, MO.

No. MC 114965 (Sub-No. 61), filed January 9, 1978. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, KS 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Trenton, MO, to points in KS, NE, IA, and IL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, MO, or Topeka, KS.

No. MC 115496 (Sub-No. 76), filed December 13, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Plastic pipe, fittings, couplings and materials, accessories and supplies* used in the installation thereof, from Geneva County, AL, to points in the United States (except AK and HI); and, (2) *plastic pipe, conduit, fittings, couplings and materials, accessories and supplies* used in the installation thereof, from points in the United States (except AK and HI) to points in Geneva County, AL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA, or Montgomery, AL.

No. MC 115654 (Sub-No. 72), filed January 3, 1978. Applicant: TENNESSEE CARTAGE CO., INC., Candy Lane, P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, Pennsylvania and 13th Street NW., Washington DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of *foodstuffs* (except in bulk), from the plantsite and warehouse facilities of Rich Products Corp. at or near Murfreesboro, TN, to points in AL, GA, IL, IN, KY, LA, MS, MO, and OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Nashville, TN or Washington, DC. Common control may be involved.

No. MC 115841 (Sub-No. 588), filed December 16, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet food*, from the plantsite and storage facilities utilized by Kal-Kan Foods, Inc., at Columbus, OH, to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WI, WY, and DC.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Columbus, OH, or Washington, DC.

No. MC 115841 (Sub-No. 591), filed December 15, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, from the plantsite and storage facilities of M & M/Mars, Division of Mars, Inc., in Chicago, IL, to points in NC, SC, GA, and FL, restricted to the transportation of traffic originating at and destined to the named origins and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at New York, NY, or Washington, DC.

No. MC 115865 (Sub-No. 1), filed December 20, 1977. Applicant: QUIMBY TRUCKING, INC., P.O. Box 807, Hermiston, OR 97838. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities in cargo containers*; and (2) *empty cargo containers*, between points in Umatilla, Morrow, and Union Counties, OR; and points in Walla Walla, Adams, Franklin, and Benton Counties, WA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Pendleton, OR.

No. MC 115931 (Sub-No. 45), filed December 16, 1977. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials* used in the manufacture and installation thereof (except in bulk in tank vehicles), between Grinnell, IA and points in the United States in and west of MN, WI, IL, NO, OK and TX (except AL and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX.

No. MC 116519 (Sub-No. 48 F), filed February 2, 1978. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by agricultural equipment, industrial equipment and lawn and leisure products manufacturers and dealers (except commodities in bulk), between Canton, East Moline, Moline, and Rock Island, IL, Memphis, TN, and Louisville, KY, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in MI, NY, VT, NH, and ME. Restriction: The transportation autho-

ized is restricted to traffic originating at or destined to the dealers of or the facilities utilized by International Harvester Co. and is further restricted to traffic moving in foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL. A hearing is scheduled for issues similar to those involved in this application on February 28, 1978, at 9:30 a.m., local time, in the Offices of the Interstate Commerce Commission, Washington, DC.

No. MC 117465 (Sub-No. 21), filed December 29, 1977. Applicant: BEAVER EXPRESS SERVICE, INC., P.O. Box 151, Woodward, OK 73801. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except classes A and B explosives) moving in Express Service: (1) Between Boise City, OK and Clayton, NM. From Boise City over U.S. Hwy 56 and 64, serving all intermediate points. (2) To serve as off route points in connection with carrier's present interstate authority under Docket No. MC 117465, the communities of: Four Corners, Eva, Yarborough School, Hough, Baker, and Adams in Texas County; Boyd, Balko, and Gray in Beaver County; and Goodwin and Catesby in Ellis County, OK.

NOTE.—Applicant's Sub-17 authorizes closed door operation between Boise City and Clayton. This request would permit service to the intermediate point of Felt. If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, OK or Amarillo, TX.

No. MC 119641 (Sub-No. 143), filed December 30, 1977. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and plywood wall paneling*. From Norfolk, VA, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WV and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 119789 (Sub-No. 411), filed December 21, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicant's representative: Lewis Coffey (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in sections A and

C of Appendix I to the report in Descriptions in Motor Carriers Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from Omaha, NE, to points in AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Omaha, NE.

No. MC 120618 (Sub-No. 6), filed January 5, 1978. Applicant: SCHALLER TRUCKING CORP., A Corporation, 5700 West Minnesota Street, Indianapolis, IN 46241. Applicant's representative: John R. Bagileo, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain drug department, and grocery and food business houses*, from the plantsite and storage facilities of Colgate-Palmolive Co. located at or near Jeffersonville, IN, to points located in IL; and (2) *damaged, refused or rejected shipments on return*.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Indianapolis or Terre Haute, IN.

No. MC 121060 (Sub-No. 53), filed January 6, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, (except in bulk), from the facilities of The Celotex Corp. located at or near Texarkana, AR, to points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, and TX. (2) *materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination states named in (1) above, to the facilities of The Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, FL.

No. MC 123048 (Sub-No. 382), filed December 27, 1977. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box 1557, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles and such commodities as are dealt in or used by manufacturers of iron and steel and iron and steel articles*,

between the plantsite and facilities of Sheffield Southern Steel Products, Inc. located at or near Lenoir City, TN, on the one hand, and, on the other, points in AL, FL, GA, KY, IL, IN, MI, MS, NC, OH, SC, TN, VA and WV.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, Nashville or Memphis, TN.

No. MC 123407 (Sub-No. 430), filed December 21, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H.E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Stroud, OK, to points in SD and WV.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Denver, CO, or Chicago, IL.

No. MC 123651 (Sub-No. 4), filed December 20, 1977. Applicant: LABARGE TRUCKING CO. INC., Box 357, LaBarge, WY 83123. Applicant's representative: Guy C. Decker III (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Evanston, NY, to points in Summit, Davis, Utah, Salt Lake and Weber counties in UT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Casper, WY, or Salt Lake City, UT.

No. MC 124078 (Sub-No. 772), filed January 6, 1978. Applicant: SCHWERTMAN TRUCKING CO. (a corporation), 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY to points in IL, IN, KY, OH, VA, and WV. Restricted to the transportation of traffic originating at the above mentioned plantsite.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, OK. Common control may be involved.

No. MC 124170 (Sub-No. 76), filed January 3, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and Agricultural Commodities* (except from economic regulation under section 203(b)(6) of the Interstate Commerce

Act, when transported in mixed loads with bananas, from points in NY and NJ, within the Commercial Zone of New York, NY; and Philadelphia, PA, to points in CT, DE, IL, IN, KY, MA, MI, MD, NH, NY, OH, PA, RI, VA, WV, and DC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York City, NY or Washington, DC.

No. MC 124896 (Sub-No. 42), filed December 15, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. 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 packing-houses (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 71 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson Foods Corp., located at Albert Lea, MN, and Cedar Rapids, IA, to points in AL, FL and GA. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, TX, or Kansas City, MO.

No. MC 126276 (Sub-No. 187), filed December 23, 1977. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, and container ends, accessories, materials and supplies used in connection with the manufacture and distribution of containers* (except commodities in bulk and those which because of size or weight, require the use of special equipment), between Lakeville, MN, on the one hand, and, on the other, points in the United States in and east of MT, WY, CO, OK and TX, under continuing contract or contracts with Crown Cork & Seal Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL. Applicant holds motor common carrier authority in MC 134612 sub 2, therefore dual operations may be involved.

No. MC 127042 (Sub-No. 193) (correction), filed November 15, 1977, published in the FEDERAL REGISTER issue of December 29, 1977, republished as corrected this issue. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tessar, P.O.

Box 98, Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coatings, adhesives, tape, sound deadeners, caulking and sealing compounds, glue and paint*, (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Riverside, CA, to Wichita, KS, and Mansfield, TX; and (2) from Kankakee, IL, to Mansfield, TX.

NOTE.—The purpose of this correction is to indicate the correct number as 127042 (Sub-No. 193) in lieu of MC 127042 (Sub-No. 194). If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 128555 (Sub-No. 23), filed January 5, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th St., East Palmetto, FL 33561. Applicant's representative: S. Michael Richards, P.O. Box 225, 44 North Ave., Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *unfrozen foodstuffs* (except in bulk), from Merced and No. Hollywood (LA) CA, to points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NY, OK, OR, TN, TX, UT, WA, WI and WY; (2) *materials, supplies, and equipment* used in the manufacture of unfrozen foodstuffs, and unfrozen foodstuffs, from (a) the destination states listed in (1) above to Merced and No. Hollywood (LA) CA and (b) from points in CT, IL, IN, MD, NJ, OH, PA and WV to Rochester, NY, restricted in (1) and (2) above to traffic originating at or destined to the plantsites or warehouse facilities of Ragu Foods, Inc., and under a continuing contract or contracts in (1) and (2) above with Ragu Foods, Inc.

NOTE.—Applicant holds common carrier authority in Certificate No. MC 136123, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or New York, NY.

No. MC 128734 (Sub-No. 4), filed January 2, 1978. Applicant: W.B. PRODUCE HAULERS, INC., 542 Grandville SW. Grand Rapids, MI 49502. Applicant's representative: David E. Jerome, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, novelties, sherbert, and non-dairy desserts*, in refrigerated trailers, between Bowling Green, OH, on the one hand, and, on the other, IL, IN, KY, MI, PA, WV and WI.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at either Columbus, OH or Grand Rapids, MI.

No. MC 128746 (Sub-No. 34), filed January 5, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., a cor-

poration, 3240 South 61st Street, Philadelphia, PA 19153. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *malt beverages and materials and supplies*, used in the production and sale of malt beverages (except commodities in bulk) (1) between the plantsite of C. Schmidt & Sons, Inc. at or near Philadelphia, PA, and the plantsite of C. Schmidt & Sons, Inc. located at or near Cleveland, OH and (2) from the plantsite of C. Schmidt & Sons, Inc. at or near Cleveland, OH to points in NW, NJ, PA, MD and DC.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Philadelphia, PA, or Washington, DC.

No. MC 129401 (Sub-No. 8), filed December 20, 1977. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, NC 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber automotive accessories*, from the plantsite and shipping facilities of Rubbermaid Specialty Products, Inc., located at or near LaGrange, GA, to points in AZ, CA, IL, IN, MI, OH, OR, TX and WA, under a continuing contract or contracts with Rubbermaid Specialty Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Atlanta, GA.

No. MC 129701 (Sub-No. 3), filed December 12, 1977. Applicant: JASPER FURNITURE FORWARDING, INC., P.O. Box 146, Huntingburg, IN 47542. Applicant's representative: Orville G. Lynch, Jasper Furniture Forwarding, Inc., P.O. Box 364, Westfield, IN 46074. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture, crated, and parts, supplies, and materials used in the manufacture of new furniture*, between Fordsville, KY and points in AL, AK, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, IN or Louisville, KY. Applicant intends to tack the above authority with MC 129701 sub 1, at Fordsville, KY, for a through service to NC, SC, GA, FL, AL, LA, MS, and AR.

No. MC 129759 (Sub-No. 21), filed December 14 1977. Applicant: TRIANGLE TRUCKING CO., a corporation, Post Office Box 490, McKees Rocks, PA 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street,

Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof deck*, from Heidelberg, PA to points in the United States (except AK, HI, IN, IL, KY, MD, MI, NJ, NY, OH, TN, and WI), and (2) *materials* used in the manufacture of roof deck from points in the United States (except AL, HI, KY, MI, NJ, NY, and OH) to Heidelberg, PA; restricted to service performed under continuing contract or contracts with Elwin G. Smith Division, Cyclops Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, PA.

No. MC 133655 (Sub-No. 104), filed December 15, 1977. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Applicant's representative: James Steffel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metal articles and nonferrous scrap metals* between Hazelwood, MO and points in CO, UT, those points on and south of U.S. Hwy 24 in IL, and those points on and south of U.S. Highway 40 in IN, in nonradial movement.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, IL or St. Louis, MO.

No. MC 134477 (Sub-No. 210), filed January 9, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products and meat by-products* and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Huron, SD to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Restricted to the transportation of shipments originating at the facilities of Huron Dressed Beef, Inc., located at or near Huron, SD and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134979 (Sub-No. 12), filed December 21, 1977. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: (A) (1) *Factory built fireplaces, factory built chimneys*; (2) *Materials, parts and supplies* used in the manufacture of the commodities named in part (1) above (except commodities in bulk, in tank vehicles); and (3) *Parts and accessories* for the commodities named in part (1) above, between the facilities of Hugert Manufacturing Co., located at or near Medina, OH, and Dura-Vent Corp., located at or near Redwood City, CA, on the one hand, and, on the other, points in the United States (except AK and HI); (B) *Pipe, duct, fittings and accessories* for air distribution systems and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk, in tank vehicles), between the facilities of Hugert Manufacturing Co., located at or near Medina, OH, on the one hand, and, on the other, points in the United States (except AK and HI). *Restriction:* Restricted to transportation of shipments to be performed under a continuing contract or contracts with Manufacturers Systems, Inc., at Detroit Lakes, MN.

NOTE.—Applicant holds common carrier authority in No. MC 124159, and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, ND; or MN or St. Paul, MN.

No. MC 135018 (Sub-No. 9), filed December 22, 1977. Applicant: SEAHORSE TRANSPORT, INC., 11 Southside Road, Brownsville, TX 78521. Applicant's representative: Jack L. Coke, Jr., 4555 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *parts, materials and supplies used in the manufacture of over-the-road motor buses*, from points in OH, NY, PA, IL, IN, MI, KS, WI, MN, and KY, to the plantsite and warehouse facilities of Eagle International, Inc. at or near Brownsville, TX under continuing contract or contracts with Eagle International Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Brownsville, Dallas or Houston, TX.

No. MC 135684 (Sub-No. 64), filed January 11, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and closures therefor*, from Newnan, GA; Rockford, IL; Chicago, IL to the facilities of Merck and Co., at or near Rahway, NJ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Newark, NJ.

No. MC 135861 (Sub-No. 25), filed January 2, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Applicant's representative: BILLY R. REID, P.O. Box 9093, Fort Worth, TX 76107. 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* as described in section A and C of Appendix I to the Report in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Brownwood, TX to points in OH, under continuing contract, or contracts, with Swift Fresh Meats Co.

NOTE.—If hearing is deemed necessary it is requested that such hearing be held at Dallas, TX or Chicago, IL.

No. MC 135965 (Sub-No. 6), filed January 3, 1978. Applicant: J. P. WIEST d.b.a. WIEST TRUCK LINE, 1305 6th Avenue SW., Jamestown, ND 58401. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plow sweeps, plow shovels and plow chisels*, from Collierville, TN to Minot, ND, under continuing contract or contracts with Piper Industries, Inc., Farm Products Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 136807 (Sub-No. 4), filed January 3, 1978. Applicant: INTERNATIONAL CARRIERS, INC., 7701 W. Jefferson, Detroit, MI 48209. Applicant's representative: Joseph P. Allen, P.O. Box 09259, Detroit, MI 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, live stock and automobiles), between Flint, MI and the International Boundary Line between the United States and Canada at Port Huron, MI, as an alternate route, for operating convenience only, serving no intermediate or off route points not already authorized to be served, over MI Hwy 21, and Interstate Hwy No. 69 when it is completed, restricted to foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Detroit, MI or Washington, DC.

No. MC 138469 (Sub-No. 54) filed December 16, 1977. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, OK

73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Cedar Rapids, IA, to points in AL, GA, FL, NC, SC and VA. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC-136375 Sub 2 and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, TX, or Kansas City, MO.

No. MC 138635 (Sub-No. 47), filed December 14, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber; glass fiber rovings, yarn and strand; glass fiber mats and matting; glass fiber fabric; and glass fiber waste* from South Lexington and West Shelby, NC, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

NOTE.—Applicant holds contract carrier authority in No. MC 136464 and Sub-numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 138882 (Sub-No. 35), filed January 10, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rotary cut lumber (veneer)*, from the plant and warehouse facilities of Capital Veneer Works, Inc., located at Montgomery, AL, to points in NY, VT, MD, VA, NC, SC, GA, FL, TN, KY, OH, MS, AZ, UT, CO, CA, AR, IN, IL, MO and IA.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham or Montgomery, AL.

No. MC 139312 (Sub-No. 9), filed January 11, 1978. Applicant: JOE H. TIDWELL, doing business as, Northeast Truck Brokers, P.O. Box 826, Pharr, TX 78577. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, DC 20006.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe fittings* (except commodities the transportation of which requires the use of special equipment): From Blossburg, PA to points in AL, AR, KY, MS, NC, OK, SC, and VA.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, DC.

No. MC 139495 (Sub-No. 298), filed December 14, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personal care products, sun glasses, chewing gum, diagnostic products, and dental supplies and materials*, in vehicles equipped with mechanical refrigeration, from the facilities of Warner-Lambert Co. located at or near Anaheim, CA to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 303), filed January 11, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in MO to points in CT, DE, KS, ME, MD, MA, NH, NJ, NY, OK, PA, RI, VT, VA, and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139923 (Sub-No. 39), filed December 14, 1977. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74679. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, inedible corn and soybean products and animal and poultry drug supplements* (except commodities in bulk) from Decatur, IL, to points in AZ, CA, CO, ID, KS, MT, NV, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 139926 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the

applicant requests it be held at either Chicago, IL or St. Louis, MO.

No. MC 140612 (Sub-No. 42), filed January 5, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Applicant's representative: J. L. Kazimour, P.O. Box 2207, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in or used by retail stores, (except foodstuffs and commodities in bulk)*. Between the distribution facilities utilized by Ardan Wholesale, Inc., located at or near Des Moines, IA, on the one hand and on the other, points in IA, MO, AR, KS, LA, TX, OK, and NE.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, NE or Des Moines, IA.

No. MC 140829 (Sub-No. 69), filed December 15, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. 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*, as described in section A of Appendix I to the report in Descriptions in Motor Carrier Cases, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and/or warehouse facilities of Wilson Foods Corp. at Cedar Rapids and Des Moines, IA, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA, restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination States.

NOTE.—Applicant holds contract carrier authority in MC 136408 sub 7 and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held in Dallas, TX; or Kansas City, MO.

No. MC 141097 (Sub-No. 15), filed January 4, 1978. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Applicant's representative: Greg P. Steffire, Suite 1724, Broadway Plaza Building, 700 South Flower Street, Los Angeles, CA 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarns, synthetic fiber and the materials and supplies used in the manufacture and sale thereof*, between the facilities of Dow Badische Co., located at or near Augusta, Chatsworth, Dalton, Fitzgerald, Rossville, and Sylvania, GA; Boon-

eville, Charlotte, Gastonia, and Mebane, NC; Allendale, Anderson, Greenville, and Trenton, SC, on the one hand, and, on the other, points in OK, TX, CA, and the U.S./Canada International Boundary-Ports of Entry, located in ID, MT, and WA, under a continuing contract or contracts with Dow Badische Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, DC or Los Angeles, CA.

No. MC 141160 (Sub-No. 1), filed December 6, 1977. Applicant: NEWTON TRANSPORTATION, INC., R.D. No. 1, Orwigsburg, PA 17961. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a T3contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Wire and cable*, from Bossier City, LA, to points in the United States (except AK and HI); (2) *Plastic pellets*, from Frackville, PA to Bossier City, LA, under a continuing contract or contracts with Cadillac Cable Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 141804 (Sub-No. 89), filed December 12, 1977. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, TN 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: *Televisions, parts and accessories*, from the facilities of Sanyo Manufacturing Corp., located at or near Forest City, AR, to Compton, CA, and Moonachie, NJ.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, TN, or Los Angeles, CA. Common control may be involved.

No. MC 142360 (Sub-No. 4), filed December 5, 1977. Applicant: SPECIALIZED SERVICES, INC., 1617 Terminal Avenue, San Jose, CA 95112. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as defined in section A of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209, when moving in mechanically refrigerated equipment, from Davenport, Dubuque, Cedar Rapids, Ottumwa, Marshalltown, Iowa Falls, Waterloo, Esterville, Des Moines, Fort Dodge, Sioux City, Cherokee, Denison, Glenwood, Perry, Hartley, and Storm Lake, IA; Omaha, Fremont, Crete, Madison, Dakota City, Schuyler, and Lyons, NE; Minne-

apolis, St. Paul, Austin, Albert Lea, and Worthington, MN; Sioux Falls, SD; Kansas City, Arkansas City, and Great Bend, KS; and St. Louis and Marshall, MO; to, points in Merced, Stanislaus, San Joaquin, Alameda, Santa Clara, San Francisco, Yolo, Los Angeles, San Mateo, Sacramento, Fresno, Kern, and Yuba Counties, CA, under a continuing contract or contracts with Pacific Provisions, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, CA.

No. MC 142447 (Sub-No. 5), filed January 9, 1978. Applicant: LOUISIANA-PACIFIC TRUCKING CO. (an Oregon corporation), P.O. Drawer AB, New Waverly, TX 77358. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from DeFuniak Springs and West Bay, FL to all points in AL, GA, LA, MS, NC, SC, and TN under a contract with H. C. Hodges Lumber Co. of West Bay, Inc., a wholly owned subsidiary of Louisiana-Pacific Corp.; *chips, sawdust, shavings and bark*, from DeFuniak Springs and West Bay, FL to all points in AL under a contract with H. C. Hodges Lumber Co. of West Bay, Inc., a wholly owned subsidiary of Louisiana-Pacific Corp.; *lumber*, from Crestview, FL to all points in AL, GA, LA, MS, NC, SC, and TN under a contract with Louisiana-Pacific Corp.; *chips, sawdust, shavings and bark*, from Crestview, FL to all points in AL under a contract with Louisiana-Pacific Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, TX.

No. MC 142619 (Sub-No. 1), filed January 5, 1978. Applicant: DASH TRANSPORTATION, INC., a corporation, P.O. Box 221, Bloomingdale, IL 60108. Applicant's representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting: (1) *steel tubing and aluminum tubing, and materials, supplies and equipment* used in the manufacture, sale, or distribution of steel tubing and aluminum tubing, between the plantsites and warehouse facilities of Tubesales, a corporation, located at or near Carol Stream, IL, Cranbury, NJ, Los Angeles, CA and Atlanta, GA, and (2) *materials, supplies, and equipment* used in the manufacture, sale or distribution of steel tubing and aluminum tubing; from all points in CO, IL, IN, IA, KS, MI, ND, MN, MO, MT, NE, OH, SD, WI and WY, to the plantsite and warehouse facilities of Tubesales, a corporation at or near Carol Stream, IL. The above

authority is restricted to service or services under a continuing contract or contracts with Tubesales, a corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL or Washington, DC.

No. MC 142848 (Sub-No. 5), filed December 15, 1977. Applicant: JAMES R. POSHARD & SON, INC., P.O. Box 69, Mt. Vernon, IN 47620. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, (1) from the Southwind Maritime Centre, located at or near Mt. Vernon, Posey County, IN, to points in IL, IN and KY, restricted to traffic which has either (a) an immediate prior movement by water or rail, or (b) which originates at and is destined to the above points, and (2) From Vincennes, IN, to points in IL and KY.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Indianapolis, IN or Chicago, IL.

No. MC 142891 (Sub-No. 3), filed December 23, 1977. Applicant: A & H, INC., P.O. Box 346, Footville, WI, 53537. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY, 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration from the plantsite and storage facilities of Sargento Cheese Co., Inc. at or near Plymouth, WI to points in the States of VA, MD, PA, DC, DE, NJ, NY, MA, CT, RI, NH, VT, and ME, restricted to traffic originating at the above named origin and destined to points in the named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, WI, or New York, NY. Applicant holds motor contract carrier authority in No. MC 129809 (Sub-No. 4) and subs thereunder, therefore, dual operations may be involved.

No. MC 142909 (Sub-No. 1), filed December 21, 1977. Applicant: TIMBER TRUCKING, INC., 4235 South Third West, Salt Lake City, UT 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products, including mineral mixtures*, from points in UT, to points in OR, WA, ID and MT.

NOTE.—Applicant holds contract carrier authority in MC 134729 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, UT, or Washington, DC.

No. MC 142999 (Sub-No. 2), filed December 6, 1977. Applicant: TRANS-

PORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Chemicals, drugs or medicines, toilet preps, medical and dental supplies and equipment, wash cloths, cleaning compounds, paper, dye stuffs, oils, plastic or rubber articles, bathroom or lavatory fixtures, dough or bread enriching compounds, and foodstuffs* (A) from Gulfport, MS to East Brunswick and Secaucus, NJ; (B) from Trenton, NJ to Atlanta, GA; (C) from Rensselaer, NY to Vernon and Menlo Park, CA and Atlanta, GA and (D) from Myerstown, PA to Vernon and Menlo Park, CA, Atlanta, GA, and Seattle, WA; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities set forth in paragraph (1) above from points in California to the facilities of Sterling Drug, Inc. at or near Trenton, NJ, Rensselaer, NY and Myerstown, PA.

The authority (1) is to be restricted against the transportation of commodities in bulk, (2) is to be limited to a service between the plantsites and warehouse and distribution facilities used by Sterling Drug, Inc. as to part one of the application, and (3) is to be limited to a transportation service to be performed under a continuing contract or contracts with Sterling Drug, Inc. of New York, NY.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 143059 (Sub-No. 7), filed December 16, 1977. Applicant: **MERCER TRANSPORTATION CO.**, a corporation, 12th & Main Streets, P.O. Box 11129, Louisville, KY, 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe fittings and connections; pipe hangers; indicator posts; hydrants; pipe; bars and rods; valves; and castings*; and (2) *materials and supplies*, used in the manufacture of those commodities described in (1) above, (except commodities in bulk, in tank vehicles), between the plantsites and facilities of ITT Grinnell Corp. (or its subsidiary ITT Grinnell Valve Co., Inc.), located at or near Elmira, NY; Columbia, PA; Warren, OH; Indianapolis, IN; Princeton, KY; Henderson, TN; Statesboro (Clito), GA; and Temple, TX on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY, or Washington, DC.

No. MC 143223 (Sub-No. 1), filed January 3, 1978. Applicant: **CARL CRAWFORD**, doing business as Crawford Mobile Homes, North Road, Houlton, ME 04730. Applicant's representative: Howard H. Dana, Jr., Two Canal Plaza, Portland, ME 04112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile and modular homes*, (1) from Pine Grove, PA, to points in ME, under a continuing contract or contracts with Newport Homes; and (2) from Suncook, NH, to points in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset and Washington Counties, ME, under a continuing contract or contracts with Key-Lock Modular Homes.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Portland, ME or Boston, MA.

No. MC 143311 (Sub-No. 3), filed January 9, 1978. Applicant: **FAMCO TRANSPORT, INC.**, P.O. Box 80007, Seattle, WA 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* used by medical laboratories and hospitals from points in CA to Redmond, WA and to Portland, OR, under a continuing contract, or contracts with American Hospital Supply Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, WA.

Docket No. MC 143445 (Sub-No. 2), filed January 5, 1978. Applicant: **MMAR TRANSPORTATION, INC.**, 36 Weldon Road, Mattawan, NJ 07747. Applicant's representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value and commodities requiring the use of special equipment), restricted to traffic moving on bills of lading of freight forwarders as defined in section 402(a)(5), between New York, NY; Baltimore, MD; Newark, NJ; Philadelphia and Pittsburgh, PA; New Haven, CT; Holyoke and Boston, MA; Cincinnati, Cleveland, Dayton, and Columbus, OH; St. Louis, MO; Chicago, Rockford and Peoria, IL; Milwaukee, WI; Los Angeles, San Francisco, San Diego, Fresno, Emeryville, Oakland, San Jose, Stockton, and Sacramento, CA; Phoenix and Tucson, AZ; Las Vegas and Reno, NV; Seattle and Spokane, WA; Portland, OR; and Salt Lake City, UT.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Washington, DC or Chicago, IL.

No. MC 143654 (Sub-No. 2), filed December 16, 1977. Applicant: **DOYLE BRANT**, 4701 Valley Lane, St. Joseph, MO 64503. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, animal or poultry*, in bag, in bulk or in bag/bulk combined; and (2) *animal health aids and sanitation products; also animal or poultry feed ingredients*, between Elwood, KS, Commercial Zone, and points in MO, IA and NE, in a nonradial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, MO.

No. MC 143792 (Sub-No. 2), filed December 6, 1977. Applicant: **KEN WATFORD**, 2200 Locust St. NE., St. Petersburg, FL 33704. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Authority requested to engage in operation in interstate commerce as a *contract carrier*, by motor vehicle over irregular routes in the transportation of *empty plastic bottles*, from St. Petersburg, FL, to Waycross and Albany, GA, under a continuing contract or contracts with Pet Incorporated Dairy Group.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Petersburg, Tampa, Clearwater, or Bradenton, FL.

No. MC 143995 (Sub-No. 1), filed January 13, 1978. Applicant: **SLOAN TRANSPORTATION, INC.**, 6522 West River Drive, Davenport, IA 52802. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of Anheuser-Busch, Inc. at St. Louis, MO to Rock Island, IL and Davenport, IA, under continuing contract or contracts with A. D. Huesing Corp. of Rock Island, IL and Jack's Distributing Co. of Davenport, IA.

NOTE.—If a hearing is deemed necessary, applicant request that the hearing be held in Des Moines, IA or Chicago, IL.

No. MC 144004, filed November 1, 1977. Applicant: **JOHN TREFF, JR.**, doing business as TREFF TRUCKING, 2625 N. 139th Street, Basehor, KS 66007. Applicant's representative: Eugene W. Hiatt, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of Inland Storage Distribution Center, located at or near

Kansas City, KS, to points in OK and TX, restricted to traffic originating at the plantsite and warehouse facilities of Inland Storage Distribution Center and destined to the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated basis with similar applications at either Kansas City, KS, or Kansas City, MO.

No. MC 144037 (Sub-No. 1), filed January 5, 1978. Applicant: TRIANGLE TRUCKING CO., INC., P.O. Box 9555, Baltimore, MD 21237. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within the Baltimore Commercial Zone. Restriction: Service authorized herein is restricted to the transportation of shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Baltimore, MD, or Washington, DC.

No. MC 144058 (Sub-No. 1), filed December 5, 1977. Applicant: JAMES C. MURPHY, d.b.a. MURPHY'S TRUCKING, 155 Landsdown Road, Grand Junction, CO 81501. Applicant's representative: John J. Conway, 1100 Republic Building, 1612 Tremont Place, Denver, CO 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal, in bulk, in dump trucks*, between points in Delta County, CO, and that portion of Gunnison County, CO, lying west of State Hwy. No. 133. Restricted to shipments having a subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver or Grand Junction, CO.

No. MC 144074, filed December 7, 1977. Applicant: GEORGE E. CARROLL, d.b.a. NATIONAL MAIL DELIVERY SERVICE, 427½ East Main Street, Waterbury, CT 06720. Applicant's representative: John E. Fay, 630 Oakwood Avenue, Suite 127, West Hartford, CT 06110. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities, in packages weighing less than 40 pounds*, from one consignor to one consignee in a single day, between points in CT on the one hand, and, on the other New York, NY and Long Island, NY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Hartford, CT or New York, NY.

No. MC 144111 (Sub-No. 1), filed December 29, 1977. Applicant: LEON-

ARD KEATING, JR., d.b.a. KEATING TRUCK LINE, Charter Oak, IA 51439. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed, animal and poultry health products, and animal and poultry feeding equipment*, from Fremont, NE, to points in IA south of U.S. Hwy 20, west of U.S. Hwy 71, and north of U.S. Hwy 6.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Omaha, NE.

No. MC 144189, filed January 3, 1978. Applicant: CORPORATE TRANSPORT, INC., 107 7th North Street, Liverpool, NY 13088. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, pulp and paper making machinery, and paper winding cores*, between Defert, NY, on the one hand, and, on the other, Akron, Canton, Cleveland, Independence, Sandusky, Wadsworth, and Willard, OH; Kokomo and Warsaw, IN; Adrian, Detroit, Grand Rapids, Lansing and Warren, MI; and Broadview, Brookfield, Chicago, and Elk Grove Village, IL, under a continuing contract or contracts with St. Regis Paper Co. of New York, NY.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, NY.

No. MC 128306 (Sub-No. 3), filed January 4, 1978. Applicant: T.R.Y., INC., d.b.a. YOUNG'S TRANSPORTATION, 943 Riverside Road, Asheville, NC 22804. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *passengers and their baggage*, in special operations, beginning and ending at points in Buncombe, Henderson and Transylvania Counties, NC, and extending to all points in the United States (excluding AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Asheville, NC.

No. MC 130287 (Sub-No. 2), filed January 12, 1978. Applicant: JA-MAR TOURS, INC., 118 Lyon Street NW., Grand Rapids, MI 49503. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a broker at Grand Rapids, MI, to sell or offer to sell the transportation of passengers and their baggage between points in MI, OH, IN and IL, on the

one hand, and, on the other, points in the United States, including AK and HI.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Lansing or Detroit, MI.

By the Commission.

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

[FR Doc. 78-4822 Filed 2-23-78; 8:45 am]

[7035-01]

[Volume No. 64]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

FEBRUARY 17, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practices (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 117119 (Sub-No. 490) (M1) (Notice of Filing of Petition To Broaden Commodity Description), filed December 27, 1977. Petitioner: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Petitioner's representative: L. M. McLean (same address as applicant). Petitioner holds a motor common carrier Certificate in No. MC 117119 (Sub-No. 490), issued July 10, 1974, authorizing transportation, over irregular routes, of: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in

¹Copies of the Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

tank vehicles), from the facilities of Kraft Foods, division of Kraftco, at or near Springfield, MO, to points in AZ, CA, CO, ID, NV, OR, UT, WA, and NM, restricted to the transportation of traffic originating at the named facilities and destined to points in the named states. By the instant petition, petitioner seeks to change the commodity description to read: Such Merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 124839 (Sub-No. 28), (republication), filed July 21, 1976, published in the FEDERAL REGISTER issue of August 26, 1976, and republished this issue. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Applicant's representative: William P. Sullivan, 1819 H Street N.W., Washington, DC 20006. A Report of the Commission, Review Board Number 2, decided August 11, 1977, and served September 9, 1977, finds that operations by applicant in interstate commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1)(A) *Glass fibre rovings, yarn, strand, and glass fibre mats*, and (B) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities in (1)(A) above, between the facilities of Certain-Teed Products Corp., located in Clarke and De Kalb Counties, GA, on the one

hand, and on the other, points in AL, AR, DE, FL, GA, IN, KY, LA, MD, MS, NJ, NC, OH, PA, SC, TN, VA, WV, and the DC; and (2)(A) *Insulating materials* and (B) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of insulating materials, between the facilities of Certain-Teed Products Corp., located in Clarke and De Kalb Counties, GA, on the one hand, and, on the other, points in DE, IL, IN, MO, NJ, OH and PA, under a continuing contract or contracts with Certain-Teed Products Corp. of Valley Forge, PA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to reflect service to points in IN in (2) above.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such requests shall meet the re-

quirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1222 (Sub-No. 45), filed January 9, 1978. Applicant: THE REINHARDT TRANSFER COMPANY—a Corporation, 1410 Tenth Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, except in bulk, from Channahon, IL to points in Indiana.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Columbus, OH or Cincinnati, OH.

No. MC 2202 (Sub-No. 550), filed January 12, 1978. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Ace Electric Co. located at or near Columbus, KS, as an off-route point in connection with applicant's present regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, KS/MO or Washington, DC.

No. MC 4405 (Sub-No. 573), filed January 12, 1978. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, OK 74103. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, in interstate or foreign commerce, transporting: *Conveyors and parts and vibratory processing equipment and parts*, between points in McHenry County, IL, on the one hand, and, on the other, points in the United States (except AL and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 5470 (Sub-No. 135), filed December 15, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon scrap*, in dump vehicles, from Columbia, TN, to Niagara Falls, NY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC or New York, NY.

No. MC 5470 (Sub-No. 139), filed January 3, 1978. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Applicant's representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores and metals*, in dump vehicles, from Erie, PA, to points in IL and IN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, DC or New York, NY.

No. MC 5888 (Sub-No. 42), filed January 13, 1978. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): Between Chicago, IL, and St. Louis, MO: From Chicago over Interstate Hwy 55 (also U.S. Hwy 66) to St. Louis, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 11207 (Sub-No. 413), filed January 17, 1978. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general com-*

modities, (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 facilities of K Mart Corporation's Distribution Center in Coweta County, GA as an off-route point in connection with applicant's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA or Birmingham, AL.

No. MC 15735 (Sub-No. 29), filed January 16, 1978. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Applicant's representative: Terry G. Fewell (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) organs, organ benches, and accessories, from Bedford Park, Chicago, Romeoville, IL to points in the United States (except AK and HI) and, (2) Materials, equipment and supplies used or useful in the production, manufacture and distribution of the commodities named in (1) above, from points in the United States (except AK and HI) to Bedford Park, Chicago, and Romeoville, IL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Washington, DC.

No. MC 16346 (Sub-No. 9), filed January 9, 1978. Applicant: STORY'S EXPRESS COMPANY, INC., P.O. Box 386, Delair, NJ 08110. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (a) *Cellulose wadding and insulating materials*, from Delanco, NJ, to points in PA, OH, NY, VA and NC; and (b) *materials, equipment, and supplies used in the manufacture and sale of cellulose wadding and insulating materials (except commodities in bulk and those which, because of size or weight, require the use of special equipment from points in PA, OH, NY, VA and NC, to Delanco, NJ.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 16903 (Sub-No. 54), filed January 3, 1978. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of the Celotex Corp., located

at or near Texarkana, AR, to points in AL, MO and GA; and (2) *materials and supplies used in the manufacture and the distribution of commodities named in (1) above (except commodities in bulk) from the destination states named in (1) above, to the facilities of the Celotex Corp., located at or near Texarkana, AR.*

NOTE.—If a hearing is deemed necessary, applicant requests consolidated hearing with the applications which are being supported by the same supporting shipper.

No. MC 19458 (Sub-No. 4), filed January 17, 1978. Applicant: B & B TRUCKING, INC., 83 Egleston Road, Westfield, MA. Applicant's representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Mechanics hand tools*, from the plantsite of the Moore Co. in East Windsor, CT to Westfield and West Springfield, MA, and Boston, MA Commercial Zone.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Hartford, CT or Boston, MA.

No. MC 21866 (Sub-No. 94), filed January 9, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron boilers, castings, boiler parts, soil pipe and soil pipe parts and fittings*, from the facilities of Peerless Industries, Inc. at Reading and Boyertown, PA to points in the United States (except PA, AK and HI); and (2) *soil pipe and soil pipe parts and fittings, and materials used in the manufacture or distribution of cast iron boilers and castings (except commodities in bulk) from points in the above described destination territory to the above described origin points.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, DC or Philadelphia, PA.

No. MC 26120 (Sub-No. 7), filed January 16, 1978. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Road, Uhrichsville, OH 44683. Applicant's representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of pipe, cable, conduits, strip steel, and attachments therefor, and materials, equipment and supplies used in the conduct of such business (except commodities in bulk, in tank vehicles), between the*

plantsites and shipping facilities of Triangle PWC, Inc. at Glendale, Marshall County, WV, on the one hand, and on the other, points in IL, IN, IA, KY, MD, MI, MO, NJ, NY, NC, OH, PA, VA, WI, and DC, under a continuing contract or contracts with Triangle PWC, Inc. of Glendale, WV.

NOTE.—Applicant states that if a hearing is required, Columbus, OH is its preferred place of hearing.

No. MC 29910 (Sub-No. 179) (correction), filed November 23, 1977, published in the FEDERAL REGISTER issue of January 19, 1978, and republished as corrected this issue. Applicant: AR-KANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lift trucks and lift truck attachments, parts and accessories* (except commodities which because of size or weight require the use of special equipment); between the facilities of Nissan Industrial Equipment Co. at or near Memphis, TN, on the one hand, and, on the other, points in that part of the United States in and east of CO, MT, NM, and WY, restricted to the transportation of shipments originating at or destined to the facilities of Nissan Industrial Equipment Co. or its distributors or suppliers.

NOTE.—The purpose of this republication is to correct the wording of the restriction as published in the FEDERAL REGISTER issue of January 19, 1978, by the deletion of the word "shippers" and the substitution of the word "suppliers" in lieu thereof.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, TN, or Little Rock, AR.

No. MC 29910 (Sub-No. 183), filed December 21, 1977. Applicant: AR-KANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, Post Office Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies and building materials*, (1) from the plantsite of Carolina Log Buildings, Inc., located in Yadkin County, NC, to points in that part of the United States in and east of MT, WY, CO, and NM; and (2) from the plantsite of Carolina Log Buildings, Inc., located at Fletcher, NC, to points in FL, AL, GA, SC, NC, VA, WV, MD, DE, DC, NJ, PA, NY, CT, MA, RI, VT, NH, and ME.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, DC, or Atlanta, GA.

No. MC 32166 (Sub-No. 10), filed December 20, 1977. Applicant: BRON-AUGH MOTOR EXPRESS, INC., 1025 Nandino Boulevard, Lexington, KY 40511. 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 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 Cincinnati, OH and Knoxville, TN, serving all intermediate points south of the Grant-Scott, Kentucky County line: From Cincinnati, OH over Interstate Hwy 75, to Knoxville, TN and return over the same route, (2) between Louisville, KY and Knoxville, TN, serving those intermediate points east and south of the Franklin-Shelby, Kentucky County line: From Louisville, KY over Interstate Hwy 64, to its junction with Interstate Hwy 75, north of Lexington, KY; then over Interstate Hwys 75 and 64, to access roads north of Lexington, KY; then over the various access roads north of Lexington, KY to Lexington, KY; then from Lexington, KY over various access roads to Interstate Hwy 75, then over Interstate Hwy 75, to Knoxville, TN and return over the same route, (3) between Corbin, KY and Lexington, KY serving all intermediate points: From Corbin, KY over U.S. Hwy 25 to Lexington, KY and return over the same route, (4) between Louisville, KY and the junction of U.S. Hwy 150 with U.S. Hwy 25, near Mt. Vernon, KY, serving all intermediate points south of the Anderson-Mercer, Kentucky County line: From Louisville, KY over Interstate Hwy 64, to its junction with KY Hwy 151 near Graefenburg, KY; then over KY Hwy 151 to its junction with U.S. Hwy 127 at Alton, KY; then over U.S. Hwy 127 to its junction with U.S. Hwy 150 near Danville, KY; then over U.S. Hwy 150 to its junction with U.S. Hwy 25 and return over the same route, (5) between Lexington, KY and Harrodsburg, KY, serving all intermediate points: From Lexington, KY over U.S. Hwy 68 to Harrodsburg, KY and return over the same route, (6) between Lexington, KY and Danville, KY, serving all intermediate points: From Lexington, KY over U.S. Hwy 27 to its junction with KY Hwy 34; then over KY Hwy 34 to Danville, KY and return over the same route, (7) between the junction of U.S. Hwy 27 with KY Hwy 34 and the junction of U.S. Hwy 27 with U.S. Hwy 150, serving all intermediate points: From the junction of U.S. Hwy 27 with KY Hwy 34 over U.S. Hwy 27 to its junction with U.S. Hwy 150, near Stanford, KY and return over the same route and,

(8) between Knoxville, TN and Corbin, KY, serving all intermediate points in KY: From Knoxville over TN Hwy 33 to its junction with U.S. Hwy 25E at Tazewell, TN; then over U.S. Hwy 25E to Corbin, KY and return over the same route, serving points in Anderson, Bell, Bath, Bourbon, Boyle, Clark, Clay, Fayette, Franklin, Garrard, Harrison, Jackson, Jessamine, Knox, Laurel, Madison, Nicholas, Mercer, Montgomery, Rockcastle, Scott, Whitley, and Woodford Counties, KY, as off-route points in connection with the above regular route authority.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lexington, KY.

No. MC 38898 (Sub-No. 2), filed January 12, 1978. Applicant: JAMES M. NAYE, INC., Delaware Avenue and Tasker Street, Philadelphia, PA 19148. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in pressurized bins loaded in specially adapted van trailers (excluding transportation in tank vehicles), from Philadelphia, PA, to Sparrows Point, MD; and Ashland, KY, and returned shipments, under a continuing contract or contracts with Keystone Lubricating Department, Chemical Specialties Division of Pennwalt Corp., located at Philadelphia, PA.

NOTE.—Applicant holds common carrier authority in No. MC 10412 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA.

No. MC 41136 (Sub-No. 26), filed December 19, 1977. Applicant: FLEET CARRIER CORP., 586 South Boulevard East, Pontiac, MI 48053. Applicant's representative: Walter N. Biene-man, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in driveway and truckaway service, from Indianapolis, IN, to points in the United States (including AK, but excluding HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, OR; Seattle, WA; or San Francisco, CA.

No. MC 41849 (Sub-No. 38), filed January 9, 1978. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, MO 63110. Applicant's representative: Patrick M. Browne (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transport-

tation of *bulk salt* in dump vehicles, from St. Louis, MO, to points in IL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis, MO, or Chicago, IL.

No. MC 46737 (Sub-No. 54), filed January 11, 1978. Applicant: GEO. F. ALGER CO., a corporation, 26380 Van Born Road, Dearborn Heights, MI 48125. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and construction materials, and iron and steel articles* from the facilities of Penn Dixie Steel Corp. at Blue Island, Joliet, and Chicago, IL to points in IL and MI; (2) *Building and construction materials and iron and steel articles* from the facilities of Penn Dixie Steel Corp. at Toledo and Columbus, OH, and Fort Wayne and Kokomo, IN, to points in IN, MI, and OH; (3) *Materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles and building and construction materials from points in IL, IN, MI, and OH to the facilities of Penn Dixie Steel Corp. at Blue Island, Joliet and Chicago, IL; Fort Wayne and Kokomo, IN; and Columbus and Toledo, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, MI, or Chicago, IL. Common control may be involved.

No. MC 48958 (Sub-No. 149), filed January 16, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, cooked, cured, preserved, or prepared, frozen, from the plantsites and facilities* utilized by Banquet Foods Corp., at or near Carrollton, Macon, Marshall, Milan and Moberly, MO, to Denver and Pueblo, CO, and Modesto and Turlock, CA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either at Kansas City, MO, or Denver, CO.

No. MC 48958 (Sub-No. 150), filed January 16, 1978. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requir-

ing special equipment), serving the facilities utilized by Aberdeen Manufacturing Co., at or near Kaufman, TX, as an off-route point in connection with carrier's regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX.

No. MC 50307 (Sub-No. 93), filed December 16, 1977. Applicant: INTER-STATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, materials, supplies and equipment* used in the manufacture thereof between points in NY, NJ, and PA, on the one hand, and, on the other, Cleveland, OH.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, NY or Cleveland, OH.

No. MC 51146 (Sub-No. 559), filed January 12, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 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: *Wood burning stoves and furnaces* from Cobleskill, NY to Green Bay and Madison, WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 560), filed January 12, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 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: *Expanded cellular foam rubber*, from Baltimore, MD to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 561), filed January 12, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 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: *Such commodities* as are dealt in or used by manufacturers and distributors of insulation and fertilizer (except in bulk), between Kenosha, WI, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 51146 (Sub-No. 563), filed January 13, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 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: *Such commodities* as are manufactured, distributed, or used by manufacturers or distributors of plastic, wooden, and health care products (except commodities in bulk), between the facilities of Bemis Manufacturing Co. at Sheboygan Falls, WI, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 59150 (Sub-No. 119), filed January 9, 1978. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, and accessories; valve and water boxes; and castings*, from the storage facilities of Central Foundry Co., Inc., located at or near Holt, AL, to points in FL, GA, NC, SC, TN, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, AL.

No. MC 60014 (Sub-No. 66), filed January 16, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution, heating and cooling equipment, and parts and accessories for such commodities*, from the plantsite and facilities of the Fuller Co. located at Houston, TX, to points in AL, CO, ID, IL, IN, IA, KY, MI, MN, MT, NV, ND, OH, OR, SD, TN, UT, WA, WV, WI, and WY, and shipments of refused or rejected items on return from the destination points named above to Houston, TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, TX.

No. MC 60014 (Sub-No. 67), filed January 16, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of North Star Steel Co. located at or near Wilton, IA to points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, RI, VT, VA, and WV; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, from points in the States named in part (1) above, to the plantsite and storage facilities of North Star Steel Co., located at or near Wilton, IA. Restriction: The authority in parts (1) and (2), above, is restricted to the transportation of traffic originating at and destined to the named origins and destinations; the authority in part (2) is further restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 60014 (Sub-No. 68), filed January 16, 1978. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, building board, insulating materials and roofing materials*, from points in AL, FL, GA, SC, NC, AR, LA, MS, OK, TN, and TX, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, GA or Washington, DC.

No. MC 61592 (Sub-No. 412), filed December 16, 1977. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Applicant's representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial and commercial waste containers, and roll-off hoists*, from the plantsite of Galbreath, Inc. at or near Winamac, IN to points in MA, ME, RI, NH, and VT; (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of industrial and commercial waste containers, and roll-off hoists, from points in the United States (except points in AZ, CA, CO, IA, DE, ID, KS, LA, MO, MT, ND, NE, NM, NV, OK, OR, SD, UT, WA, WY, AK, and HI) to the plantsite of Galbreath, Inc., located at or near Winamac, IN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 66592 (Sub-No. 9), filed December 29, 1977. Applicant: COLVIN

MOTOR LINES, INC., P.O. Box 671, Orange, VA 22960. Applicant's representative: Bernard J. Hasson, Jr., 927 15th Street NW., Suite 306, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Metal doors, metal door frames, metal partitions, metal bookshelves, and related parts thereto*, Between Orange, VA, on the one hand, and, on the other, points in MD.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC. Common control may be involved.

No. MC 66900 (Sub-No. 45), filed January 10, 1978. Applicant: HOUFF TRANSFER, INC., P.O. Box 91, Weyers Cave, VA 24486. 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 regular routes, transporting: *General commodities*, (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods, as defined by the Commission): (1) Between Baltimore, MD and Parkersburg, WV, serving all intermediate points: From Baltimore, MD, over Interstate Hwy 70 to Hagerstown, MD, then over Interstate Hwy 81 to Lexington, VA, then over Interstate Hwy 64 (also over U.S. Hwy 60) to Charleston, WV; then over Interstate Hwy 77 to Parkersburg, WV and return over the same route. (2) Between Baltimore, MD and the junction of Interstate Hwys 66 and 81 serving all intermediate points. From Baltimore, MD, over Interstate Hwy 95 to Washington, DC; then over Interstate Hwy 66 (also over VA Hwy 55) to the junction of Interstate Hwys 66 and 81 and return over the same route. (3) Between Frederick, MD, and the junction of Interstate Hwy 66 and U.S. Hwy 340 serving all intermediate points: From Frederick, MD, over U.S. Hwy 340 to its junction with Interstate Hwy 66. (4) Between Winchester, VA, and Parkersburg, WV serving all intermediate points: From Winchester, VA over U.S. Hwy 50 to Parkersburg, WV and return over the same route. (5) Between the junction of Interstate Hwys 70 and 81 and Huntington, WV serving Cumberland, MD, and all intermediate points in WV: From the junction of Interstate Hwys 70 and 81 over Interstate Hwy 70 to its junction with U.S. Hwy 48, then over U.S. Hwy 48 to its junction with Interstate Hwy 79, then over Interstate Hwy 79 to its junction with Interstate Hwy 64 (also over Interstate Hwy 119; then over WV Hwy 119 to its junction with Interstate Hwy 64; then over Interstate Hwy 64 to Huntington, WV and return over the same route. (6) Between the junction of U.S. Hwy 340 and VA Hwy 7 and Winchester, VA

serving all intermediate points: From the junction of U.S. Hwys 340 and 7 over VA Hwy 7 to Winchester and return over the same route.

NOTE.—Applicant states it presently holds irregular route authority to operate between points on the routes applied for. Applicant seeks authority to convert said portions of its irregular route authority to regular routes. If a hearing is deemed necessary, the applicant requests that it be held at Washington, DC.

No. MC 69492 (Sub-No. 62), filed January 12, 1978. Applicant: HENRY EDWARDS d.b.a. HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 42301. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials* (1) from New Orleans, LA, and Louisville, KY, to Memphis, TN (2) from Fort Wayne, IN, to Paducah, KY, and (3) from St. Louis, MO, to Cairo, IL.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN, Paducah, KY, or Nashville, TN.

No. MC 71652 (Sub-No. 15), filed January 16, 1978. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., Medford, OR 97501. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* from the plantsite of CertainTeed Corp. located at Richmond, CA to points in OR and WA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Portland, OR, or San Francisco, CA.

No. MC 71902 (Sub-No. 91), filed January 16, 1978. Applicant: UNITED TRANSPORTS, INC., P.O. Box 18547, Oklahoma City, OK 73118. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks authority to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *new foreign-made trucks, three quarter ton or less*, from Kansas City, MO, to points in MO (except Joplin, St. Louis, and Kansas City) in secondary movements, in truckaway service, restricted to traffic having a prior movement by rail or motor carrier.

NOTE.—If a hearing is deemed necessary, it is requested that it be held in Washington, DC, or Oklahoma City, OK.

No. MC 74321 (Sub-No. 141), filed February 6, 1978. Applicant: B. F. WALKER, INC., P.O. Box 17-B,

Denver, CO 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Iron and Steel Articles and Wire Products*, from Kent, WA; City of Commerce, City of Industry, Hayward, Riverside and La Habra, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX.

NOTE.—Common control may be involved. Hearing March 22, 1978 (2 days), at 9:30 a.m. local time, at Los Angeles, CA.

No. MC 82841 (Sub-No. 220), filed January 16, 1978. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings knocked down, prefabricated metal building sections knocked down, prefabricated pre-finished metal panel sections, component parts thereof, and equipment, materials, and supplies used in the installation, construction, or erection thereof*, (1) From Evansville, WI to points in AR and NE. (2) From Pine Bluff, AR to Evansville, WI.

NOTE.—If a hearing is deemed necessary, applicant requests oral hearing to be held in Madison, WI, or Milwaukee, WI.

No. MC 88203 (Sub-No. 10), filed January 12, 1978. Applicant: OTIS WRIGHT & SONS, INC., 1127 East Albert, Box 277, Lima, OH 45802. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps; textile softeners; and cleaning, scouring, and washing compounds*, between points in Allen County, OH, on the one hand, and on the other, points in CT, ME, MA, MD, NH, NJ, NY, PA, RI, and VA, under a continuing contract or contracts with the Proctor & Gamble Distributing Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH.

No. MC 88594 (Sub-No. 31), filed January 16, 1978. Applicant: CARLETON G. WHITAKER, INC., P.O. Box 93, Deposit, NY 13754. Applicant's representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigera-

tion, between North Lawrence (St. Lawrence County) NY and the Town of Lowville (Lewis County) NY on the one hand, and, on the other, points in ME, NH, VT, MA, RI and CT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, NY or Albany, NY.

No. MC 95540 (Sub-No. 996), filed December 21, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs* and (2) *Frozen meats and meat byproducts, unfit for human consumption* (except commodities in bulk, in tank vehicles) from the facilities of Wiscold, Inc., located at or near Beaver Dam and Milwaukee, WI, to points in FL and GA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, WI, Washington, DC or Tampa, FL. Common control may be involved.

No. MC 95540 (Sub-No. 997), filed December 15, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Memphis, TN to Chariton, IA; Cherokee, IA; and Schenectady, NY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC, or Tampa, FL.

No. MC 99439 (Sub-No. 6), filed January 3, 1978. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Applicant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic; plastic articles; plastic pipe, tubing, fittings, and connections; materials, supplies, and accessories used in the manufacture and installation of all such commodities* (except in bulk, in tank vehicles) between the facilities utilized by Robin-tech, Inc. located in Palm Beach County, FL, on the one hand, and, on the other, points in AL, KY, LA, MS, NC, SC, TN, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Atlanta, GA, in a consolidated hearing with applications of similar authority.

No. MC 99439 (Sub-No. 7), filed January 3, 1978. Applicant: SUWANNEE TRANSFER, INC., 1830 East 21st Street, Jacksonville, FL 32206. Appli-

cant's representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic; plastic articles; plastic pipe, tubing, fittings, and connections; materials, supplies, and accessories used in the manufacture and installation of all such commodities* (except in bulk, in tank vehicles) between the facilities utilized by Robin-tech, Inc. located at or near Anderson, SC, on the one hand, and, on the other, points in AL, FL, and GA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC or Atlanta, GA, in a consolidated hearing with applications of similar authority.

No. MC 100666 (Sub-No. 376), filed January 16, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubings, fittings, and connections and materials, supplies and accessories used in the manufacture and installation thereof* (except in bulk, in tank vehicles), between facilities utilized by Robin-tech, Inc. at or near Riviera Beach (West Palm Beach), FL, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 103993 (Sub-No. 920), filed January 13, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Applicant's representative: Paul D. Borghe-sani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and related articles*, from the plantsite and warehouse facilities of Veach-May-Wilson, Inc., located at Alcoa, TN to all points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, TN.

No. MC 103993 (Sub-No. 923), filed January 13, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Applicant's representative: Paul D. Borghe-sani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsites of C. A. Reed Lumber Co. in Bernice, Monroe and Holly Ridge, LA to points in MS, TX, AR, OK, TN, AL, IN AND IL.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Shreveport, LA.

No. MC 106674 (Sub-No. 278), filed January 16, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Applicant's representative: Linda J. Sundry, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Building and construction materials*, from the plantsite of The Celotex Corp. located at or near Texarkana, AR to points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, and TX; (2) *Materials and supplies* used in the manufacture of and/or the distribution of commodities named in (1) above (except commodities in bulk), from the destination States named in (1) above to the facilities of The Celotex Corp. located at or near Texarkana, AR.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL or Indianapolis, IN.

No. MC 106679 (Sub-No. 13), filed December 28, 1977. Applicant: WHEELER FREIGHTWAYS, a Corporation, 3375 South Polaris Avenue, Las Vegas, NV 89102. Applicant's representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, in bulk*, in hopper-type vehicles, from: (1) Victorville, San Bernardino County, CA, (2) Creal, Kern County, CA, (3) Monolith, Kern County, CA, (4) Oro Grande, San Bernardino County, CA; and (5) Cushenberry, San Bernardino County, CA, to: Points in Clark County, NV.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Las Vegas, NV or Los Angeles, CA.

No. MC 106707 (Sub-No. 12), filed January 16, 1978. Applicant: ADAMS TRUCKING, INC., 1711 West 2d Street, Webster City, IA 50595. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain and feed handling equipment and storage bins, steel buildings, feed mixing mills, grain dryers, and parts and accessories* for the above named commodities, from Bluffton and Crawfordsville, IN; Webster City, IA; Greenville, MS; and Elm Creek, Grand Island, and York, NE; to points in the United States (except AK and HI) and, (2) *materials, accessories, parts and supplies* used in the manufacture, operation, and distribution of the commodities described in Part (1), from points in the United States (except AK and HI) to Bluffton

and Crawfordsville, IN; Webster City, IA; Greenville, MS; and Elm Creek, Grand Island, and York, NE, restricted to traffic originating at or destined to the plantsites of Blount, Inc., and its subsidiaries, and further restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that said hearing be held at Des Moines, IA, Omaha, NE, or St. Paul, MN.

No. MC 106956 (Sub-No. 7), filed January 17, 1978. Applicant: SYLVESTER TRUCKING CO., 2930 Gradwohl Road, Toledo, OH 43617. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *coke*, in bulk, in dump vehicles from Toledo, OH to points in the lower peninsula of MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, NY, Detroit, MI or Washington, DC.

No. MC 107403 (Sub-No. 1055), filed January 16, 1978. Applicant: MATELACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Nickel Oxide Sinter and Nickel Granules*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located in MI and NY, to Pittsburgh, Washington and Houston, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 107496 (Sub-No. 1119), filed January 4, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, high fructose corn syrup, corn syrup and blends of liquid sugar with high fructose corn syrup or with corn syrup*, in bulk, from Supreme, LA, to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, MO, or Baton Rouge, LA. Common control may be involved.

No. MC 107515 (Sub-No. 1118), filed December 19, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE, Suite 375, Atlanta, GA 30326. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, in the transporting of: *Foodstuffs* (except frozen foods, meats and meat products, dairy products), from the plantsites and storage facilities of J. M. Smucker's Co., located at or near Medina and Orrville, OH, to points in IL, IN, IA, KY, MI, MN, MO, TN, and WI. Restriction: Restricted to traffic originating at named plantsites and destined to the named destination states.

NOTE.—Applicant holds contract carrier authority in MC 126436 (Sub 2), and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Cleveland or Columbus, OH.

No. MC 108119 (Sub-No. 74), filed November 28, 1977. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log buildings, knocked down, and materials and supplies* used in the construction of such commodities, from the facilities of Beaver Log Homes of FL located at or near Blountstown, FL, to points in the United States in and east of MN, IA, IL, KY, TN and MS.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tallahassee, or Miami, FL. Common control may be involved.

No. MC 108341 (Sub-No. 79), filed January 16, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants and materials and supplies* used in the installation thereof (except commodities in bulk), from the plantsite and storage facilities of Clow Corp. at or near Lincoln, Talladega County, AL to points in GA, NC, SC and VA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, IL or Washington, DC.

No. MC 108341 (Sub-No. 80), filed January 17, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and conduit, and fittings,*

valves, and accessories thereof, from points in Geneva County, AL, to points in the United States in and east of OH, WV, VA, NC, SC and GA; and (2) fittings, valves, and accessories for plastic pipe and conduit, and materials, equipment, and supplies utilized in the manufacture, sale, and distribution of commodities named in (1) above from the destination area named in (1) above to points in Geneva County, AL.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 108393 (Sub-No. 133), filed January 19, 1978. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances, and equipment, materials and supplies used in the manufacture, distribution and repair of electrical and gas appliances (except commodities in bulk, in tank vehicles), between Danville, KY, and Sidney, OH, under continuing contract or contracts with Whirlpool Corp.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 109397 (Sub-No. 381) (correction), filed December 12, 1977, published in the FEDERAL REGISTER issue of February 16, 1978, and republished, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mechanical work platforms and parts and attachments of mechanical work platforms, between the plantsite and storage facilities of Mark Industries, Inc., located in Los Angeles County, CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI).*

NOTE.—Common control may be involved. The purpose of this correction is to show hearing information below:

HEARING: Assigned for hearing March 13, 1978 (1 day) at 9:30 a.m. local time, at Los Angeles, CA.

No. MC 109397 (Sub-No. 384) (correction), filed December 23, 1977, published in the FEDERAL REGISTER issue of February 16, 1978, and republished, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, (same address as applicant). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dust collectors, cyclones, machinery, equipment, and materials, parts and accessories used in air handling systems, and (2) iron and steel articles, from Greene County, TN, to points in the United States (including AK, but excluding HI).*

NOTE.—Common control may be involved. The purpose of this correction is to show hearing information below:

HEARING: Assigned for hearing March 8, 1978 (3 days) at 9:30 a.m. local time, at Nashville, TN.

No. MC 109397 (Sub-No. 390), filed January 16, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum scrap, between the facilities of Texas Reduction Corp., located in Brazoria County, TX, on the one hand, and, on the other, points in the United States (except AK and HI).*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Dallas or Houston, TX.

No. MC 109397 (Sub-No. 392) (correction), filed December 12, 1977, published in the FEDERAL REGISTER issue of February 9, 1978, as MC 109397 (Sub-No. 378), and republished, as corrected, this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mechanical lifting equipment, parts and attachments, (1) from the facilities of Snorkel Division of A-T-O, Inc., located in St. Joseph, MO, to points in the United States (including AK, but excluding HI), and (2) from the facilities of Snorkel Division of A-T-O, Inc., located in St. Joseph, MO, to all ports of entry on the International Boundary line between the United States and Canada, restricted to traffic destined to the Provinces of AB, BC, MB, NB, NF, NS, SK, and the Yukon, Canada.*

NOTE.—Common control may be involved. The purpose of this correction is to show correct Sub-No. assigned to this proceeding, and to indicate hearing as set forth below

HEARING.—February 27, 1978 (1 day) at 9:30 a.m. local time, in Room 609 Federal Office Building, 911 Walnut Street, Kansas City, MO.

No. MC 109533 (Sub-No. 101), filed January 13, 1978. Applicant: OVER-NITE TRANSPORTATION CO., a

corporation, P.O. Box 1216, Richmond, VA 23209. Applicant's representative: Eugene T. Lilpfer, Suite 1000, 1660 L Street NW., Washington, DC 20036. 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) Serving points in Simpson and Warren Counties, KY, as off-route points in connection with carrier's authorized regular routes operations; (2) Between junction KY Hwy 80 and Interstate Hwy 24 and Bowling Green, KY, serving all intermediate points: From junction KY Hwy 80 and Interstate Hwy 24 over KY Hwy 80 to Bowling Green and return over same route; (3) Between Bowling Green, KY, and Hazard, KY, serving the intermediate points between London, KY and Hyden, KY: From Bowling Green over KY Hwy 80 to junction Cumberland Parkway, then over Cumberland Parkway to Shopville, KY, then over KY Hwy 80 to junction Daniel Boone Parkway, then over Daniel Boone Parkway to Hazard and return over same route; (4) Between Flat Lick, KY and KY-TN State Line, serving all intermediate points: From Flat Lick over U.S. Hwy 25-E to KY-TN State Line and return over same route; (5) Between junction KY Hwy 90 and U.S. Hwy 25-W and the KY-TN State Line, serving all intermediate points: From junction KY Hwy 90 and U.S. Hwy 25-W over U.S. Hwy 25-W to KY-TN State Line and return over same route; (6) Between Pineville, KY and Harlan, KY, serving all intermediate points: From Pineville over U.S. Hwy 25-E to junction U.S. Hwy 119, then over U.S. Hwy 119 to Harlan and return over same route; (7) Between Hyden, KY and Dot, VA, serving all intermediate points: From Hyden over U.S. Hwy 421 to Dot and return over same route; (8) Between junction U.S. Hwy 58 and U.S. Hwy 23 and Middlesboro, KY, serving all intermediate points, and the off-route point of Nickelsville, VA: From the junction of U.S. Hwy 58 and U.S. Hwy 23 to Middlesboro over U.S. Hwy 58 and return over the same route; (9) Between Bowling Green, KY and IN-KY State Line, serving all intermediate points: From Bowling Green over U.S. Hwy 231 to junction Green River Parkway, then over Green River Parkway to Owensboro, KY, then over Audubon Parkway to junction Pennyrile Parkway, then over Pennyrile Parkway to junction U.S. Hwy 41, then over U.S. Hwy 41 to IN-KY State Line and return over same route; (10) Between Williamsburg, KY and junction KY Hwy 92 and U.S. Hwy 25-E, serving all intermediate points: From Williamsburg over KY*

Hwy 92 to junction U.S. Hwy 25-E and return over the same route; (11) Between Hyden, KY and junction KY Hwy 118 and Daniel Boone Parkway, serving all intermediate points: From Hyden over KY Hwy 118 to junction Daniel Boone Parkway and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Denver, CO, or Albuquerque, NM. Common control may be involved.

No. MC 109708 (Sub-No. 80), filed January 16, 1978. Applicant: INDIAN RIVER TRANSPORT CO., d.b.a. INDIAN RIVER TRANSPORT, INC., P.O. Box AG, Dundee, FL 33838. Applicant's representative: Bruce A. Bullcock, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Orange juice concentrate*, in bulk, in tank vehicles, from Plymouth, IN to Lansing, MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Detroit, Grand Rapids, or Lansing, MI.

No. MC 111401 (Sub-No. 508), filed December 21, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk; and (2) *acid sludge*, in bulk, (a) from Baton Rouge, LA, to Norphlet, AR; and (b) from Norphlet, AR, to Baton Rouge, LA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, AR or New Orleans, LA.

No. MC 111434 (Sub-No. 93), filed January 9, 1978. Applicant: DON WARD, INC., 241 West 46th Avenue, Denver, CO 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash* in bulk, from Pueblo, CO, to points in KS, OK, NM, NE, WY, UT, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pueblo, CO, or Denver, CO.

No. MC 111434 (Sub-No. 94), filed January 12, 1978. Applicant: DON WARD, INC., 241 West 46th Avenue, Denver, CO 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Savings Building, Denver, CO 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures* in bulk, in tank vehicles, from Denver, CO to

points in the states of WA, OR, CA, AR, NV, ID, MT, WY, UT, NM, CO, ND, SD, NE, KS, TX, OK, LA, AR, MO, IA, and MN.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Denver, CO, or Albuquerque, NM. Common control may be involved.

No. MC 111729 (Sub-No. 726), filed January 16, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 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: *Business papers, records, and audit and accounting media* of all kinds, between Birmingham and Montgomery, AL, on the one hand, and, on the other, Louisville, Owensboro and Paducah, KY.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub-Nos. thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 111812 (Sub-No. 555), filed January 19, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionary products*, from Chicago and Carol Stream, IL, to points in FL. Restricted to the transportation of traffic originating at the plantsites and warehouse facilities of E. J. Brach & Sons.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, IL. Common control may be involved.

No. MC 112304 (Sub-No. 126), filed January 18, 1978. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery and machinery parts*, from the plantsite of Landis Tool Co., at or near Waynesboro, PA, to points in the United States (except AK and HI); and (2) *equipment, materials and supplies* used in the manufacture of machinery and machinery parts, from points in the United States (except AK and HI), to the plantsite of Landis Tool Co., at or near Waynesboro, PA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, DC. Common control may be involved.

No. MC 112595 (Sub-No. 74), filed January 13, 1978. Applicant: FORD

BROTHERS, INC., a corporation, 510 Riverside Drive, Coal Grove, OH 45638. Mail: P.O. Box 727, Ironton, OH 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry Fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at Melbourne, KY, to points in IL, IN, KY, MI, OH, VA and WV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, OH.

No. MC 113362 (Sub-No. 315), filed December 23, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue NE, P.O. Box 429, Austin, MN 55912. 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* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766. From the plantsite and warehouse facilities of John Morrell & Co. located at Esterline, IA; Sioux Falls, SD; Sioux City, IA; and Humboldt, IA; to points in AL, FL, GA, MS, NC, SC, and TN. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL, or Des Moines, IA.

No. MC 113651 (Sub-No. 261), filed January 16, 1978. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Applicant's representative: Jack W. Tapy, P.O. Box 552, Muncie, IN 47305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), and (2) *Foodstuffs*, from Bowling Green, KY to points in the United States east of MT, WY, CO and NM. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Bowling Green Packing Co. located at or near Bowling Green, KY and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Frankfort, KY.

No. MC 113855 (Sub-No. 400), filed January 9, 1978. Applicant: INTER-

NATIONAL TRANSPORT, INC., a corporation, 2450 Marion Road SE, Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Lumber, lumber products and wood products* from Weston County, WY, to points in PA, MD, WV, NY, TN and MN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, CO.

No. MC 114211 (Sub-No. 336), filed December 22, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers (except commodities in bulk) from the facilities of Deere & Co. in Black Hawk, Dubuque, Polk, Scott and Wapello Counties, IA; Rock Island County, IL, and Dodge County, WI to points in AR and LA (2) returned shipments of the above named commodities from the destination States named in (1) above to the facilities of Deere & Co. named in (1) above. Restriction: The operations in (1) above are restricted (a) to traffic originating at the named facilities of Deere & Co., and (b) to traffic destined to the points named, except that the restriction in (b) above shall not apply to traffic moving in foreign commerce; and the operations authorized in (2) above are restricted to traffic destined to the named facilities of Deere & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114211 (Sub-No. 339), filed January 9, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, pipe, parts and accessories*, between Union County, SD on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX and all ports of entry between the United States and Canada for furtherance in foreign commerce (2) *irrigation systems, materials, equipment and supplies*, used or useful in the manufacture of irrigation systems and items in (1) above from

points in the United States (including AK, but excluding HI), to Union County, SD.

NOTE.—If a hearing is deemed necessary, we request it either be held at Sioux Falls, SD or Pierre, SD or Minneapolis, MN.

No. MC 114273 (Sub-No. 322), filed December 16, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 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: *Petroleum products* in containers (1) from Toledo, OH to Kansas City, MO; Omaha, NE and points in IA, and (2) from Wood River, IL and St. Louis, MO, to Omaha, NE, and points in IA. Restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 324), filed December 16, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 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: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or storage facilities utilized by the Rath Packing Co. at or near Waterloo, IA to points in OH. Restricted to traffic originating at and destined to the above-named points. The purpose of this application is to substitute single-line service for existing joint-line service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 325), filed January 4, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, wines and malt beverages* (except in bulk in tank vehicles) from (1) Chicago, Lemont, Pekin, Peoria, and Plainfield, IL; Lawrenceburg, IN; Bardonia, Clermont, Frankfort, Louisville, and Owensboro, KY; Allen Park, and Detroit, MI; New York, NY; Cincinnati, OH; Schenley, PA to Dodge City, Independence, Kansas City, Salina, Topeka, and Wichita, KS and Columbus and North

Kansas City, MO and (2) from St. Louis, MO to Dodge City, KS.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 333), filed January 16, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 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: *Such commodities* as are dealt in by hardware, drug, discount and department stores and supermarkets, from Baltimore, MD to points in the States of AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, ND, OH, OK, PA, TN, TX and WI. Restricted to traffic originating at the shortage facilities utilized by Action Industries and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114273 (Sub-No. 334), filed January 17, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 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: *Plastic bottles*, from the plantsite and storage facilities utilized by Continental Group, Inc. at or near Lenexa, KS, to Cedar Rapids, Fort Madison, and Iowa City, IA, restricted to traffic originating at and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, IL or Washington, DC.

No. MC 114457 (Sub-No. 347), filed January 12, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, from Peabody, MA to points in IA, MN, NE, ND, SD, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, MN or Chicago, IL.

No. MC 114457 (Sub-No. 348), filed January 12, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)

Plastic containers, from Green Bay, WI to Cincinnati, Cleveland, and Toledo, OH; points in IN, and Winona, MN; (2) *plastic containers*, from Bonaparte, IA to Minneapolis-St. Paul, MN; Cincinnati, Cleveland, and Toledo, OH; (3) *plastic containers*, from Chicago, IL to Cincinnati, Cleveland, and Toledo, OH.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, MN or Chicago, IL.

No. MC 115331 (Sub-No. 445), filed January 12, 1978. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement in bulk or in packages*, from the site of Missouri Portland Cement Co. at or near Union, St. James Parish, LA, to points in AL, AR, FL, GA, MS, TX, OK, and LA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, MO.

No. MC 115826 (Sub-No. 284), filed January 10, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, except in bulk, from the plant facilities of Fibreboard Corp. at, or near Fruita, CO and Grambling, LA to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in San Francisco, CA.

No. MC 115826 (Sub-No. 285), filed January 12, 1978. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., Denver, CO 80217. Applicant's representative: Howard Gore, P.O. Box 5088 T.A., Denver, CO 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in AZ to points in CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, AZ.

No. MC 115931 (Sub-No. 46), filed December 16, 1977. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and farm machinery*, from Crystal Lake, IL, to points in AZ, CA, CO, ID, IA, KS, MI, MN, MT, NE, NV, NM, ND, OH, OR, SD, UT, WA, WI, WY, and points in

that part of PA on and west of U.S. Hwy 19.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, IL, or Milwaukee, WI.

No. MC 117068 (Sub-No. 91), filed February 1, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical work platforms and parts and attachments* for such articles, between the facilities of Mark Industries located in Los Angeles County, CA, on the one hand, and, on the other, points in the United States (except AK and HI).

HEARING.—March 13, 1978 (1 day), at 9:30 a.m. local time, at Los Angeles, CA.

No. MC 117686 (Sub-No. 199), filed December 23, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Estherville, IA, St. Paul and Worthington, MN, to points in CA. Restriction: Restricted to shipments originating at the plant-site and storage facilities of John Morrell & Co., at or near the above-named origin points.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or St. Paul, MN. Common control may be involved.

No. MC 117786 (Sub-No. 6), filed December 28, 1977. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard or fibreboard* from Chicago, IL, Natick, MA, and Goshen, CA, to Phoenix, AZ, and such merchandise as is dealt in by mail-order houses from St. Louis, MO to Phoenix, AZ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Phoenix, AZ.

No. MC 117815 (Sub-No. 273), filed January 5, 1978. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, IA 50317. Appli-

cant's representative: Dewey Marselle, 405 SE. 20th Street, Des Moines, IA 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods and articles distributed by pet food manufacturers* (except commodities in bulk), from the facilities of or utilized by Bow Wow Co., Inc., located at or near Rolla, MO, to points in IL, IN, IA, MI, MN, NE, OH, and WI, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis or Kansas City, MO.

No. MC117940 (Sub-No. 255), filed January 16, 1978. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan L. Timmerman, 5300 Hwy 12, P.O. Box 104, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the facilities of Milkhouse Cheese Corp. at Bongards, MN, to points in LA, OK and TX, restricted to traffic originating at the facilities of Milkhouse Cheese Corp. at named origin and destined to named destinations.

NOTE.—If hearing is deemed necessary applicant requests it be held at Houston, TX.

No. MC 118304 (Sub-No. 5), filed January 15, 1978. Applicant: CALDWELL TRANSPORT LTD., Florenceville, NB. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *lumber*, from ports of entry on the International Boundary Line between the United States and Canada located in ME, NH, VT, and NY to points in (a) ME, NH, VT, MA, RI, CT, NY, NJ and PA and (b) to points in DE, MD, VA, WV, OH and DC.

NOTE.—Applicant presently holds authority to serve the destination States named in (a) above through various ports of entry located in ME. If this application is granted, it will surrender its existing relevant certificates. Under (b) above authority is sought to serve the additional destination States named. If a hearing is deemed necessary, applicant requests it be held at Bangor or Portland, ME, or Boston, MA.

MC 118535 (Sub-No. 110), filed January 4, 1978. Applicant: TIONA TRUCK LINE, INC., 111 So. Prospect, Butler, MO 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Center, 3535 NW. 58th St., Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredi-*

ents, in bulk, except salt, urea and phosphate: (1) between points in AR, LA, MO, OK and TX, (2) from points in AR, LA, MO, OK and TX, to points in IL, IN, IA, KS, MN, MS, NE, WI; and Memphis, TN; and (3) from points in CO, IL, IN, IA, KS, MN, MS, NE, NM, and WI, to points in AR, LA, KS, MO, NM, OK and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, MO.

No. MC 118535 (Sub-No. 111), filed January 3, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Pet food, animal and poultry feed, animal and poultry feed ingredients*; and (2) *animal and poultry feed and animal and poultry feed ingredients*: (1) from Webb City, MO, to points in AR, IL, IN, IA, KS, KY, LA, MI, MN, NE, OK, TN, TX, and WI; and (2) from Girard, KS, to points in AR, IA, MO, NE, OK, and TX.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, MO.

No. MC 119315 (Sub-No. 24), filed January 16, 1978. Applicant: FREIGHTWAY CORP., 131 Matzinger Road, Toledo, OH 43612. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pentaerythritol and sodium formate*, (except commodities in bulk), from the plantsite of Perstorp, Inc. at Toledo, OH, to points in GA; IL; IN; IA; MI; MN; MO; WI; NJ (except points in Sussex, Cape May, Cumberland, Salem, Atlantic, and Gloucester Counties); Buffalo, Rochester, Syracuse, and New York City, NY and their commercial zones; and points in Allegheny and Westmoreland Counties, PA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH.

No. MC 119619 (Sub-No. 120), filed January 16, 1978. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 W. 43d St., Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from regulation under Section 203(b)(6) of the I.C.C. Act, when transported in mixed loads with bananas. From:

Ports in NY and NJ in the New York, NY Commercial Zone (including Ports in New York, NY and Port Newark, NJ), as defined by the Commission, and Philadelphia, PA. To: Points in the States of IN, OH, IL, MI, Pittsburgh, PA, and St. Louis, MO.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held at New York, NY.

No. MC 119741 (Sub-No. 90), filed January 13, 1978. Applicant: GREEN FIELD TRANSPORT CO., INC., 3225 Fifth Avenue South, Fort Dodge, IA 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, IA 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, in vehicles equipped with mechanical refrigeration, from Jacksonville, IL, to points in CO. Restriction: Restricted to the transportation of shipments, originating at the plant or warehouse sites of Anderson Clayton Foods at Jacksonville, IL and destined to the above-named points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, TX or St. Louis, MO.

No. MC 119968 (Sub-No. 11), filed December 29, 1977. Applicant: A. J. Weigard, Inc., P.O. Box 130, 1046 N. Tuscarawas Avenue, Dover, OH 44622. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, from Nitro, WV to points in IL, IN, MI, NY, OH, PA, RI, MA, CT, MD, NJ, KY, WI, NC, MO, TN, SC, and VA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, OH.

No. MC 120427 (Sub-No. 10), filed January 13, 1978. Applicant: Williams Transfer, Inc., 2128 East Highway 30, Grand Island, NE 68801. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, (except explosives and those commodities requiring special equipment); (1) Between Adams, NE, and Lincoln, NE: From Adams over NE Hwy 41 to Junction with U.S. Hwy 77, then over U.S. Hwy 77 to Lincoln, and return over the same route, serving Firth, Holland, Hickman, Roca, Panama, Douglas and Sterling, NE as off-route points. (2) Between Omaha, NE, and Roca, NE: From Omaha over U.S. Hwy 6 to Junction with unnumbered county road 2 miles west of Ashland, NE, then over unnumbered county road to Douglas, NE, then over un-

numbered county road to Sterling, NE, then over NE Hwy 41 to Adams, NE, then over NE Hwy 43 to Panama, NE, then over unnumbered county roads to Firth, NE, then over unnumbered county road to Roca, and return over the same route. Restriction: The authorities set out in Parts (1) and (2) above are restricted against service between Omaha, NE and Lincoln, NE. (3) Between points in Gage County, NE. (4) Between points in Gage County, NE, on the one hand, and, on the other, points in that part of NE east of U.S. Hwy 183. (5) Between points within that part of NE on and bounded by a line beginning at Lincoln, NE, then along U.S. Hwy 77 to Beatrice, NE, then along NE Hwy 4 to its junction with U.S. Hwy 73/75, then along U.S. Hwy 73/75 to the Platte River, then along the Platte River to U.S. Hwy 6, then along U.S. Hwy 6 to Lincoln, NE. (6) Between points in that part of NE set out in Part (5) above, on the one hand, and, on the other, points in that part of NE in and east of Dundey, Chase, Perkins, Keith, McPherson, Hooker, and Cherry Counties, NE.

NOTE.—The purpose of this application is to convert the Certificate of Registration held by applicant in MC 120427 (Sub-No. 2) to a Certificate of Public Convenience and Necessity. The authorities set out in MC 120427 (Sub-No. 2) have been reworded to conform to Commission practice. If a hearing is deemed necessary, applicant requests that it be held in Lincoln or Omaha, NE.

No. MC 120737 (Sub-No. 49), filed December 16, 1977. Applicant: STAR DELIVERY & TRANSFER, INC., South Fourth Ave., P.O. Box 39, Canton, IL 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, and (2) *parts and attachments* for agricultural machinery and implements, from Colchester, IL, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, ND, OH, OK, SC, SD, TN, TX, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, IL or Washington, DC.

No. MC 121795 (Sub-No. 1), filed January 16, 1978. Applicant: LAKE-SHORE WAREHOUSE, INC., 700 East Atwater, Detroit, MI 48226. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority to engage in operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *flour*, in bulk in tank vehicles, from the facilities of The Millers's Bulk Flour Association located at Detroit, MI, to

points in MI and OH, restricted to traffic having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Detroit or Lansing, MI.

No. MC 123253 (Sub-No. 131), filed January 13, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a common carrier by motor vehicle over irregular routes transporting container and container ends and materials and supplies used in the manufacture and distribution of containers and container ends, between the facilities of Jos. Schlitz Brewing Co. located at or near Milwaukee and Oak Creek, WI; Memphis, TN; Longview, TX; Tampa, FL; Syracuse and Raddison, NY; Winston-Salem, NC; Chatsworth and Van Nuys, CA; and Fairport, NY, a non-radial movement. Restricted to shipments originating at and destined to the facilities of the Jos. Schlitz Brewing Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, OH.

No. MC 123407 (Sub-No. 423), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products (including shipping devices and crating material)*: (1) From Valparaiso, IN, to points in MI, IL, OH, and NY; and (2) from points in MI to Valparaiso, IN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 123407 (Sub-No. 424), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Building wall and insulating boards, and materials and supplies used in the installation thereof (except commodities in bulk)* from Beaver Falls, PA, and Marietta, PA, to points in IL, IA, KS, MN, MO, NE, ND, SD, and WI; and (2) *return and refused shipments from the destination points in Part 1 above to the points of origin in Part 1 above.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Philadelphia, PA, or Washington, DC.

No. MC 123407 (Sub-No. 425), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Poultry and animal feeding and watering systems and equipment and supplies relating thereto*; and (2) *Agricultural building ventilation systems and equipment and supplies relating thereto* from Milford, IN; Decatur, AL; and Watkinsville, GA, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 123407 (Sub-No. 427), filed December 23, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* from Grants, NM, to points in MN.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Albuquerque, NM.

No. MC 124078 (Sub-No. 768), filed December 5, 1977. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions and spent phosphoric acid*, in bulk: (1) From Adel, Carrollton, Covington, Franklin, LaGrange, Newnan, Tifton, and Valdosta, GA, to points in NC, SC, TN, and VA; and (2) *refused and rejected shipments from NC, SC, TN and VA, to points in GA.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA. Common control may be involved.

No. MC 124078 (Sub-No. 776), filed January 16, 1978. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, anhydrous ammonia, urea, and soda ash*, in bulk, from points in Richmond County, GA, to points in KY, NC, SC, TN, VA and WV.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA.

No. MC 124078 (Sub-778), filed January 19, 1978. Applicant: SCHWERMANN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Cairo, OH to points in IN and MI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, OK. Common control may be involved.

No. MC 124174 (Sub-No. 113), filed December 15, 1977. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 L Street, Omaha, NE 68137. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition boards and wood fibre products*, from the plantsite of the United States Gypsum Co., located at or near Lisbon Falls, ME, to points in AL, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, NC, OH, OK, SC, SD, TN, TX, and WI.

NOTE.—Applicant holds contract carrier authority in MC 128342, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Washington, DC.

No. MC 124211 (Sub-No. 313), filed January 11, 1978. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical equipment, appliances, materials, supplies, and accessories*; and (2) *such commodities as are used in the manufacture, distribution, sale and installation of commodities in (1) above (except commodities in bulk in tank or hopper type vehicles)*, between Hampton, VA; Parkersburg, WV; and points in Wood County, WV, on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—Common control may be involved. If oral hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 124711 (Sub-No. 50), filed January 9, 1978. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, KS 67042. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and road oils*, in bulk, in tank vehicles, from Dodge City, KS, to points in CO, NE, NM, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, OK; Kansas City, MO; or Denver, CO. Common control may be involved.

No. MC 124896 (Sub-No. 41), filed December 15, 1977. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. 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* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Des Moines, IA to points in AL, GA, FL, NC, and SC, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, TX or Kansas City, MO.

No. MC 124896 (Sub-No. 45), filed January 18, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses*, as described in sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co. located at or near Amarillo, TX, to points in AL, FL, GA, NC, SC, TN and VA, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 125023 (Sub-No. 50), filed December 22, 1977. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising material* from Eden, NC, to points in DE, MD, NJ, PA, VA, WV and DC; (2) *materials, supplies, and equipment* used in the manufacture, sale, and dis-

tribution of malt beverages, (except commodities in bulk) and returned empty malt beverage containers from points in the destination States and DC named in (1) above to Eden, NC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, DC.

No. MC 125533 (Sub-No. 20), filed December 22, 1977. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44309. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant requests authority to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Bricks* from Phoenixville, PA to points in CT, DE, ME, MD, MA, NH, NJ, NY, RI and VT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, PA.

No. MC 125777 (Sub-No. 207), filed January 4, 1978. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Elko County, NV, and Tooele County, UT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 125952 (Sub-No. 28), filed December 21, 1977. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango SW, Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, over irregular routes, in the transportation of salt and industrial chemicals from points in WY; Salt Lake City, Silsbee, Ogden, UT; Three Forks and Dillon, MT; and Belle Fourche, SD to points in WA and OR under a continuing contract with Van Waters and Rogers, Seattle, WA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, WA or Portland, OR.

No. MC 125996 (Sub-No. 55), filed January 16, 1978. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, 13080 Renfro Circle, Omaha, NE 68137. Applicant's representative: Floyd F. Knutson, (same address as applicant). Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing-*

houses as described in sections A and C of Appendix I to the Report in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Lyons, NE and Sioux City, IA, to points in the States of AZ, CA, CO, ID, NV, OR, UT, and WA. Restricted to traffic originating at the plantsite and/or storage facilities utilized by Premier Boneless Meats, Inc., and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Omaha, NE, or Washington, DC.

No. MC 126346 (Sub-No. 19), filed January 3, 1978. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Self-propelled material handling and construction equipment* (except self-propelled vehicles designed for transporting property or passenger on highways), *cranes, and hoisting equipment*; (2) *attachments, assemblies, sub-assemblies, components and weldments* for the commodities named in (1); (3) *parts* for the commodities named in (1) and (2), from the ports of New York, NY, Baltimore, MD, Boston, MA, Charleston, SC; Cleveland, OH; Duluth, MN; Houston, TX; Milwaukee, WI; and New Orleans, LA; to points in the United States (except AK and HI); (B)(1) *self-propelled material handling and construction equipment* with or without attachments (except self-propelled vehicles designed for transporting property or passengers on highways), from AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, to the facilities of J. I. Case Co., Drott Manufacturing Co. in Marathon and Lincoln Counties, WI. Restriction: The operations authorized herein under the descriptions named above are limited to a transportation service to be performed under a continuing contract, or contracts, with J. I. Case Co., Drott Manufacturing Co., Division of Schofield, WI.

NOTE.—If the application is assigned for oral hearing, applicant requests it be held at Milwaukee, WI or Chicago, IL.

No. MC 126539 (Sub-No. 35), filed January 3, 1978. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized agricultural limestone and gypsum*, from points in Marion County, IA, to points in IL, KS, MN, MO, NE, ND, SD, and WI.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129135 (Sub-No. 2), and sub-numbers thereunder; therefore dual operations may be involved. It a hearing is deemed necessary, applicant requests it be held at either Des Moines, IA, or Omaha, NE.

No. MC 128190 (Sub-No. 14), filed January 16, 1978. Applicant: FREMONT CONTRACT CARRIERS, INC., P.O. Box 489, Fremont, NE 68025. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal drywall products and products used in the manufacturing and distribution of metal drywall products*, from the plantsite of Phillips Manufacturing Co., located in Omaha, NE, to points in the United States (except NE, AK, and HI), and (2) *materials, equipment, and supplies* used in the manufacturing and distribution of the commodities named in (1) above, from points in the United States (except NE, AK, and HI), to the plantsite of Phillips Manufacturing Co., located in Omaha, NE. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Phillips Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Omaha, NE.

No. MC 128205 (Sub-No. 45), filed January 19, 1978. Applicant: BULK-MATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, in bulk, in tank or hopper type vehicles, from Detroit, MI, to points in IL, IN, IA, KY, MO, NY, OH, PA, WV, WI, MD, VA, WA, DC, DE, and NJ.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL.

No. MC 128273 (Sub-No. 278), filed January 12, 1978. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, sold, or distributed by manufacturers of rubber or plastic products*, from the plantsites and storage facilities of the B. F. Goodrich Co., Chemical Division, at or near Henry, IL, Louisville, KY, Pedricktown, NJ, and Akron and Avon Lake, OH, to points in the United States, located in and west of MN, IA, MO, AR, and LA

(except AK and HI). Restricted: (1) Against the transportation of commodities in bulk, and commodities which, because of size or weight, require the use of special equipment, and (2) restricted to traffic originating at the plantsites and storage facilities of the B. F. Goodrich Co., Chemical Division, and destined to the states involved in the destination territory.

NOTE.—If oral hearing is deemed necessary, applicant requests it be held at Cleveland, OH, or Washington, DC.

No. MC 128273 (Sub-No. 279), filed January 17, 1978. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients* (except commodities in bulk in tank vehicles), from (1) Mattoon, IL, and/or Indianapolis, IN, to all points in the United States (except AK and HI), and (2) Hutchinson, KS, to all points in the States in and east of ND, SD, NE, CO, and NM.

NOTE.—If oral hearing is deemed necessary, applicant requests it be held at Los Angeles, CA, or Washington, DC.

No. MC 128521 (Sub-No. 7), filed December 22, 1977. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., 317 Arlington Avenue, P.O. Box 7429, Nashville, TN 37210. Applicant's representative: John P. Carlton, 727 Frank Nelson Building, Birmingham, AL 35203. Applicant seeks authority as a motor *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 Athens, AL, and Huntsville, AL, serving all intermediate points; from Athens over U.S. Hwy 72 to Huntsville, and return over the same route. 2. Between Decatur, AL, and Huntsville, AL, serving all intermediate points; from Decatur over U.S. Hwy Alternate 72 to Huntsville, and return over the same route. 3. Between Athens, AL, and Tuscumbia, AL, serving all intermediate points; from Athens over U.S. Hwy 72 and 72 Business to Tuscumbia, and return over the same route. 4. Between Town Creek, AL, and Sheffield, AL, serving all intermediate points; from Town Creek over AL State Hwy 101 to its intersection with AL State Hwy 184, thence over AL State Hwy 184 to Sheffield, and return over the same route. 5. Between Decatur, AL, and Tuscumbia, AL, serving all intermediate points; from Decatur over U.S. Hwy Alternate 72 and 72 Business to Tuscumbia, and return over the same

route. 6. Between Town Creek, AL, and the intersection of AL State Hwy 101 and U.S. Hwy 72, serving all intermediate points, over AL State Hwy 101, and return over the same route. 7. Between Huntsville, AL, and Nashville, TN, serving no intermediate points; from Huntsville over AL State Hwy 53 to Ardmore, TN-AL, thence over TN State Hwy 110 to the intersection thereof with U.S. Hwy Interstate 65, thence over U.S. Hwy Interstate 65 to Nashville and return over the same route. 8. Between Nashville, TN, and Florence, AL, serving no intermediate points; from Nashville over U.S. Hwy 431 to its junction with TN State Hwy 99, thence over TN State Hwy 99 to Columbia, TN, thence over U.S. Hwy 43 to Florence and return over the same route. Serving the plantsite of Champion Paper Co., a Division of U.S. Plywood at or near Courtland, AL, as an off-route point in conjunction with Routes 1-8 above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Huntsville, AL; Decatur, AL; or Nashville, TN. Common control may be involved.

No. MC 128527 (Sub-No. 98), filed December 16, 1977. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicants representative: Hightower and Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Log homes*, pre-cut and knocked down, and *hardware and accessories* pertaining to the erection thereof, and *materials and supplies* used in the manufacturing of pre-cut, knocked down homes, between Boise, ID, on the one hand, and points in UT, TX, ND, SD, NE, KS, OK, MN, WI, IA, MO, and AR, on the other. (2) *Pressure treated timbers* from Boise, ID, to all points in MN, WI, IA, MO, AR, TX, and all points in States west of these States excluding AK and HI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boise, ID.

No. MC 128555 (Sub-No. 22), filed January 3, 1978. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, FL 33561. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, NY 1402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Foodstuffs, and containers, materials, supplies, and equipment* used in the manufacture, production, sale, or distribution of foodstuffs (except in bulk), between Murfreesboro, TN, on the one hand, and, on the other, points in AL, AR, CA, DE, FL, GA, IL, IN, KS, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WI. Restricted to the

transportation of traffic originating at or destined to the plantsite or facilities of Rich Products Corp. at or near Murfreesboro, TN, under a continuing contract or contracts with Rich Products Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, NY. Applicant holds motor common carrier authority in No. MC 136123, therefore, dual operations may be involved.

No. MC 133405 (Sub-No. 3), filed January 6, 1978. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 353, Waldorf, MD 20601. Applicant's representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and advertising and promotional material* therefor when being transported at the same time and in the same vehicle as malt beverages, (a) from Williamsburg, VA; Jacksonville, FL; Columbus, OH; and Newark, NJ, to points in MD; Loudoun, Fairfax, Arlington, Prince William, Stafford, Caroline, King George, and Spotsylvania Counties, and Alexandria, Fredericksburg, and Manassas, VA, (b) from Detroit, MI to Baltimore and Waldorf, MD. (2) *Empty containers, pallets, dunnage, and other material* incidental to the transportation of the commodities set forth in (1) above. (a) From Baltimore and Waldorf, MD, to Detroit, MI, and (b) from points in MD; Loudoun, Fairfax, Arlington, Prince William, Stafford, Spotsylvania, Caroline, and King George Counties, and Alexandria, Manassas, and Fredericksburg, VA, to Williamsburg, VA; Jacksonville, FL; Columbus, OH, and Newark, NJ.

NOTE.—Applicant holds contract carrier authority in permit No. MC 129612 and No. MC 129612 (Sub-No. 4). The lead permit authorizes operations as a contract carrier in the transportation of malt beverages from Newark, NJ to Upper Marlboro and Leonardtown, MD. The Sub-No. 4 permit authorizes transportation of malt beverages from Williamsburg, VA, to all points in MD. By this application, applicant seeks to convert all of its permits into a certificate of public convenience and necessity. It offers for cancellation the two permits which are the subject of this conversion application. No duplicating authority is sought. Common control may be involved and as a result thereof, dual operations may exist. If a hearing is deemed necessary, applicant does not indicate a location.

No. MC 133566 (Sub-No. 102), filed January 11, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. 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 (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities utilized by Briggs & Co., a subsidiary of Wilson Foods Corp., at Landover, MD, to points in CT, MA, and RI. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destination.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Dallas, TX, or Kansas City, MO.

MC 133689 (Sub-No. 164), filed January 16, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Cleaning, washing and scouring compounds, fabric softeners, and disinfectants*, (1) from Kankakee, IL, to Fargo, ND, and points in MN, MI, and OH; (2) from Piscataway, NJ, to Kankakee, IL, and points in MI and OH. Restriction: Restricted in (1) and (2) above to traffic originating at the plantsite and storage facilities of Texize Chemicals Co., Division of Morton-Norwich Products, Inc., located at the named origins and destined to the indicated destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134282 (Sub-No. 19), filed December 29, 1977. Applicant: ENNIS TRANSPORTATION CO., INC., P.O. Drawer 776, Ennis, TX 75116. Applicant's representative: William D. White, Jr., 2505 Republic Bank Tower, Dallas, TX 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*, restricted against the transportation of said commodities in bulk, from the plantsite of Elk Corp. located at or near Stephens, AR, and its storage facility located at or near East Camden, AR, to points in TX, LA, and MS.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, TX, or New Orleans, LA.

No. MC 134387 (Sub-No. 54), filed January 12, 1978. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, CA 90017. Ap-

plicant seeks authority, as a common carrier, by motor vehicle, over irregular routes, transporting: *Glassware; bottles, carboys, demijohns, or jars, other than cut, with and without caps, covers, stoppers or tops; and boxes, fibreboard, corrugated, from the plantsite and warehouse facilities of Owens-Illinois, Inc., at Tracy, CA, to points in AZ and Las Vegas, NV.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 134477 (Sub-No. 211), filed January 9, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 and *frozen prepared foods* (except hides and commodities in bulk), from Fairmont, MN and Eau Claire, WI to points in AL, CT, DE, FL, GA, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. Restricted to the transportation of traffic originating at the facilities of Armour & Co. at or near Fairmont, MN and Eau Claire, WI and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134477 (Sub-No. 213), filed January 12, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) *New and used electric storage batteries and parts* (except commodities in bulk), (A) between the facilities of Gould, Inc. located at or near Phoenix, AZ; Hayward and City of Industry, CA; Denver, CO; Orlando, FL; Zanesville, OH; Salem, OR; and Lynchburg VA; and (B) between the facilities of Gould, Inc. located at or near Phoenix, AZ; Hayward and City of Industry, CA; Denver, CO; Orlando, FL; Zanesville, OH; Salem, OR; and Lynchburg VA, on the one hand, and, on the other hand, the facilities of Gould, Inc., located at or near Dunmore, PA; Memphis, TN; Shreveport, LA; Farmers Branch, TX; Leavenworth, KS; and St. Paul, MN; and (2) *equipment, materials and supplies, used in the manufacture or distribu-*

tion of electric storage batteries (except commodities in bulk), from points in the United States (except AK and HI) to the named points in 1-A) above. Restriction: (1-A), (1-B), and (2) above restricted to traffic originating at or destined to the facilities of Gould, Inc., and further restricted in (2) above against the transportation of lead and junk batteries from Council Bluffs and Sioux City, IA; Kansas City, MO and its commercial zone; and points in NE.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN.

No. MC 134755 (Sub-No. 124), filed December 14, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) Paper and paper articles, plastic bags, and plastic sheeting (except in bulk), (2) materials, equipment, and supplies (except in bulk) used in the manufacture and distribution of paper and paper articles, plastic bags, and plastic sheeting, (A) from the facilities of Hudson American Corp. at or near Richmond, VA, to points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MD, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, WI, WA, and DC, and (B) from points in the States named in (A) above to the facilities of Hudson American Corp. at or near Richmond, VA.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138398 (Sub-No. 2), and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO or Jacksonville, FL.

No. MC 134783 (Sub-No. 41), filed January 12, 1978. Applicant: DIRECT SERVICE, INC., 940 East 66th Street, Lubbock, TX 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Baling or binding wire (except in bulk), from the facilities of Cavert Wire Co., Inc., at or near Uniontown, PA, to points in AL, AR, GA, LA, MS, OK, TX, AZ, NM, CA, NC, SC, and TN; (2) wire (except in bulk), from the facilities of Bear Specialty Wire, Division of Cavert Wire Co., Inc., at or near Lansing, IL, to points in AL, AR, GA, LA, MS, OK, TX, AZ, NM, CA, NC, SC, and TN; (3) Baling or binding wire, steel strapping, paper clips, and fencing materials (except in bulk), from the facilities of Steel City Products, Division

of Cavert Wire Co., Inc., at or near Pittsburgh, PA, to points in AL, AR, GA, LA, MS, OK, TX, AZ, NM, CA, NC, SC, and TN.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in Docket No. MC 139309 and Subs thereto; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Uniontown, PA or Lubbock, TX.

No. MC 135691 (Sub-No. 21), filed December 22, 1977. Applicant: DALLAS CARRIERS CORP., 3610 Garden Brook Drive, P.O. Box 34080, Dallas, TX 75234. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Automotive parts and accessories, automotive jacks and cranes (not self-propelled), hand, electric and pneumatic tools, advertising materials, premium racks, display cases and signs, from the facilities of Walker Manufacturing Co. located at or near Harrisonburg, VA, to points in the United States (except AK and HI); and (2) Materials, supplies, and equipment used in the manufacture, sale, and distribution of the aforementioned commodities, and shock absorbers, from points in the United States (except AK and HI) to the facilities of Walker Manufacturing Co. located at or near Harrisonburg, VA. Restrictions: All restricted against commodities in bulk or those requiring special equipment. Further restricted to traffic originating at or destined to the facilities utilized by Walker Manufacturing Co. at or near Harrisonburg, VA. Further restricted to a transportation service to be performed under a continuing contract, or contracts, with Walker Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL, or Washington, DC.

No. MC 135861 (Sub-No. 27), filed January 18, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Suppositories, medicines, and drugs, in temperature controlled vehicles, from Los Angeles, CA, to the facilities of E. R. Squibb & Sons, Inc., at Mission, KS; Rolling Meadows, IL; Michigan City, IN; Sharonsville, OH; Burlington, MA; and Somerset and New Brunswick, NJ, under continuing contract, or contracts, with E. R. Squibb & Sons, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, TX or New Brunswick, NJ.

No. MC 136817 (Sub-No. 6), filed January 16, 1978. Applicant: HUNTER

BROKERAGE, INC., 805 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, (1) from Beardstown and Hillsdale, IL, to points in IN, MI, OH, KY, TN, AL, GA, NC, VA, AR, and PA; from Beardstown and Hillsdale, IL; Memphis, TN and points in AR to points in CO, KS, NE, MO, IA, MN, IL, and WI; and (2) from points in IA to points in MO, under a continuing contract, or contracts, with McGuffin Lumber, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL. Dual operations and common control may be involved.

No. MC 138157 (Sub-No. 53), filed January 3, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Carpeting, from the plantsite of E.T.C. Carpet Mills Ltd., located at or near Santa Ana, CA, to points in the United States in and east of ND, SD, NE, KS, OK, and TX.

NOTE.—Applicant holds contract carrier authority in No. MC 134150 Sub-No. 2, and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 138328, Sub-No. 53, filed January 16, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Applicant's representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New, boxed cedar products and patio supplies, from Meridian, ID, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, ID, or Omaha, NE. Applicant holds contract carrier authority in No. MC 133233 (Sub-No. 1) and Subs thereunder, therefore dual operations may be involved.

No. MC 138469 (Sub-No. 56), filed January 11, 1978. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, OK 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities utilized by John Morrell & Co., located at or near Estherville, Humboldt, and Sioux City, IA and Sioux Falls, SD to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and VA, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 136375 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, IL.

No. MC 138635 (Sub-No. 48), filed January 12, 1978. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, NC 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn* from Gastonia, NC to Westminster, CA, restricted to traffic originating at, and destined to the facilities of Liken Home Furnishings, Division of Beatrice Foods, d.b.a., Del Mar Loomcrafted Woven Wood.

NOTE.—Applicant holds contract carrier authority in No. MC 136464 (Sub-No. 2), and other Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 138741 (Sub-No. 43), filed December 15, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, IL 60435. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West Eleventh Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Asbestos products and building, construction, and insulating materials (other than iron and steel articles and commodities in bulk) from the facilities of the G.A.F. Corp. located at or near St. Louis, MO, to points in AR, CO, GA, IL, IN, IA, KS, KY, MI, NE, OH, OK, PA, TN, TX, and WS.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, MO, or Chicago, IL.

No. MC 138801 (Sub-No. 1), filed January 13, 1978. Applicant: THRU CONCO, INC., a corporation, 3100 Sirius Street, P.O. Box 14911, Las Vegas, NV 89102. Applicant's representative: Mike Soumbeniotis, 402 North Division Street, P.O. Box 646, Carson

City, NV 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods having a prior or subsequent movement, in containers, and restricted to the pickup and delivery of used household goods in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such traffic, between points in San Bernardino and Inyo Counties, CA; and Clark County, NV, a nonradial movement.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Las Vegas, NV.

No. MC 138875 (Sub-No. 71), filed January 16, 1978. Applicant: SHOE-MAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 776, (except hides and products in bulk), from the facilities of Columbia Foods Inc., a subsidiary of Iowa Beef Packers Inc. at or near Boise, ID to points in AZ, CA and UT.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boise, ID or Omaha, NE.

No. MC 139420 (Sub-No. 27), filed January 12, 1978. Applicant: ART GREENBERG d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, P.O. Box 1680, 414 Gate City Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, parts and accessories therefor, and door hardware, from the facilities of Jim Walter Doors, Division of Celotex Corp. at or near Century, FL to points in WI, MN, IA, NE, CO, AZ, UT, CA, OR, and WA.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mobile, AL or Tampa, FL.

No. MC 139442 (Sub-No. 1), filed December 23, 1977. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 West Seventh Street, P.O. Box 425, Fort Worth, TX 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood sawdust, wood fiber, wood shavings, wood scraps, and wood chips;* (2) *coal and lignite;* and (3) *clay*

and shale, between points in AR, KS, LA, MI, MO, OK, and TX, under a contract or contracts with Acme Brick Co., Division of Justin Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Dallas or Houston, TX.

No. MC 139495 (Sub-No. 305), filed January 17, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, from Fresno, CA to points in OR and WA.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 306), filed January 16, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and plastic products (except in bulk), from Humboldt, KS to points in the United States (except AK and HI).*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 308), filed January 9, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, childrens vehicles, and related parts and accessories, from Carson, CA, to points in the United States in and east of MN, IA, MO, AR, and LA.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 139495 (Sub-No. 309), filed January 18, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except chemicals, vegetable oils, and vegetable oil products), as described in sections A*

and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of National Beef Packing Co. at or near Liberal, KS, to points in DE, ID, MT, NV, ND, OR, SD, WA, WV, and WY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC.

No. MC 140176 (Sub-No. 11), filed December 15, 1977. Applicant: RILEY WAYNE POWELL d.b.a. POWELL TRUCKING CO., Route 3, Box 13, Sumrall, MS 39482. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Leaf River Forest Products, Inc., New Augusta, MS to points in AR, KS, LA, MO, OK, TX, points in that part of IL on and south of U.S. Hwy 36, points in that part of IN on and west of U.S. Hwy 231, points in that part of KY on and west of U.S. Hwy 231, and points in that part of TN on and west of U.S. Hwy 31, and points in that part of FL on and south of Florida Hwy 50, under a continuing contract or contracts with Leaf River Forest Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, or Hattiesburg, MS.

No. MC 140389 (Sub-No. 22) filed January 13, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the facilities of The Meat Co., division of TM Enterprises, at Calhoun, GA, to points in AL, FL, GA, IL, IN, IA, KY, MI, MN, MO, NC, SC, TN, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, GA. Common control may be involved.

No. MC 141033 (Sub-No. 34), filed January 11, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper articles, polyethylene articles, and packaging and bagging materials and supplies*,

from Jackson, TN and Halethrope, MD to points in the United States (except AK and HI). Restricted against the transportation of commodities in bulk and those which be reason of size or weight, require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in No. MC 124796 and sub-numbers thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Memphis, TN or Washington, DC.

No. MC 141054 (Sub-No. 4), filed January 3, 1978. Applicant: B & B PACKING TRANSPORT, LTD., 4404 West Berteau Avenue, Chicago, IL 60641. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree Street, NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Council Bluffs, IA to points in the United States (except AK and HI), under a continuing contract or contracts with Great Plains Beef Co., located at Council Bluffs, IA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL, or Omaha, NE.

No. MC 141140 (Sub-No. 1), filed December 27, 1977. Applicant: DIPIETRO TRUCKING CO., a corporation, 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98504. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, flour mixes, cereals, and frostings* from Kent, WA to points in OR, AZ, NV and CA; (2) *Sugar and salt* from points in CA to Kent, WA. Restricted in (1) and (2) above to service under a continuing contract or contract with Continental Mills, Inc.

NOTE.—(Hearing site: Seattle, WA). Applicant holds common carrier authority in No. MC 123023 (Sub-No. 5), therefore dual operations may be involved.

No. MC 141318 (Sub-No. 1), filed December 22, 1977. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., 531 North Eighth Street, Medford, WI 54451. Applicant's representative: John Fitch Michler, P.O. Box 1244, First American Center, Wausau, WI 54401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1)(a) *Doors, windows, window units, sashes, frames, blinds, screens, shutters, thresholds, sills, and glass*, and (b) *unassembled components of the aforementioned commodities*, from Medford, WI to points in AL, AR, CO, DE, GA, IL, IN, IA, ID, KS, KY, MD, MI, MN, MS, MO, MT,

NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, UT, VA, WA, WV, WY, and DC; (2) *materials, equipment, and supplies* used or useful in the production or distribution of the commodities described in part (1) above, from points in the destination States named in part (1) above to Medford, WI; (3) *advertising materials* relating to the commodities described in part (1) above, between Medford, WI, on the one hand, and, on the other, points in the destination States named in part (1) above, restricted in parts (1), (2), and (3) to a transportation service to be performed under a continuing contract or contracts with Weather Shield Mfg., Inc., Medford, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, MN, Milwaukee, WI, or Chicago, IL.

No. MC 141362 (Sub-No. 10), filed January 9, 1978. Applicant: GEORGE A. SPARKS, d.b.a., ESCONDIDO TRUCK & EQUIPMENT, 1020 Linda Vista Drive, San Marcos, CA 92069. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed supplements*, dry, in bulk, from points in Pima County, AZ, to points in Imperial County, CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 141441 (Sub-No.3), filed January 3, 1978. Applicant: CROCKER TRUCK LINES, INC., North 1410 Howe, Spokane, WA 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire, building, and paving brick; ground fire and crude clay; and clay flue lining, sewer pipe and drain tile*, between the facilities of Interpace Corp. at or near Mica, Spokane County, WA, on the one hand, and, on the other, points in ID, MT, OR, and UT.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, WA; Boise, ID; or Missoula, MT.

No. MC 141500 (Sub-No. 6), filed December 18, 1977. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from Dubuque, IA, and South St. Paul, MN, to points in WI on and south of WI Hwy 70; and (2) from Clinton, Davenport, and Du-

buque, IA, to points in IL on and north of U.S. Hwy 136, and on and west of U.S. Hwy 51, under a continuing contract or contracts with the C. Reiss Coal Co., located at Sheboygan, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, WI, or Chicago IL.

No. MC 141776 (Sub-No. 18), filed January 12, 1978. Applicant: FOOD-TRAIN, INC., Spring and South Center Streets, Ringtown, PA 17967. Applicant's representative: L. Agnew Myers, Jr., Suite 407 Walker Building, 734—15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, chemicals, toilet preparations, elemental diet preparations, sweetening compounds, bandages, surgical dressings, and advertising material*, in mechanically refrigerated equipment (except in bulk), from Norwich, NY and North Norwich, NY, to Elk Grove Village, IL; Chicago, IL; and Dallas, TX.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, PA or Washington, DC.

No. MC 142059 (Sub-No. 17), filed: January 9, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Applicant's representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment and parts and accessories for material handling equipment*, from Crystal Lake, IL and Houston, TX to points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, IL.

No. MC 142680 (Sub-No. 2), filed December 19, 1977. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Lumber*, from points in Pickens and Sumter Counties, AL, to points in KY, NC, SC, IL, and points in LA (except St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, and St. Bernard Parishes).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, GA, or Cuba, AL.

No. MC 143059 (Sub-No. 9), filed December 16, 1977. Applicant: MERCER TRANSPORTATION CO., a corpora-

tion, 12th and Main Streets, P.O. Box 11129, Louisville, KY, 40211. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, and connections, and materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities utilized by Robin-tech Inc., located at or near Grinnell, IA; Rolla, MO; and Hillsboro, TX; on the one hand, and, on the other, points in the United States (except AK and HI).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY, or Washington, DC.

No. MC 143236 (Sub-No. 10), filed January 3, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Defoaming compounds* (except in bulk), in mechanical refrigerated equipment, from the facilities of Colloids, Inc., at Newark, NJ to points in the United States (except AK and HI); and (2) *equipment, materials and supplies* used in the manufacture and sale of the foregoing commodities (except commodities in bulk), from points in the United States (except AK and HI) to Newark, NJ.

NOTE.—Applicant holds contract carrier authority in No. MC 142766 Sub-No. 2 and other Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, NY, or Washington, DC.

No. MC 143267 (Sub-No. 7), filed January 18, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Applicant's representative: Peter A. Greene, 900 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced concrete structures*, between the facilities of Price Brothers Co. at Kent, OH, on the one hand, and, on the other, points in MI, NY, WV, PA, IN and KY.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cleveland, OH, or Washington, DC.

No. MC 143320 (Sub-No. 2), filed January 13, 1978. Applicant: RICHARD P. MILLER, d.b.a. POTAWATOMIC TRAILS, 51585 Winding Waters Lane, Elkhart, IN 46514. Applicant's representative: Richard P. Miller, 51585 Winding Waters Lane, Elkhart, IN 46515. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, hinges, knobs, pulls, bolts, tools, and hardware*, between the facilities utilized by G.M. Distributors, Inc., G.M. Industrial Corp., at or near Elkhart, IN, Woodland and Anaheim, CA; Denver, CO; Newton, KS; Boise, ID; Salem, OR; Fort Worth, TX; Marshfield, WI; and Albert Lea, MN; under a continuing contract or contracts with G.M. Distributors, Inc., G.M. Industrial Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, IL.

No. MC 143397 (Sub-No. 1), filed December 12, 1977. Applicant: NORRIS JACOBSON, d.b.a. NORRIS JACOBSON TRUCKING, Route 2, Box 42, Goodhue, MN 55027. Applicant's representative: F. H. Kroeger, 1745 University, St. Paul, MN 55104. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, dry in bag and in bulk moving in the same straight truck equipped with auxiliary auger unloading equipment, restricted to shipments which because of size or weight require the use of special equipment. From the plantsite of Cargill, Inc., Nutrena Feed Division, plant facilities located in Minneapolis, MN, to points in and north of LaCrosse, Monroe, Juneau, Adams, Marquette, Green Lake, Fond du Lac, and Sheboygan Counties, WI.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, MN.

No. MC 143561 (Sub-No. 2), filed December 22, 1977. Applicant: JOSEPH E. COBB d.b.a. J. E. C. TRUCKING, 202 Hwy 3 South, Yerington, NV 89447. Applicant's representative: Joseph E. Cobb (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (including hides and commodities in bulk), from Yerington, NV to points in CA; and (2) *equipment, materials and supplies* used in the conduct of a meat packinghouse business, from points in CA to Yerington, NV, restricted to a transportation service to be performed under a continuing contract or contracts with Nevada West Packing, Inc. of Yerington, NV.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Carson City or Reno, NV.

No. MC 143574 (Sub-No. 2), filed December 27, 1977. Applicant: BAY STATE TAXI, INC., 156 Lawton Street, Brookline, MA 02146. Appli-

cant's representative: Bertram E. Snyder, 160 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packages of computer printout and other related paper products* associated with computer processing, between Boston, MA and the commercial zone of Boston, MA to Manchester, NH, and Amherst, NH, under a continuing contract or contracts with Itel Corp., located in Chestnut Hill, MA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, MA.

No. MC 143657 (Sub-No. 1), filed December 21, 1977. Applicant: GLENN PETERSON, Thunder Hawk, SD 57655. Applicant's representative: Curtis W. Hanks, 209½ Main Avenue, Lemmon, SD 57638. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal, poultry and livestock feed* in bags and bulk, poultry and livestock health products, and bulk grain, from Minneapolis, MN, to Lemmon, SD; and from the Ralston Purina Mills located in Sioux City, IA, to Lemmon, SD.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Rapid City, or Pierre, SD.

No. MC 143703 (Sub-No. 2), filed December 21, 1977. Applicant: HAMMOND MOVING AND STORAGE, INC., 800 West King Street, Cocoa, FL 32922. Applicant's representative: Alan F. Wohlsetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Brevard, Osceola, Orange, Indian River, Martin, Okeechobee, and St. Lucie Counties, FL, restricted to the transportation of traffic having a prior or subsequent movement, in containers, 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.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville or Miami, FL. Common control may be involved.

No. MC 143753 (Sub-No. 1), filed December 22, 1977. Applicant: BOLES & FRANKLIN, INC., Route 2, Box 169, Weaverville, NC 28787. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, (1) from points in Bell, Clay, Harlan, Knox, Laurel, and Whitley Counties, KY, and points in Anderson, Campbell, Claiborne, Grainger, and

Morgan Counties, TN, to points in Buncombe, Burke, Haywood, and McDowell Counties, NC, and (2) from points in Claiborne and Grainger Counties, TN, to points in Transylvania County, NC.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Asheville, NC.

No. MC 143807 (Sub-No. 2), filed January 4, 1978. Applicant: G AND W RIGGING AND ERECTION, Route 13, Box 14A, Greeneville, TN 37743. Applicant's representative: Earl Gass, Route 13, Box 14A, Greeneville, TN 37743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machine parts, iron and steel articles, supplies, material and equipment* used in the manufacture of ships and ship parts, between Greeneville, TN, on the one hand, and Newport News, VA and Norfolk, VA on the other.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Nashville, TN, or Washington, DC.

No. MC 143821 (Sub-No. 1), filed January 11, 1978. Applicant: KRIS'S TRUCK TRANSPORT, INC., 2840 Waverly Way, Livermore, CA 94550. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* between San Gabriel, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY restricted to traffic originating at or destined to the plantsite of Pathfinder Equipment Co., Inc., in San Gabriel, CA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, CA.

No. MC 143978 (Sub-No. 2), filed January 11, 1978. Applicant: EMERSON DELIVERY, INC., 307-12th Street SE., Cedar Rapids, IA 52406. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts*, between Cedar Rapids, IA, on the one hand, and, on the other, points in the United States in and east of ND, SD, WY, CO, OK, and TX, under continuing contract or contracts with FMC Corp. of Cedar Rapids, IA.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, IL, or St. Paul, MN.

No. MC 143988 (Sub-No. 1), filed January 12, 1978. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, 5377 Fleetway Avenue, Memphis, TN 38118. Applicant's representative:

Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in containers, from Gulfport, MS, to points in MO, OK, and IL.

NOTE.—If a hearing is deemed necessary, it is requested that it be held in New Orleans, LA.

No. MC 143996 (Sub-No. 1), filed January 9, 1978. Applicant: STRONG TRANSFER & STORAGE CO., 520 East 44th Street, Lubbock, TX 79404. Applicant's representative: Jack F. Strong, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and military baggage*, between points in Lubbock, Lamb, Hockley, Terry, Lynn, Garza, Crosby, Floyd, Hale, Castro, Swisher, Briscoe, Motley, Cottle, Dickens, King, Kent, Yoakum, Cochran, Andrews, Dawson, Gaines, and Martin Counties, TX, restricted to the performance of packing, crating and containerization, or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lubbock, Amarillo, or Fort Worth, TX.

No. MC 144054 (Sub-No. 2), filed January 13, 1978. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Road, Medford, OR. 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gift wrapped and packaged foods, food products and commodities* dealt in by retail gift shops, from Medford, OR, to Oakland and San Francisco, CA and Los Angeles, CA, and their commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Medford, OR.

No. MC 144057 (Sub-No. 1), filed January 10, 1978. Applicant: WHITEHALL TRANSPORT, INC., P.O. Box 387, Whitehall, WI 54773. Applicant's representative: Ronald V. Dreckman, P.O. Box 162, Whitehall, WI 54773. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *Foodstuffs, including frozen foods*, from Deerfield, IL to points in WI and the Upper Peninsula of MI.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, IL or Washington, DC.

No. MC 144107 (Sub-No. 2), filed January 11, 1978. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIERS, INC., 1800 Grand Avenue, West Des Moines, IA 50265. Appli-

cant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by wholesale and retail department stores, from Des Moines, IA to points in IA, restricted to traffic destined to the facilities of K-Mart Corp., under continuing contract or contracts with K-Mart Corp. of Troy, MI.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held in Des Moines, IA.

No. MC 144110 (Sub-No. 1), filed January 13, 1978. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, MN, to points in ND and SD.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fargo, ND or Minneapolis or St. Paul, MN.

No. MC 144116, filed December 19, 1977. Applicant: TRANSPORT MOTOR SERVICE, INC., 5353 Topanga Canyon Boulevard, Woodland Hills, CA 91364. Applicant's representative: Fred H. Mackenson, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by retail stores, from the plantsites of Beecham Products, Division of Beecham, Inc., located at Rockwood, MI, Morrisville (Bucks County), PA; Clifton, NJ; Aiken, SC; and Bristol, TN; and Vernon, CA to Rockwood, MI; Morrisville (Bucks County), PA; Clifton, NJ; Aiken, SC; Bristol, TN; Foxboro, MA; Mechanicsburg, PA; Savannah, GA; Columbus, OH; Memphis, TN; Chicago, IL; Kansas City, MO; Arlington, TX; Denver, CO; Portland, OR; and Los Angeles, CA, under a continuing contract or contracts with Beecham Products, Inc.

NOTE.—If a hearing is deemed necessary, applicants request it to be held at Los Angeles, CA.

No. MC 144123 (Sub-No. 1), filed January 9, 1978. Applicant: MARCANN CARRIERS, INC., 6 Wychview Drive, Westfield, NJ 07090. Applicant's representative: Robert J. Gallagher, 55 Madison Avenue, Morristown, NJ 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and yarn*, from Rocky Mount, Fayetteville, Kinston, Lumberton and Goldsboro, NC to points in the States of AL, CA, CT, FL, GA, LA, MD, MA, MS, NJ, NY, PA, SC, TN, TX, and VA;

and *material, supplies and equipment* used in the conduct of business by fabric and yarn manufacturers, from points in the States of AL, CA, CT, FL, GA, LA, MD, MA, MS, NJ, NY, PA, SC, TN, TX and VA to Rocky Mount, Fayetteville, Kinston, Lumberton and Goldsboro, NC, under a continuing contract or contracts with Texfi Industries, Inc., of Greensboro, NC.

NOTE.—If a hearing is deemed necessary the applicant requests it to be held in Washington DC or Newark, NJ.

No. MC 144129, filed December 21, 1977. Applicant: QUICKWAY EXPRESS, INC., R.D. 2, Tunkhannock, PA 18657. Applicant's representative: James K. Peck, Jr., 912 Bank Towers, Scranton, PA 18503. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Anthracite filter media; sand filter media; cinder filter media; and gravel filter media*, from points in Lackawanna and Luzerne Counties, PA, to points in that part of the United States lying on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN; then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Scranton or Wilkes-Barre, PA.

No. MC 144173, filed January 17, 1978. Applicant: PETERSEN TRANSPORTATION, INC., Box 96, Ruskin, NE 68974. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane* from Mapco, Inc., pipeline terminal, located at or near Clay Center, KS, and the terminal storage facilities located on the pipeline of Mapco, Inc., located at or near Conway, KS, to Carleton and Ruskin, NE, under a continuing contract or contracts with Petersen Oil & Fertilizer, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Lincoln, NE.

No. MC 144173 (Sub-No. 3), filed January 18, 1978. Applicant: PETERSEN TRANSPORTATION, INC., Box 96, Ruskin, NE 68974. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, (a) from the facilities of Farmland Industries, Inc., at or near Dodge City,

KS, and the Mapco, Inc., pipeline terminal, at or near Clay Center, KS, to points in NE; and (b) from the facilities of Wy-Con Chemical Co., at or near Cheyenne, WY, the facilities of Farmland Industries, Inc., at or near Dodge City, KS, and Hastings, NE, and the facilities of Cominco American, Inc., Phillips Petroleum Co., and Farmland Industries, Inc., at or near Hoag, NE, to Yuma County, CO; (2) *anhydrous ammonia and liquid fertilizer*, from the facilities of Farmland Industries, Inc., Cominco American, Inc., and Phillips Petroleum Co., at or near Hoag, NE, and the facilities of Farmland Industries, Inc., at or near Hastings, NE, to points in KS; and (3) *liquid fertilizer*, (a) from the facilities of Boettcher Enterprises, Inc., at or near Republic and Courtland, KS, to points in NE, and (b) from the facilities of Kugler Oil Co., at or near Culbertson, NE, to points in KS, under a continuing contract or contract with W W Agri Sales, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, MO, or Lincoln, NE.

No. MC 144178 (Sub-No. 1), filed January 10, 1978. Applicant: CIRCLE CARTAGE CORP., 70 Sherman Avenue, Jersey City, NJ 07307. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from Piscataway, NJ to points in OH, IL, IN, MN, WI, PA, MI, KY, NY, MD, DE and Washington, DC, restricted to shipments under continuing contract or contracts with Paramount Industries, Inc., Piscataway, NJ.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, NY or Washington, DC.

No. MC 144214, filed January 12, 1978. Applicant: ENERGY EXPRESS, INC., 2101 Monon Avenue, New Albany, IN 47150. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Cellulose insulation materials and applying equipment*, from the facilities of Weathercheck, Inc. at New Albany, IN to points in IN, KY, TN, OH, MI, PA, MO, WV, VA, AR, NY, NJ, NC, SC, GA, AL, and MS, (b) *materials, equipment, and supplies* used in the manufacture and distribution of cellulose insulation materials, (except commodities in bulk), from points in LA, FL, TX, MN, WI, KY, TN, OH, MI, PA, MO, WV, VA, AR, NY, NJ, NC, SC, GA, AL, and MS to the facilities of Weathercheck, Inc., and Service Sales, Inc., at or near New Albany, IN. Restriction: Service to be performed

under a continuing contract or contracts with Weathercheck, Inc., Service Sales, Inc., and Insulation Supply, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Albany, IN, or Indianapolis, IN.

No. MC 144214 (Sub-No. 1), filed January 12, 1978. Applicant: ENERGY EXPRESS, INC., 2101 Monon Avenue, New Albany, IN 47150. Applicant's representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Electrical conduit, fittings, enclosures and components, and wire harness*, from the facilities of Service Sales, Inc., at or near New Albany, IN to points in OH and KY, and from Marshall, TX; Lincoln, RI; Portland, TN; Pittsburgh, Scranton, and West Newton, PA; Chicago and Danville, IL; Mespeth and Lynnvlew, NY; Bayonne, NJ; Ashland and Springfield, KY, to the facilities of Service Sales, Inc. at or near New Albany, IN. Restriction: Restricted to service to be performed under a continuing contract or contracts with Service Sales, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Albany, IN, or Indianapolis, IN.

PASSENGERS

No. MC 2835 (Sub-No. 40), filed January 3, 1978. Applicant: ADIRON-DACK TRANSIT LINES, INC., P.O. Box 1758, Kingston, NY 12401. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, from points in St. Lawrence, Franklin, Clinton, Essex, Hamilton, Warren, Saratoga, Fulton, Montgomery, Schenectady, Albany, Schoharie, Otsego, Delaware, Greene, Ulster, and Orange Counties, NY, and extending to points in the United States (including AK, but excluding HI), and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, or Kingston, NY.

No. MC 143202 (Sub-No. 1), filed January 3, 1978. Applicant: E & P AUTO LIVERY, INC., 43 Easton Avenue, New Brunswick, NJ 08903. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations in non-scheduled door to door service of not more than six passengers in any

one vehicle not including driver, between points in Middlesex County, NJ, on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport, New York, NY, and Philadelphia International Airport, Philadelphia, PA.

NOTE.—If a hearing is deemed necessary the applicant requests it to be held at Newark, NJ, or New York, NY.

FREIGHT FORWARDER

No. FF-508, filed December 19, 1977. Applicant: RAY TRANSPORT, INC., doing business as SOUTHEAST ALASKA FREIGHT FORWARDERS, 5219 1st Ave. South (P.O. Box 81203) Seattle, WA 98108. Applicant's representative: Ray I. Weberg (same address as applicant). Authority sought to engage in operation in interstate or foreign commerce as a *freight forwarder* through the use of the facilities of common carriers by rail, motor, and water in the transportation of (1) general commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in WA on the one hand, on the other hand, points in AK south and east of the Canadian-American border north of Haines, AK.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, WA.

WATER CARRIER

No. MC-F-13387. (PUGET SOUND TUG & BARGE CO.—continuance in control—COLUMBIA COMMON CARRIERS, INC.), published in the December 1, 1977 issue of the FEDERAL REGISTER under Motor Carriers. The preceding publication was published in the Motor Carrier Section of the FEDERAL REGISTER only. Because the applicant, Puget Sound Tug & Barge Co. has authority from this Commission to operate as both a Motor Carrier and a Water Carrier, it is necessary that this application be published in the Water Carrier Section of the FEDERAL REGISTER so that the Water Carriers may have proper notice of this transaction. The following notice is for notification to Water Carriers: Authority sought for continuance in control by Puget Sound Tug & Barge Co., 1022 SW. Massachusetts Street, Seattle, WA 98134, of Columbia Common Carriers, Inc., and for acquisition by Crowley Maritime Corp., One Market Plaza, San Francisco, CA 94105, of control of such rights through the transaction. Applicants' attorney and representative: John Cunningham, 1776 F St. NW., Suite 500, Washington, DC 20006, and Mr. William F. Roush, Vice President Common Rates and Regulations, Off-shore Group,

Crowley Maritime Corp., One Market Plaza, P.O. Box 3815, San Francisco, CA 94105. Operating rights sought to be controlled: Columbia Common Carriers, Inc., intends to operate pursuant to certificate W-1305 when issued* authorizing the following service: *General commodities* by self-propelled and non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, (1) between ports and points in WA and OR on the Columbia River from its confluence with the Willamette River to Priest Rapids, WA, (2) between ports and points in OR on the Willamette River from its confluence with the Columbia River to Portland, OR, (3) between ports and points in WA and ID on the Snake River from its confluence with the Columbia River to Asotin, WA, and (4) between ports and points in ID on the Clearwater River from its confluence with the Snake River to Hog Island, ID. In No. W-1305 * * * and applicant's affiliates existing authority that it duplicates in part shall be construed as conferring only a single operating right * * * (and was) conditioned upon the person or persons engaged in the common control of management of each applicant and any other carrier operating in interstate or foreign commerce applying for approval thereof under section 5(2) of the Act. W-1305 will not be issued until the Commission approves Puget Sound Tug & Barge Co. control of Columbia Common Carriers, Inc. Puget Sound Tug & Barge Co. is authorized to operate under W-586 as a common carrier in interstate or foreign commerce as follows: (1)(a) By non-self-propelled vessels with the use of separate towing vessels in the transportation (a) of commodities generally between ports and points along the Pacific coast with no local service between ports and points along the Columbia River. (b) Of commodities generally, except freight cars, loaded or empty, between ports and points on Puget Sound, the Straits of Georgia and Juan de Fuca, and interconnecting and tributary waterways. (2) By towing vessels in the performance of general towage, between ports and points along the Pacific Coast and tributary waterways, not including points on the Columbia River above the mouth of the Willamette River, Portland, OR, nor the Sacramento and San Joaquin Rivers. (3) By non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of articles exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 100 net tons in weight, component parts thereof, and related equipment, (a) between ports and points on the Atlantic coast and tributary waterways and the Gulf of Mexico coast and

tributary waterways (excluding the Mississippi River System above Baton Rouge, LA), on the one hand, and on the other, ports and points along the Pacific Coast and tributary waterways, (b) between ports and points along the Atlantic coast and tributary waterways, on the one hand, and on the other, ports and points on the Gulf of Mexico coast and tributary waterways (excluding the Mississippi River system above Baton Rouge, LA) Puget Sound Tug & Barge Co. also holds authority in MC 126513 (Subs-No. 2 and 3), Sub-2 authorizes operations as a motor carrier transporting general commodities in seasonal operations, April 1-November 30, between beach-landing sites in AK on the one hand, and on the other, DEW Line and Mona Lisa sites at or near numerous points in AK. Sub-3 authorizes operations as a motor carrier transporting general commodities in annual seasonal operations, July 1-October 30, between points in AK North of 69 degrees North Latitude, restricted to operations having a prior or subsequent movement by water.

NOTE.—*Columbia Common Carriers, Inc., was granted a certificate by order of January 5, 1977, No. W-1305, conditioned upon obtaining section 5(2) approval from the Commission.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers, or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13415 (correction) (RYDER TRUCK LINES, INC.—Purchase (portion)—EASTERN EXPRESS, INC.), published in the Thursday, December 1, 1977, issue of the FEDERAL REGISTER on page 61136, volume 42, No. 231. Previous publication was erroneous in scope and described the authority sought in a companion or "directly related" application designated No. MC 2900 (Sub-No. 314). The correct authority involved in

this application is as follows: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Augusta, GA, and Columbus, GA, serving all intermediate points; between Augusta, GA, and Washington, GA, serving all intermediate points; between Savannah, GA, and junction GA Hwy 257 and U.S. Hwy 280, serving all intermediate points; between Savannah, GA, and Albany, GA, serving all intermediate points; between Savannah, GA, and Atlanta, GA, serving all intermediate points, with restrictions; between Cordele, GA, and Macon, GA, serving all intermediate points for purposes of joinder only; between Camden SC, and Bishopville, SC, serving all intermediate points; between Charleston, SC, and Society Hill, SC, serving all intermediate points; between Charleston, SC, and Wilmington, NC, serving all intermediate points; between Charlotte, NC, and Society Hill, SC, serving all intermediate points, except that service at Society Hill, SC, is restricted against the transportation of traffic moving to or from Cheraw, SC, and points on U.S. Hwy 52 intermediate thereto; between Columbia, SC, and Charlotte, NC, serving all intermediate points; between Columbia, SC, and Aberdeen, NC, serving all intermediate points; between Columbia, SC, and Greer, SC, serving all intermediate points; between junction U.S. Hwys 221 and 276 and Greenville, SC, serving all intermediate points; between Columbia, SC, and Sumter, SC, serving all intermediate points; between Darlington, SC, and Hartsville, SC, serving all intermediate points; between Raleigh, NC, and junction U.S. Hwys 301 and 158, serving all intermediate points; between Raleigh, NC, and Wilson, NC, serving all intermediate points; between Rocky Mount, NC, and Zebulon, NC, serving all intermediate points; between Sumter, SC, and Wilmington, NC, serving all intermediate points; between Wilmington, NC, and Cherry Point, NC, serving all intermediate points; between Wilmington, NC, and Wilson, NC, serving all intermediate points; between Wilson, NC, and junction U.S. Hwys 401 and 1, serving all intermediate points; between Columbia, SC, and Atlanta, GA, serving all intermediate points; serving all points in GA, NC, and SC, as off-route points in connection with carrier's regular route authority, with restrictions; between Charleston, SC, and Savannah, GA, serving all intermediate points, and serving the off-route points of Ritter, Green Pond, Burton, Beaufort, Port Royal, and Parris Island, SC, those in SC within 10 miles of Charleston, and those in GA within 10 miles of Savannah; between Walterboro, SC, and Augusta, GA, serving all intermediate points, and serving the off-route points of

Crocketville, Miley, Sycamore, Ulmers, Graniteville, Vauluse, and North Augusta, SC; between Walterboro, SC, and Blackville, SC, serving all intermediate points; between Walterboro, SC, and Columbia, SC, serving the intermediate points of Cayce, Orangeburg, Smoaks, and Ruffin, SC; and the off-route points of Cope, St. Matthews, St. George, Grover, and Williams, SC; between Savannah, GA, and Augusta, GA, serving all intermediate points; general commodities, between Fayetteville, NC, and Richmond, VA, service is authorized to and from all intermediate points; general commodities, with exceptions, between Estill, SC, and Savannah, GA, serving all intermediate points; and the off-route points of Pocatigo, Furman, Lena, Hampton, Brunson, Fairfax, and Allendale, SC; general commodities with exceptions, between Augusta, GA, and Columbia, SC, serving all intermediate points, and serving the off-route points of Orangeburg, Cope, Neece, Norway, and Walterboro, SC; between Augusta, GA, and Charleston, SC, serving all intermediate points, and serving the off-route points of Orangeburg, Cope, Neece, Norway, and Walterboro, SC; between Aiken, SC, and Barnwell, SC, serving all intermediate points, and serving the off-route point of Varnville, SC; between Aiken, SC, and Leesville, SC, serving all intermediate points, and serving the off-route points of Saluda, Graniteville, and Vauluse, SC; between Aiken, SC, and Wagner, SC, serving all intermediate points; alternate route for operating convenience only: MC 75651 (Sub-No. 23), general commodities, with exceptions between Sylvania, GA, and Allendale, SC, between Allendale, SC, and Bamberg, SC, between Bamberg, SC, and Orangeburg, SC, between Orangeburg, SC, and Summerton, SC, between Summerton, SC, and Fayetteville, NC, service is not authorized to or from intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 52), general commodities, with exceptions between Denmark, SC, and Olar, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Olar, SC, and junction U.S. Hwys 321 and 301, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwys 301 and 321, and Fairfax, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Fairfax, SC, and Estill, SC, in connection with carrier's authorized regular route operations, serving no intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 52), between junction U.S. Hwys 301 and 321, and Allendale, SC, in connection with carrier's authorized regular

route operations, serving no intermediate points, between junction U.S. Hwy 21 and SC Hwy 64 (near Ruffin, SC, and junction U.S. Hwys 21 and 17A, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwy 78 and SC Hwy 215, and Columbia, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between junction U.S. Hwys 21 and 176, and Orangeburg, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Orangeburg, SC, and Rosinville, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Rosinville, SC, and Charleston, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Bamberg, SC, and Branchville, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between Branchville, SC, and St. George, SC, in connection with carrier's authorized regular route operations, serving no intermediate points, between St. George, SC, and Charleston, SC, in connection with carrier's authorized regular route operations, serving no intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 64), general commodities, with exceptions between Jacksonville, FL, and Millen, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, between junction U.S. Hwy 23 and U.S. Hwy 301 and Millen, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points; alternate route for operating convenience only: MC 75651 (Sub-No. 65), general commodities, with exceptions between Springfield, GA, and Garnett, SC, in connection with carrier's authorized regular-route operations between Savannah and Augusta, GA, and between Estill, SC, and Savannah, GA, serving no intermediate points; general commodities, with exceptions between Atlanta, GA, and Jonesboro, GA, serving no intermediate points, between Conley, GA, and junction unnumbered highway known as Mountain View Road and Georgia Hwy 54, serving no intermediate points, between Barnesville, GA, and Perry, GA, serving no intermediate points, between Hazelhurst, GA, and junction U.S. Hwy 23 (formerly Georgia Hwy 15) and U.S. Hwy 1, serving no intermediate points; alternate routes for operating convenience only: MC 75651 (Sub-No. 67), general commodities, with exceptions between junction GA Hwy 42 and GA Hwy 87, near Flovilla, GA, and Macon, GA, in connection with carrier's pres-

ently authorized regular-route operations, serving no intermediate points between Macon, GA, and Tannersville, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, with service at Tannersville, GA, for purposes of joinder only between Tannersville, GA, and Eastman, GA, in connection with carrier's presently authorized regular-route operations, serving no intermediate points, with service at Tannersville for purposes of joinder only; general commodities, with exceptions, serving Chesapeake, VA, exclusive of its commercial zone, as off-route point in connection with carrier's regular route authority, with restrictions. Application was filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to that filed simultaneously in Ryder Truck Lines, Inc.—Extension, Docket No. MC 2900 (Sub-No. 314), with respect to which notice of filing appeared in the *FEDERAL REGISTER* on December 1, 1977, page 61140. Common control may be involved. If an oral hearing is deemed necessary, applicant requests that it be held in GA. This publication corrects and supersedes an earlier and erroneous one on December 1, 1977, page 61136.

No. MC-F-13443 (correction) (DUFF TRUCK LINE, INC. (purchase) (portion), Eastern Express, Inc.), published in the Thursday, January 26, 1978, issue of the *FEDERAL REGISTER* on page 3663, Volume 43, No. 18. Publication omitted the word "intermediate" in the route-segment description designated "(1)(b)". The correct description is as follows: "between Huntington, IN, and Fort Wayne, IN, serving no intermediate points * * *"

No. MC-F-13499. Authority sought for control by B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118, of Southern Trucking Corp., 1500 Orenda Avenue, Memphis, TN 38107, and for acquisition by Bob McAdams, 2909 Justin Matthews Drive, North Little Rock, AR 72116, of control of such rights, through the acquisition. Applicant's representative: Bob McAdams, Route 6, Box 15, North Little Rock, AR 72118. Operating rights sought to be controlled: Numerous specified commodities, with certain specified exceptions, as a *common carrier*, over irregular routes, from, to, and between specified points in the United States (except AK and HI) as more specifically described in certificate No. MC 73688 and Subs thereto and TN State TPSC certificate No. 921 and Subs thereto. Vendee is authorized to operate as a *common carrier* in all 50 States. No dual operation or duplicating authority will result in the approval of this transaction. B. J. McAdams, Inc. also controls McCormack's Highway Transportation, Inc. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13502. Authority sought for the purchase by LOMBARD BROTHERS, INC., 233 Mill Street, Waterbury, CT 06720, of a portion of the operating rights of Old Colony Transportation Co., Inc., 676 Dartmouth Street, South Dartmouth, MA 02748, and for acquisition by Clotilda Lombard, New Haven Road, Prospect, CT 06712, and A. J. Lombard, Flanders Road, Woodbury, CT 06798, of control of such rights through the purchase. Applicants' attorneys: Hugh M. Joseph, 800 State Street, Hartford, CT 06103 and Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be transferred: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), as a *common carrier*, (1) over regular routes, between Boston, MA and Lewiston, ME and between Boston, MA and Portland, ME; and (2) over irregular routes between Portland, ME, on the one hand, and, on the other, points in ME within 50 miles of Portland, ME, and between Boston, MA, on the one hand, and, on the other, points in MA within 50 miles of Boston, MA. Approval of the proposed transaction will not result in dual operations. Approval thereof will result in duplication of rights in the event of approval, vendee proposes to accept a restriction on or elimination of substantially all such rights. Vendee is authorized to operate as a *common carrier* in MA, RI, CT, NH, NY, NJ, PA, MD, VT, ME, DE, and DC. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC 42289 (Sub-No. 11) is a directly related matter.

No. MC-F-13503. Authority sought for purchase by ELLIOTT BROS. TRUCK LINE, INC., Dysart, IA 52580, of a portion of the operating rights of Hiawatha Produce Co., 4195 4th Street, Winona, MN 55987, and for acquisition by Eugene F. Elliott, Dysart, IA, of control of such rights through the purchase. Applicants' attorney: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Operating rights sought to be transferred are issued under Docket No. MC 135032, Sub-No. 15, as a *common carrier* transporting foodstuffs (except commodities in bulk), from the facilities of Land O' Lakes, Inc., at or near Hudson, IA to points in IL, MO, KS, and NE. Vendee is authorized to operate as a *common carrier* in IL, IN, IA, MN, MO, NE, and WI. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13504. Authority sought for purchase by E. E. HENRY, an indi-

vidual, 1923 Sparrow Road, Chesapeake, VA 23320, of a portion of the operating rights of Mer-Lou Transportation, Inc., P.O. Box 759, Fort Myers, FL 33902; and for purchase by E. E. Henry, an individual, of the operating authority of E. E. Henry, Inc., 1923 Sparrow Road, Chesapeake, VA, 23320, and for acquisition by E. E. Henry, Chesapeake, VA 23320 address, of control of such rights through the purchase. Applicants' attorney: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Operating rights sought to be purchased from Mer-Lou Transportation, Inc.: (a) Pickled products, in containers, as a contract carrier over irregular routes from the facilities of Vlasic Foods, Inc., at Greenville, MS, to points in the United States (except AK and HI), with no transportation for compensation on return except as otherwise authorized; (b) supplies and materials used in the processing and manufacturing of pickled products (except in bulk), from Chicago, IL, to the facilities of Vlasic Foods, Inc., at Greenville, MS, with no transportation for compensation on return except as otherwise authorized. Restriction: The transportation authorized in (a) and (b) above is restricted to shipments moving under a continuing contract or contracts with Vlasic Foods, Inc. Operating rights sought to be purchased from E. E. Henry, Inc. Malt beverages and related advertising material, as a common carrier over irregular routes from Pabst, Houston County, GA, to points in AL, FL, MS, NC, SC and points in that part of TN on and east of Interstate Hwy 65; and return shipments of the above-specified destination territory to Pabst, Houston County, GA. E. E. Henry is authorized to operate as a common carrier in TX, LA, AR, MS, AL, TN, GA, FL, NC, SC, VA, NJ, and DE. Application has been filed for temporary authority under section 210a(b). No. MC 123387 (Sub-No. 12)F is a directly related matter.

No. MC-F-13505. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA, of a portion of the operating rights and property of Strickland Transportation Co., Inc., 3011 Gulden Lane, Dallas, TX, and for acquisition by Consolidated Freightways, Inc., 601 California Street, San Francisco, CA, of control of such rights through the purchase. Applicants' attorneys: (Vendee's) E. T. Lippfert, Suite 1000, 1660 L Street NW., Washington, DC 20036; (Vendor's) Leroy Hallman, 4555 First National Bank Building, Dallas, TX 75202. Operating rights sought to be purchased are set forth in certificate No. MC 59680, Sub-No. 117 as follows: General commodities, with exceptions, over regular routes, (1) be-

tween Houston, TX, and New Orleans, LA, serving the intermediate points of Orange and Beaumont, TX, with service at points in the Orange, Beaumont, and Houston, TX, Commercial Zones, as defined by the Commission, restricted to the transportation of traffic moving to or from points on the below-described route in LA, and serving all intermediate points in LA, with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the LA-TX State line: From Houston over U.S. Highway 90 to IA, LA, then over U.S. Hwy 165 to Kinder, LA, then over U.S. Hwy 190 to Baton Rouge, LA, and then over U.S. Hwy 61 to New Orleans, and return over the same route. Vendee is authorized to operate as a common carrier in all the States in the United States (except HI). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13506. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORP. OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025, of the operating rights of McLAREN TRUCK LINES, INC., P.O. Box 295, Terre Haute, IN 47808, and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., 601 California Street, San Francisco, CA 94108, of control of such rights through the purchase. Applicant vendee's representative: E. T. Lippfert, Suite 1000, 1660 L Street NW., Washington, DC 20036; applicant vendor's representative: A. W. McLaren, P.O. Box 295, Terre Haute, IN 47808. The operating rights sought to be purchased are set forth in Certificate No. MC 2078, issued March 15, 1963, and MC 2078 (Sub-No. 2), issued July 23, 1970, as follows: General commodities, with exceptions as a common carrier over regular routes (1) between Terre Haute, IN, and Danville, IL, serving all intermediate points, except points between Terre Haute and Lyford, IN, not including Lyford or points within the Terre Haute commercial zone, and serving the off-route points of Cayuga, Covington, Foster, Gessie, Montezuma, Rileysburg, and Silverwood, IN: From Terre Haute over U.S. Hwy 41 to Lyford, IN, then over IN Hwy 163 to Clinton, IN, then over IN Hwy 63 to junction U.S. Hwy 136, and thence over U.S. Hwy 136 to Danville, and return over the same route; (2) between Terre Haute, IN and Dana, IN, serving all intermediate points, and the off-route point of Universal, from Terre Haute over U.S. Hwy 41 to junction IN Hwy 63, then over IN Hwy 63 to junction IN Hwy 163, then over IN Hwy 163 to junction IN Hwy 71, then over IN Hwy 71 to Dana, and return over the same route; (3) between Terre Haute, IN, and Clinton, IN, serving all intermediate points except those on U.S. Hwy 40 and 150, and serving the

off-route point of the site of the Wabash Station of the Public Service Co. of Indiana, Inc.: From Terre Haute over U.S. Hwy 40 to West Terre Haute, IN, then over U.S. Hwy 150 (north to junction unnumbered hwy known as River Road, near Marion Heights, IN, then over unnumbered hwy to Clinton, and return over the same route. From Terre Haute over U.S. Hwy 40 to West Terre Haute, IN, then over U.S. Hwy 150 to junction unnumbered hwy approximately 8 miles north of junction U.S. Hwy 40 and 150, and thence over unnumbered hwy to Clinton, and return over the same route, with restrictions. Vendee is authorized to operate as a common carrier in all the states in the United States (except Hawaii) pursuant to Certificate No. MC 42487 and related sub-numbers thereunder. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13507. Authority sought for control by SPECIALIZED PARTS DISTRIBUTION, INC., (noncarrier), Northwest 82nd Ave., Miami, FL 33166, of SENTINAL STAR EXPRESS CO., P.O. Box 2833, Orlando, FL 32082, and for acquisition by Ryder System, Inc., 3600 Northwest 82d Ave., Miami, FL 33166, of control of such rights through the transaction. Applicant's attorney: Francis W. McInerney, 1000-16th Street NW., Washington, DC 20036. Operating rights sought to be controlled: General commodities, with exceptions, as a common carrier over irregular routes between points in FL on, south, and east of a line beginning at Yankeetown and extending along FL Hwy 40 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction FL Hwy 24, then along FL Hwy 24 to Waldo, then along U.S. Hwy 301 to the FL-GA State line, then along the FL-GA State line to the Atlantic Ocean. Restriction: The operations authorized herein are restricted against: (1) Serving points in Monroe County, (2) the transportation of any single package or article weighing more than 125 pounds, and (3) the transportation of packages or articles weighing more than 1,000 pounds from any one consignor to any one location on any single day; General commodities, with exceptions, as a common carrier over irregular routes between points in FL on, south and east of a line beginning at Yankeetown and extending along FL Hwy 40 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction FL Hwy 24, then along FL Hwy 24 to Waldo, then along U.S. Hwy 301 to the FL-GA State line, then along the FL-GA State line to the Atlantic Ocean (excluding Monroe County), on the one hand, and, on the other, points in Douglas, Fulton, DeKalb, Cobb, Gwinnet, and Henry Counties, GA. Restriction:

tion: The operations authorized herein are restricted to the transportation of a single package or article weighing not more than 125 pounds in shipments not exceeding 500 pounds from one consignor to one consignee in any one day, and restricted against utilization of vehicles equipped with mechanical refrigeration and shipments having immediate prior or subsequent movement by air. Approval of the transaction will result in the applicant, Ryder, being in control of both common and contract carrier operations between described areas of GA and FL. Ryder System, Inc., also controls six other motor common and contract carriers which are subject to the Interstate Commerce Act. They are: Customized Parts Distribution, Inc., certificate No. MC 136291; Complete Auto Transit, Inc., certificate No. MC 49368; M & G Convoy, Inc., certificate No. MC 20722; RPD, Inc., certificate No. MC 136051; DPD, Inc., certificate No. MC 140921; and Janesville Auto Transit Co., certificate No. MC 119642. M & G Convoy, Inc. is a common carrier and all of the others are contract carriers, and collectively these carriers operate in all 48 contiguous States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13508. Authority sought for control and merger by SPARTAN EXPRESS, INC., a South Carolina Corp., I-85 at SC Hwy 101, P.O. Box 529, Greer, SC 29651 of EDWARDS TRUCKING, INC., P.O. Box 428, Hemingway, SC 29651, of control of such rights through the transaction. Applicants' representatives: George W. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., NW., Washington, DC 20004, for vendor. Operating rights sought to be controlled: specified commodities as a motor common carrier, over irregular routes as authorized in MC 116514 (Sub-No. 1) and other subs in AL, GA, MS, MA, NC, RI, SC, TN, and VA, including: wool, wool waste, groceries, textile materials and wools, foodstuffs, and such commodities as are used, produced or distributed by manufacturers of plastic articles. Vendee is authorized to operate as a motor common carrier, over irregular routes, in the States of NC, SC, Augusta, GA, and Danville, VA. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection

with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days of this notice. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 42289 (Sub-No. 11), filed January 27, 1978. Applicant: LOMBARD BROTHERS, INC., 233 Mill Street, Waterbury, CT 06720. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. 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 commodities requiring special equipment), between points in MA, within 50 miles of Boston, MA.

NOTE.—The purpose of this application is to eliminate the gateway of Boston, MA; this is a matter directly related to a section 5(2) proceeding in MC-F-13502, published in a previous section of this FEDERAL REGISTER issue. (Hearing site: Hartford, CT.)

No. MC 123387 (Sub-No. 12), filed February 2, 1978. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, VA 23320. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, (1) from Pabst, Houston County, GA, to points in VA; and (2) from Monroe, NC to points in AL, FL, MS, and TN.

NOTE.—The purpose of this application is to eliminate the gateways of Monroe, NC in part (1) and Pabst, GA in part (2). This is a matter directly related to a section 5(2) proceeding in MC-F-13504, published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

AR Docket No. M. 10827, filed December 27, 1977. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Road, Russellville, AR 72801. Applicant's representative: Charles J. Lincoln and Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Certificate of Public Convenience and Necessity sought to operate a freight service over regular routes, as follows: Transportation of: 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): U.S. Hwy 71, Alma, AR, to Bentonville, AR, and return, serving all intermediate points (said authority to be tacked to existing regular route authorities of applicant). Intrastate, interstate and foreign commerce sought. Hearing: Wednesday, March 22, 1979 at 9:30 a.m., at the Arkansas Transportation Commission, Hearing Room, Justice Building, Little Rock, AR 72201. Requests for procedural information should be addressed to Arkansas Transportation Commission, Justice Building, Little Rock, AR 72201, and should not be directed to the Interstate Commerce Commission.

SC Docket No. 78-36-T, filed January 18, 1978. Applicant: LOWTHER TRUCKING CO., INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: Wire and communication materials used in the manufacture and packaging of wire and communication equipment, between the plantsite of Essex Group, Inc., near Chester, SC, and points and places in SC. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet

fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Box 11649, Transportation Dept., Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc. 78-4823 Filed 2-23-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 596]

ASSIGNMENT OF HEARINGS

FEBRUARY 21, 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 123475 (Sub-No. 7), Lightning Supply, Inc., now assigned February 23, 1978, at Chicago, IL, is canceled and application dismissed.

MC 129455 Sub 22, Carretta Trucking, Inc., now assigned March 20, 1978, at New York, NY, will be held at the Department of Agriculture and Markets, Room 5084, 50th Floor, Tower 2, 6 World Trade Center.

MC 138328 Sub 41, Clarence L. Werner, DBA Werner Enterprises, now assigned March 21, 1978, at New York, NY, will be held at the Department of Agriculture and Markets, Room 5084, 50th Floor, Tower 2, 6 World Trade Center.

MC 113678 Sub 676, Curtis, Inc., now assigned March 22, 1978 at Philadelphia, PA, will be held in the U.S. Customs Courtroom, Third Floor, U.S. Customs House Building.

MC 142559 Sub 3, Brooks Transportation, Inc., now assigned March 23, 1978 at Philadelphia, PA, will be held in the U.S. Customs Courtroom, Third Floor, U.S. Customs Building.

MC 125433 Sub 133, F-B Truck Line Co., is now assigned for hearing March 10, 1978 (1 day) at San Francisco, CA, and will be held in Room 15022, 15th Floor, Federal Building, 450 Golden Gate Avenue.

MC 121658 Sub 9, Steve D. Thompson, is now assigned for hearing on May 8, 1978 (1 week) at Memphis, TN, at a hearing room to be later designated; and will continue May 15, 1978 (1 week) at Monroe, LA, also at a hearing room to be later designated.

I & S 9179, Cancellation of Intermediate Routing, Michigan Northern Railway, now being assigned March 21, 1978, at the

offices of the Interstate Commerce Commission, Washington, DC.
No. 35366, The Atchison Topeka & Santa Fe Railway Co., et al. now assigned April 25, 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

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

[FR Doc. 78-4949 Filed 2-23-78; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF FEBRUARY 21, 1978.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before March 13, 1978.

FSA No. 43509, Zim Israel Navigation Co., Ltd.'s No. 14, on intermodal rates on general commodities, between ports in the Far East, on the one hand, and, on the other, rail terminals at Wilmington, NC, and Charleston, SC, by way of Los Angeles, CA, in its tariff I.C.C. No. 7, and other tariffs named in the application, to become effective April 3, 1978. Grounds for relief—water competition.

By the Commission.

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

[FR Doc. 78-4951 Filed 2-23-78; 8:45 am]

[7035-01]

[Notice No. 297]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 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 27, 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 support-

ed by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC 77300, filed September 6, 1977. Transferee: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Transferor: SCOTT TRUCKING, INC., P.O. Box 128, Masury, OH 44438. Applicant's representative: E. H. VAN DEUSEN, P.O. Box 97, Dublin, OH 43017. Authority sought for purchase by transferee of the operating rights set forth in permit No. MC-136988 (Sub-No. 3) issued November 28, 1973, as follows: Reinforced concrete slabs and walls from Aurora, OH to points in that part of PA on and west of US Hwy 219, points in that part of NY on and west of NY Hwy 14, and points in Jackson, Cabell, Kanawha, Marshall, Mason, Pleasants, Tyler, Wayne, Wetzel, Wood, Hancock, Brooke, and Ohio Counties, WV, and reinforcing wire between Aurora, OH, on the one hand, and, on the other, Rochester and South Bethlehem, NY. Transferee holds Commission authority under certificate No. MC-143267 and has filed an application for authority under section 210a(b).

No. MC-FC 77339, filed September 30, 1977. Transferee: JERRY J. KOBBS, INC., Rural Route No. 2, Walnut, IA 51577. Transferor: IOWA PACKERS XPRESS, INC., P.O. Box 231, Spencer, IA 51301. Applicant's representative: SCOTT E. DANIEL, P.O. Box 82028, Lincoln, NE 68501. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in certificate No. MC-115113 (Sub-No. 21) issued November 20, 1974 as follows: Meat, meat products, and meat by products (except hides and commodities in bulk) from the facilities of Raskin Packing Co., Inc., at or near Mankato, KS to points in CT, ME, MA, NH, RI, and VT. Transferee holds no Commission authority and application has been made for section 210a(b) authority.

No. MC-FC-77515 filed January 18, 1978. Transferee: MICHAEL J. FITZ-GIBBON, d.b.a. FITZ FREIGHT TRANSFER, P.O. Box 1144, Miami, OK, 74354. Transferor: FOUR STATE TRANSPORT, INC., d.b.a. FOUR STATE, (Security Bank & Trust Co.—successor in interest), P.O. Box 880, Miami, OK, 74354. Applicants' representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK, 73112. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 125691, issued February 18,

1970, as follows: *Meats, meat products, and meat byproducts* and articles distributed by meat packinghouses, except commodities in bulk, in tank vehicles, from Miami, OK, and Carthage, MO, to specified areas of OK, KS, MO, and AK. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-77524 filed January 24, 1978. Transferee: BRUCE M. SMITH AND KAREN E. SMITH, 2304 12th Avenue, Lewiston, ID, 83537. Transferor: ABRAMS HARDWARE, INC., d.b.a. KENDRICK-LEWISTON AUTO FREIGHT, P.O. Box D, Kendrick, ID, 83537. Applicants' representative: Frank V. Barton, P.O. Box 573, 622 Main Street, Lewiston, ID, 83501. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 93518, issued July 2, 1973, as follows: *General commodities*, with certain exceptions, over specified regular routes, between Clarkston, WA, and Kendrick, ID, serving all intermediate points; and those off-route points within 15 miles of Kendrick. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77533 filed February 8, 1978. Transferee: DUDLEY TRUCKING, INC., d.b.a. DUDLEY TRUCKING, 1819 Olympic Street East, P.O. Box 1651, Tacoma, WA 98402. Transferor: DUDLEY BOAT & TRAILER TRANSPORTATION, INC., d.b.a. DUDLEY BOAT & TRAILER TRANSPORTATION, 13315 8th Street East, Sumner, WA 98390. Applicants' representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in the entire Certificate No. MC 126266 (Sub-No. 8) issued February 10, 1977, as follows: *Iron and steel articles and pipe* between points in OR and WA. Application has been filed for temporary authority under section 210a(b). Transferee holds no authority from this Commission but is affiliated with Rucker Bros. Trucking, Inc. (MC 96607).

No. MC-FC-77538 filed February 7, 1978. Transferee: ALPHA INTERNATIONAL MOVERS, INC., P.O. Box 3, Little Falls, NJ 07424. Transferor: LEVINTAN-TODD CORP., 118-10 15th Avenue, College Point, NY 11356. Applicants' representative: Ronald I.

Shapss, 450 Seventh Avenue, New York, NY 10001; and Thomas F. X. Foley, Colts Neck Professional Plaza, Colts Neck, NJ 07722. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 95969 issued July 15, 1971, as follows: *Household goods*, as defined by the Commission between New York, NY and points in Nassau County, NY, on the one hand, and on the other, points in NY, NJ, CT, PA, MA, VA, MD, and DC. Transferee holds no Commission authority and does not seek Section 210a(b) temporary authority.

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

[FR Doc. 78-4950 Filed 2-23-78; 8:45 am]

[7035-01]

[Rule 19, Ex Parte No. 241, 36th Rev.
Exemption No. 901]

APALACHICOLA NORTHERN RAILROAD CO., ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with car service rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by car service rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 406 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of car service rules 1, 2(a), and 2(b).

Apalachicola Northern Railroad Co.

Reporting marks: AN.

Atlanta & Saint Andrews Bay Railway Co.

Reporting marks: ASAB.

Camino, Placerville & Lake Tahoe Railroad Co.

Reporting marks: CPLT.

City of Prineville.

Reporting marks: COP.

¹ Addition.

The Clarendon & Pittsford Railroad Co.

Reporting marks: CLP.

Duluth, Missabe & Iron Range Railway Co.

Reporting marks: DMIR.

Greenville & Northern Railway Co.

Reporting marks: GRN.

Greenwich & Johnsonville Railway Co.

Reporting marks: GJ.

Lake Erie, Franklin & Clarion Railroad Co.

Reporting marks: LEF.

Louisville & Wadley Railway Co.

Reporting marks: LW.

Louisville, New Albany & Corydon Railroad Co.

Reporting marks: LNAC.

McCloud River Railroad Co.

Reporting marks: MR.

Middletown & New Jersey Railway Co., Inc.

Reporting marks: MNJ.

Minneapolis, Northfield, & Southern Railway.

Reporting marks: MNS.

...

Municipality of East Troy, Wis.

Reporting marks: METW.

New Orleans Public Belt Railroad.

Reporting marks: NOPB.

North Louisiana & Gulf Railroad Co.

Reporting marks: NLG.

Pearl River Valley Railroad Co.

Reporting marks: PRV.

The Pittsburgh & Lake Erie Railroad Co.

Reporting marks: P&LE.

Providence & Worcester Co.

Reporting marks: PW.

Raritan River Rail Road Co.

Reporting marks: RR.

Sacramento Northern Railway.

Reporting marks: SN.

St. Johnsbury & Lamolite County Railroad.

Reporting marks: SJL.

St. Lawrence Railroad.

Reporting marks: NSL.

Sierra Railroad Co.

Reporting marks: SERA.

Terminal Railway, Alabama State Docks.

Reporting marks: T ASD.

Tidewater Southern Railway Co.

Reporting marks: TS.

Toledo, Peoria & Western Railroad Co.

Reporting marks: TPW.

Vermont Railway, Inc.

Reporting marks: VTR.

WCTU Railway Co.

Reporting marks: WCTR.

Yreka Western Railroad Co.

Reporting marks: YW.

Effective February 15, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 9, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

² Missouri-Kansas-Texas Railroad Co. deleted.

[FR Doc. 78-4948 Filed 2-23-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[3410-05]

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10 a.m., March 1, 1978.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board meeting on November 30, 1977.
2. Report re: Background and potential implementation problems of Section 1420, Food and Agriculture Act of 1977 (Pilot projects for alcohols and industrial hydrocarbons).
3. Resolution TCX 310a, Amendment 1 re: Commodities available for sale to foreign governments, international organizations and relief organizations during fiscal year 1978.
4. Resolution re: Sale of CCC's shares in Intra Investment Company.
5. Docket FCZ 247, Revision 1 re: Policy on CCC interest rates on commodity loans, grain reserve loans, farm storage and drying equipment loans, and certain price support purchase transactions.
6. Docket TCP 72a re: 1978 cotton loan program (extra long staple).
7. Docket TCM 195b re: Emergency feed program.
8. Docket OCZ 299, Revision 1 re: Disaster reserve.
9. Docket TCP 154a re: 1978-uniform grain storage agreement.
10. Study re: Dairy product manufacturing margins used in calculating

the purchase prices of dairy products under the milk price support program.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Acting Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, DC 20013, telephone 202-447-7583.

[S-421-78 Filed 2-22-78; 2:09 pm]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., February 27, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters—order for private investigation—offer of settlement.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-422-78 Filed 2-22-78; 2:09 pm]

[6715-01]

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, March 1, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit, compliance, personnel.

DATE AND TIME: Thursday, March 2, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

- I. Future meetings
- II. Correction and approval of minutes

- III. Advisory opinions: AO 1978-6. AO 1977-70. AO 1977-65
- IV. FOIA regulations
- V. Appropriations and budget
- VI. Classification actions
- VII. Pending legislation
- VIII. Pending litigation
- IX. Liaison with other Federal agencies
- X. Routine administrative matters

PORTIONS CLOSED TO THE PUBLIC

All matters not concluded at the meeting of March 1, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-426-78 Filed 2-22-78; 3:49 pm]

[6730-01]

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: March 1, 1978—10 a.m.

PLACE: Room 12126—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Agreement No. 9615-25: Modification of Iberian/North Atlantic West-bound Freight Conference Agreement with respect to the amount of bank guarantee required of members.
2. Agreement No. 9976-3: Modification of the Mediterranean Association Conferences Agreement—Extension of term of agreement.
3. Agreement No. 10135-4: Modification of the Far East and Pacific West-bound Conferences' Member Lines' Discussion Agreement to accord unlimited term of approval.
4. Docket No. 73-64: Proposed revisions to Commission General Order 7 providing for new self-policing requirements.
5. Special Docket No. 517--Texaco Export, Inc. v. American West African Freight Conference—Review of initial decision.
6. Informal Docket No. 359(I): Durite Corp., Ltd. v. Sea-Land Service, Inc.—Consideration of record.

7. Informal Docket Nos. 400(I), and 401(I), 402(I): *Kaiser Aluminum & Chemical Corp. v. Atlantic Container Line*—Consideration of record.

PORTIONS CLOSED TO THE PUBLIC

1. Docket No. 77-47: Far East Conference Amended Tariff Rule regarding the Assessment of Wharfage and Other Accessorial Charges—Consideration of request for hearing.

2. Matson Navigation Co. general rate increase in the U.S. West Coast/Hawaii trade.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-425-78 Filed 2-22-78; 3:49 pm]

[7020-02]

5

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 11 a.m., Wednesday, February 22, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Emergency meeting—open to the public.

MATTERS TO BE CONSIDERED:

1. Certain welded stainless steel pipe and tube (Inv. 337-TA-29)—Commission consideration of the form of the Commission's determination and action, including bonding.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-418-78 Filed 2-22-78; 9:08 am]

[7035-01]

6

INTERSTATE COMMERCE COMMISSION.

FEBRUARY 21, 1978.

TIME AND DATE:

9:30 a.m., Tuesday, February 28, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

1. Introduction of Rail Public Counsel.
2. Processing of Rail Abandonment Proceedings (Quarterly Review by Office of Proceedings).
3. Briefing on Possible Amtrak Route Restructuring Proposals (Rail Services Planning Office).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-416-78 Filed 2-21-78; 5:00 pm]

[7555-01]

7

NATIONAL SCIENCE FOUNDATION.

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE (NUSAC) Notice of Meeting.

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF 1978 Facilities Subcommittee of the Nuclear Science Advisory Committee (NUSAC).

Date and time: March 13, 1978 9 a.m. to 5 p.m., March 14, 1978 9 a.m. to 5 p.m., March 15, 1978 9 a.m. to 5 p.m.,

Place: Conference Room 543 for March 13, & 14; Conference Room 321 for March 15; National Science Foundation, 1800, G Street NW., Washington, D.C.

Type of meeting: March 13, 1978—Closed: 9 a.m. to 1 p.m.; March 13, 1978—Open: 1 p.m. to 5 p.m.; March 14, 1978—Open: 9 a.m. to 5 p.m.; March 15, 1978—Closed: 9 a.m. to 5 p.m.

Contact person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. 20550. Telephone: 202-632-4318.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of committee: To provide advice to NUSAC on needs and opportunities for major new facilities and major modifications of existing facilities in the field of basic nuclear science in the United States.

AGENDA

March 13, 1978

Closed session (9 a.m. to 1 p.m.). Discussion of projects under consideration for funding.

Open session (1 p.m. to 5 p.m.). Presentations by research groups of proposed projects, and discussion thereof.

March 14, 1978

Open session (9 a.m. to 5 p.m.). Continuation of previous day's activities.

March 15, 1978

Closed session (9 a.m. to 5 p.m.). Discussion of projects under consideration for funding.

Reason for closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the

proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer, pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,

Committee Management Coordinator.

FEBRUARY 2, 1978.

[S-420-78 Filed 2-22-78; 11:03 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 27, 1978

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 28

9:30 a.m.

1. Amendments to Table S-3 of 10 CFR Part 51, and Addendum to Response to New England Coalition on Nuclear Pollution (NECNP) Petition for Rulemaking (PRM-51-1) to Amend Table S-3 of 10 CFR Part 51 (approx 1 hr) (Public meeting).

2. Consideration of Intervenor's Motion for Stay in Three Mile Island Unit 2 (Approx ¼ hr) (Public meeting).

3. Discussion of Release of Staff Papers Discussed at Public Meetings (approx 1 hr) (Public meeting).

3 p.m.

1. Proposed Contract Award for the NRC Document Control System (approx 1 hr) (Closed—Exemptions 4 and 9).

THURSDAY, MARCH 2

9:30 a.m.

1. Briefing by DOE on International Fuel Cycle Evaluation Status (approx 1 hr) (Closed—Exemption 1).

2. Discussion of Personnel Matter (approx 1½ hrs) (Closed—Exemption 6).

1:30 p.m.

1. Briefing on the Integrated Safeguards Information System (ISIS) (approx 1 hr) (Public meeting).

2. General Session on Medical Uses of Isotopes (approx 2 hrs) (Public meeting).

3. Affirmation Items (approx 5 min) (Public meeting)—(a) Reduction of Radiography Overexposures; and (b) Revised Draft Order re Bailly Construction Permit.

4. Agenda Planning Session (approx 15 min) (Exempt session).

SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

FEBRUARY 21, 1978.

[S-423-78 Filed 2-22-78; 2:09 pm]

[7600-01]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 28, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: February 21, 1978.

[S-417-78 Filed 2-22-78; 5:08 pm]

[7910-01]

10

THE RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 7084, February 17, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, February 22, 1978; 10 a.m.
CHANGE IN MEETING: Cancellation.

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 21, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-419-78 Filed 2-22-78; 11:03 am]

[4410-01]

11

UNITED STATES PAROLE COMMISSION. United States Parole Commission National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Thursday, March 2, 1978; 9:30 a.m.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537.

MATTERS TO BE CONSIDERED: Referrals from regional commissioners of approximately 15 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-424-78 Filed 2-22-78; 2:09 pm]

FRIDAY, FEBRUARY 24, 1978
PART II



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

Public Health Service

**SCIENTIFIC PEER REVIEW OF
RESEARCH GRANT APPLICATIONS
AND RESEARCH AND
DEVELOPMENT CONTRACT
PROJECTS**

**Research
Grants
and
Development
Contract
Projects**

[4110-08]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52h—SCIENTIFIC PEER REVIEW OF RESEARCH GRANT APPLICATIONS AND RESEARCH AND DEVELOPMENT CONTRACT PROJECTS

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: This rule prescribes the requirements for scientific peer review of (1) applications for grants under the Public Health Service Act for biomedical and behavioral research, and (2) biomedical and behavioral research and development contract projects of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. These regulations codify the existing process for peer review of research grant applications and provide uniform rules for peer review of research contract projects in accordance with Section 475 of the Public Health Service Act, as added by Pub. L. 93-352 and renumbered by Pub. L. 94-63.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas E. Malone, Deputy Director, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, 301-496-1096.

SUPPLEMENTARY INFORMATION: On March 29, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 12986) proposing addition of a new part 52h to Title 42 of the Code of Federal Regulations for the purpose of implementing Section 475 of the Public Health Service Act.

Interested persons were invited to submit, on or before May 28, 1976, written comments regarding the proposed regulations. Comments were received from 60 individuals.

DISCUSSION OF COMMENTS

GENERAL

Section 475 requires that, to the extent practical, the review of research grant applications provided for in the regulations be consistent with the system utilized by the National Institutes of Health (NIH) and the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) to review grant applications on the date of enactment of Pub. L. 93-352, July 23, 1974. Several of the comments suggested changes in the present system. In view of the statutory endorsement

of the current system, most of these suggestions were not adopted. However, these comments were all referred to the NIH Grants Peer Review Study Team which was set up by the Director, NIH, to review the NIH grants peer review system and which has recently submitted its report to the Director, NIH. The comments dealt with the length of the term of membership, restrictions regarding service on more than one peer review group at the same time, the relative merits of centralized versus regional review groups, and the need for a system for appeal of adverse peer review recommendations.

Section 475 does not apply to activities of the Food and Drug Administration (FDA). Nevertheless, the Commissioner of FDA at first requested that the Notice of Proposed Rulemaking cover FDA as well. However, since FDA's regulations are by and large codified in Title 21 of the Code of Federal Regulations rather than Title 42, the Commissioner has decided not to have FDA included in the current regulations. References to FDA have therefore been deleted.

At the suggestion of a number of respondents, the title of the regulations has been changed to clarify the fact that they are applicable to "research" grant applications and "research and development" contract projects.

COMMENTS ADDRESSED TO SPECIFIC PROVISIONS

DEFINITIONS—SECTION 52h.2

In response to several comments, the word "assembled" has been deleted from the definition of "peer review group" to reflect the fact that, under current practice, advice is on rare occasions secured by mail where time constraints are involved.

It was pointed out that the definition of "research and development contract project" did not specifically encompass "clinical trials." This has been rectified.

COMPOSITION OF PEER REVIEW GROUPS—SECTION 52h.4

It was suggested that members of peer review groups be selected in such a manner as to secure wide geographic representation and appropriate expertise. This is current practice as reflected in Chapter 9 of the HEW General Administration Manual (referred to in § 52h.4(a) and § 52h.4(b)(4), respectively).

Several respondents were concerned that members other than scientists, such as business or administrative experts, might not be covered. These individuals are encompassed by the reference to "technical" experts so no additional language has been added.

One respondent questioned the limitation that no more than one-fourth

of any peer review group may be Federal officers or employees. However, this is a specific statutory requirement in section 475.

As the result of several comments, references to specific academic degrees were deleted and language giving recognition to "experience" was added.

One comment objected to professional recognition, through awards and other honors, as an appropriate measure for selection of peer review group members. While this is only one factor taken into account in attempting to select and appoint highly qualified members, it certainly is an appropriate consideration.

CONFLICT OF INTEREST—SECTION 52h.5

A number of respondents expressed the view that this section was overly restrictive and inflexible. For the most part, it reflects current restrictions to prevent conflicts of interest or the appearance of such conflicts. However, in order to permit some flexibility, a new paragraph has been added permitting the Director of NIH or the Administrator of ADAMHA to grant waivers of these restrictions where to do so would not violate any law, executive order, or the HEW Standards of Conduct and there is no other practical means for securing expert advice on a particular application, project, or proposal.

In response to several comments, the phrase "or is otherwise associated" has been revised to read "or is otherwise similarly associated."

One respondent suggested that a member should be disqualified from reviewing an application submitted by any institution with which his or her child is associated. Such a restriction already exists in § 52h.5.

Another respondent urged that a member be disqualified if he or she has ever submitted or may ever submit in the future an application for NIH or ADAMHA support of research closely related to that of the application under review. Such a restriction goes beyond current practice and legal requirements. It would impose a test which would be very difficult to apply and would have the effect in many cases of disqualifying most if not all individuals with the expertise necessary to make a proper scientific review of the application. For these reasons, this proposal was not adopted.

It was also suggested that a member be disqualified if he or she was trained or educated by the investigator or at the institution under consideration. Here again the suggestion was not followed because it would impose undue restrictions on members' participation beyond what is necessary to avoid conflicts of interest.

AVAILABILITY OF INFORMATION—SECTION 52h.6

Several respondents expressed concern that this section made available

to the public documents that otherwise would be nondisclosable. This is clearly not the case because the section merely states that documents will be available for inspection and copying to the extent provided in the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, and implementing HEW regulations.

GRANTS; MATTERS TO BE REVIEWED—
SECTION 52h.7

In response to a number of comments, this section was expanded slightly to make it clear that, where a national advisory council or board has the necessary scientific and technical expertise, it is not precluded from carrying out the peer review of grant applications called for in these regulations.

A few comments reflected concern that national advisory councils and boards could overturn recommendations of disapproval by peer review groups. However, where a council or board does not accept the recommendation for scientific or technical reasons the usual procedure is to return the application for reconsideration by the original peer review group or another such group.

A couple of respondents objected to the statement in this section and §§ 52h.9 and 52h.10 that recommendations by peer review groups are advisory only and not binding on the awarding official. This is in fact the case. Scientific and technical merit is an important factor, but not the only factor which an official must weigh in making a funding decision. He or she must also consider such matters as program priorities and availability of funds in determining which applications or proposals to support.

GRANTS; REVIEW CRITERIA—SECTION
52h.8

One respondent suggested that peer review could be carried out by the Institutional Review Boards established under Part 46 of Title 45 of the Code of Federal Regulations. These Boards are created at institutions to evaluate whether research projects which would involve human subjects meet certain ethical and legal standards. In order to carry out this function the Boards are required to include in their memberships, not just scientists but lay individuals such as ethicists and lawyers. Even the scientific members of the Boards come from broad ranges of disciplines and are not necessarily selected based upon training and scientific experience relevant to the research project under consideration. In addition, they come from the local area of the institution which they serve and thus do not offer a wide diversity of views so necessary to programs serving nation-wide goals. Hence, these Boards would not be

qualified to make the detailed scientific judgments called for under these regulations.

Another respondent was concerned that this section would limit the sacrifice of animals for research purposes. What the section requires is that adverse effects on animals be taken into account. However, this would not prevent sacrificing animals if necessary to carry out the research.

UNSOLICITED CONTRACT PROPOSALS; MATTERS TO BE REVIEWED—SECTION 52h.9

Question was raised as to why there was no equivalent in this section to the provision in § 52h.8 that "where under applicable law an awarding official is required to secure the approval or advice of a national advisory council or board concerning an application, said application will not be considered by the council or board unless it has been reviewed by a peer review group." The reason this was omitted from § 52h.9 is that there is no legal requirement that councils or boards review individual contract projects or proposals and they do not normally do so.

One respondent objected to subjecting unsolicited contract proposals to peer review prior to award because it was felt this would cause undue delay. However, this is the current practice at NIH.

CONTRACT PROJECTS INVOLVING SOLICITED CONTRACT PROPOSALS; MATTERS TO BE REVIEWED—SECTION 52h.10

A number of respondents objected to the fact that this section did not mandate peer review of individual contract proposals in the same manner as grant applications. It is evident from the legislative history to Pub. L. 93-352 that Congress intentionally used the word "project" rather than "proposal" in section 475 because it believed that, if contract project selection was well done and the project well defined, the succeeding steps in the procurement process could be adequately accomplished by agency staff. For that reason, § 52h.10 places emphasis on peer review of the project concept rather than individual proposals for carrying out the project. In some instances time constraints or other factors prevent peer review of the concept before proposals are solicited; in these cases, there must be peer review of the concept and approach before award.

For similar reasons, no action was taken in response to a suggestion that the regulations cover proposals for renewal of contracts.

Several respondents expressed concern that under this section it would be possible for contracts to be awarded for projects that lack scientific merit. The purpose of the section is to avoid this very occurrence by requiring that the project concept for all projects

covered by the section be reviewed by a peer review group either before a request for proposals is issued or, where this is not possible, at least prior to the award of any contracts. One respondent suggested that the provision which allows for waiver of the requirement for peer review of the project concept before solicitation of proposals be amplified to spell out the conditions under which waiver is permissible. However, since this is not a total waiver and no award may be made on the basis of the solicitation without peer review of both the concept and approach, it has been decided not to limit the flexibility offered by the waiver provision.

CONTRACT PROJECTS AND PROPOSALS;
REVIEW CRITERIA—SECTION 52h.11

One respondent queried why the qualifications of the principal investigator were not listed as a criterion for the review of the project concept. The reason is that, at the concept stage, the identity of the principal investigator would not be known.

MISCELLANEOUS COMMENTS

A number of comments suggested added topics to be covered in the regulations. However, in some cases, the topics did not have to do with the peer review process itself, relating instead to the responsibilities of agency staff or matters covered by the procurement regulations (e.g., specifications in requests for proposals).

Among the other suggestions was one that the regulations contain a penalty for their violation. However, in the absence of any specific penalty provision in section 475, this would seem adequately dealt with in the conflict-of-interest and civil service laws.

One respondent suggested that individuals as well as institutions be eligible for grant funds. Eligibility for an award under any particular program depends on the language in the enabling legislation and implementing regulations. Section 301(c) of the Public Health Service Act does permit research project grant awards to individuals. Normally, however, an individual needs the facilities, equipment, and other services of an institution in order to carry out successfully any substantial research activity.

Finally, one comment suggested that there should be some form of direct competition between grant applications from individual scientists, multi-project applications, and contract proposals. This is beyond the scope of these regulations, which are directed primarily at codifying the current system for scientific and technical peer review.

In addition to those additions and revisions already noted, a few minor changes have been made in the regulations, all editorial or technical in nature.

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new part 52h as follows.

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

Dated: July 29, 1977.

JAMES F. DICKSON,
Acting Assistant
Secretary for Health.

Approved: February 13, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

- Sec.
52h.1 Applicability.
52h.2 Definitions.
52h.3 Establishment and operation of peer review groups.
52h.4 Composition of peer review groups.
52h.5 Conflict of interest.
52h.6 Availability of information.
52h.7 Grants; matters to be reviewed.
52h.8 Grants; review criteria.
52h.9 Unsolicited contract proposals; matters to be reviewed.
52h.10 Contract projects involving solicited contract proposals; matters to be reviewed.
52h.11 Contract projects and proposals; review criteria.
52h.12 Applicability of other regulations.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 475, 88 Stat. 360, 89 Stat. 351 (42 U.S.C. 2891-4).

§ 52h.1 Applicability.

The regulations in this part are applicable to:

(a) Applications to the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, or any of their components for grants under the Act for biomedical and behavioral research, *except*:

(1) Applications for continuation funding for budget periods within an approved project period;

(2) Applications for supplemental funding to meet increased administrative costs within a project period; or

(3) Applications for construction grants;

(b) Biomedical and behavioral research and development contract projects administered by the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, or any of their components.

§ 52h.2 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Project period" has the same meaning as in 42 CFR Part 52.

(c) "Budget period" means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(d) "Awarding official" means the Secretary of Health, Education, and

Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated; *except that*, where the Act specifically authorizes another official to make awards in connection with a particular program, the "awarding official" shall mean said other official and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) "Peer review group" means a group of experts qualified by training and experience in particular scientific or technical fields to give expert advice, in accordance with the provisions of this part, on the scientific and technical merit of grant applications or contract projects in those fields.

(f) "Research" means systematic study directed toward new or fuller knowledge and understanding of the subject studied.

(g) "Development" means the systematic use of knowledge and understanding gained from research, directed toward creating useful materials, devices, systems, or methods.

(h) "Research and development contract project" means an identified, circumscribed activity, involving a single contract or two or more similar, related, or interdependent contracts, intended and designed to acquire new or fuller knowledge and understanding of a subject and/or to use such knowledge and understanding to develop useful materials, devices, systems, or methods. The terms include (but are not limited to) development and utilization of resources, testing, demonstrations, clinical trials, preparation of reports, and production of experimental or test models necessary or incidental to a research and/or development activity, but exclude quantity production and routine product testing and quality control.

(i) "Project concept" means the basic purpose, scope, and objectives of the project.

(j) "Project approach" means the methodology to be followed and the resources needed in carrying out the project.

(k) "Contract proposal" means a written offer to enter into a contract, submitted to an awarding official by an individual or non-Federal organization, and including as a minimum a description of the nature, purpose, duration, and cost of the project and the methods, personnel, and facilities to be utilized in carrying it out.

(l) "Solicited contract proposal" has the same meaning as in 41 CFR 3-1.353(b)(2).

(m) "Unsolicited contract proposal" has the same meaning as in 41 CFR 3-4.5201.

(n) "Request for Proposals" means a Government solicitation to prospective

offerors, under procedures for negotiated contracts, to submit a proposal to fulfill specific agency requirements based on terms and conditions defined in the request for proposals. The request for proposals contains information sufficient to enable all offerors to prepare competitive proposals, and is as complete as possible with respect to: Nature of work to be performed; descriptions and specifications of items to be delivered; performance schedule; special requirements clauses, or other circumstances affecting the contract; format for cost proposals; and evaluation criteria by which the proposals will be evaluated.

§ 52h.3 Establishment and operation of peer review groups.

(a) To the extent applicable, the Federal Advisory Committee Act (5 U.S.C. App. I), Department of Health, Education, and Welfare (45 CFR Part 11), implementing regulations and Chapter 9 of the Department of Health, Education, and Welfare General Administration Manual¹ will govern the establishment and operation of peer review groups, including that meetings shall be open to the public except as determined by the Secretary.

(b) Subject to § 52h.5 and paragraph (a) of this section, the Director of the National Institutes of Health, and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration will adopt procedures for the conduct of reviews and the formulation of recommendations under §§ 52h.7, 52h.9 and 52h.10 within their respective agencies.

§ 52h.4 Composition of peer review groups.

(a) To the extent applicable, the selection and appointment of members of peer review groups and their terms of service will be governed by Chapter 9 of the Department of Health, Education, and Welfare General Administration Manual.

(b) Subject to paragraph (a) of this section, members will be selected based upon their training and experience in relevant scientific or technical fields, taking into account, among other factors:

(1) The level of formal scientific or technical education completed or experience acquired by the individual;

(2) The extent to which the individual has engaged in relevant research, the capacities (e.g., principal investiga-

¹The Department of Health, Education, and Welfare General Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 6.01 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

tor, assistant) in which the individual has done so, and the quality of such research;

(3) Recognition as reflected by awards and other honors received from scientific and professional organizations outside the Department of Health, Education, and Welfare; and

(4) The need for the group to have included within its membership experts from various areas of specialization within relevant scientific or technical fields.

(c) Not more than one-fourth of the members of any peer review group to which these regulations are applicable may be officers or employees of the United States. For purposes of the preceding sentence, membership on such groups does not make an individual an officer or employee of the United States.

§ 52h.5 Conflict of interest.

(a) Members of peer review groups covered by this part are subject to relevant provisions in Title 18 of the United States Code, relating to criminal activity, the Department of Health, Education, and Welfare Standards of Conduct (45 CFR Part 73), and Executive Order 11222, as amended.

(b) In addition to any restrictions imposed under paragraph (a) of this section:

(1) No member of a peer review group may participate in or be present during any review by said group of a grant application, contract project, or contract proposal in which, to the member's knowledge, any of the following has a financial interest: (A) The member or his or her spouse, parent, child, or partner, (B) any organization in which the member or his or her spouse, parent, child, or partner is serving as an officer, director, trustee, partner, or employee, or is otherwise similarly associated, or (C) any organization with which the member or his or her spouse, parent, child, or partner is negotiating or has any arrangement concerning prospective employment or other similar association.

(2) In the event any member of a peer review group or his or her spouse, parent, child, or partner is currently or expected to be the principal investigator or member of the staff responsible for carrying out any research or development activities contemplated as part of a grant application, contract project, or contract proposal, that group is disqualified and the review will be conducted by another group with the expertise to do so. If there is no other group with the requisite expertise, the review will be conducted by an ad hoc group no more than 50 percent of whose members may be from the disqualified group. The composition of any such ad hoc group will be determined in accordance with

§ 52h.4(b) and § 52h.4(c) of this part and, to the extent feasible, § 52h.4(a) of this part.

(3) Where a member of a peer review group participates in or is present during:

(A) Development or review of a project approach or request for proposals by said group or

(B) Review by said group under § 52h.10(b) or § 52h.10(c), i.e. after the issuance of a request for proposals, no contract may thereafter be awarded as the result of such development or review to said member, his or her spouse, parent, child, or partner or any organization in which the member, his or her spouse, parent, child, or partner was serving as officer, director, trustee, partner, or employee at the time of such development or review or with which the member, his or her spouse, parent, child, or partner was negotiating or had any arrangement concerning prospective employment at said time.

(4) No member of a peer review group may participate in any review under this part of a specific grant application or contract project for which the member has had or is expected to have any other responsibility or involvement (whether preaward or postaward) as an officer or employee of the United States.

(c) Where permissible under the statutes, standards, and order cited in paragraph (a) of this section, the Director of the National Institutes of Health, the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, or their designees may waive the requirements in paragraph (b) of this section if he or she determines that there is no other practical means for securing appropriate expert advice on a particular grant application, contract project, or contract proposal.

§ 52h.6 Availability of information.

Transcripts, minutes, and other documents made available to or prepared for or by a peer review group will be available for public inspection and copying to the extent provided in the Freedom of Information Act (5 U.S.C. 552), the Federal Advisory Committee Act (5 U.S.C. App. I), the Privacy Act (5 U.S.C. 552a), and implementing Department of Health, Education, and Welfare regulations (45 CFR Parts 5, 5b).

§ 52h.7 Grants; matters to be reviewed.

(a) No awarding official will make a grant based upon an application covered by this part unless the application has been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of such application. In addition, where under appli-

cable law an awarding official is required to secure the approval or advice of a national advisory council or board concerning an application, said application will not be considered by the council or board unless it has been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of the application except where the council or board is the peer review group.

(b) Except to the extent otherwise provided for by law, such recommendations are advisory only and not binding on the awarding official or national advisory council or board.

§ 52h.8 Grants; review criteria.

In carrying out its review under § 52h.7, the peer review group will take into account, among other factors:

(a) The significance and originality from a scientific or technical standpoint of the goals of the proposed research;

(b) The adequacy of the methodology proposed to carry out the research;

(c) The qualifications and experience of the principal investigator and proposed staff;

(d) The reasonable availability of resources necessary to the research;

(e) The reasonableness of the proposed budget and duration in relation to the proposed research; and

(f) Where an application involves activities which could have an adverse effect upon humans, animals, or the environment, the adequacy of the proposed means for protecting against or minimizing such effects.

§ 52h.9 Unsolicited contract proposals; matters to be reviewed.

(a) No awarding official will award a contract based upon an unsolicited contract proposal covered by this part unless the proposal has been reviewed by a peer review group in accordance with the provisions of this part (pursuant to procedures set forth in 41 CFR Subpart 3-4.52) and said group has made recommendations concerning the scientific merit of such proposal.

(b) Except to the extent otherwise provided for by law, such recommendations are advisory only and not binding on the awarding official.

52h.10 Contract projects involving solicited contract proposals; matters to be reviewed.

(a) Subject to paragraph (b) of this section, no awarding official will issue a request for contract proposals with respect to a contract project involving solicited contract proposals unless the project concept has been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of said

concept. Where in the judgment of the awarding official the project approach has been sufficiently well defined by the time the review required by the preceding sentence is conducted, this review and the resulting recommendations shall include the project approach as well.

(b) The awarding official may waive the requirements of paragraph (a) of this section for peer review before issuing a request for contract proposals if he determines that the accomplishments of essential program objectives would otherwise be placed in jeopardy and any further delay would clearly not be in the best interest of the Government. The awarding official shall specify in writing the grounds on which this determination is based. Under such circumstances, the awarding official will not award a contract based on the request for contract proposals unless the proposals received in response to the request have been reviewed by a peer review group and that group has made recommendations concerning the scientific merit of the project concept and of the approaches outlined in the proposals. The request for proposals will indicate that the project concept has not been reviewed by a peer review group and

that no award will be made until such review is conducted and recommendations made based on such review.

(c) The Director of the National Institutes of Health, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, or their designees may identify individual contracts or classes of contracts which may not be awarded unless all pertinent contract proposals have been reviewed by a peer review group in accordance with the provisions of this part and said group has made recommendations concerning the scientific merit of said proposals.

(d) Except to the extent otherwise provided for by law, such recommendations are advisory only and not binding on the awarding official.

§ 52h.11 Contract projects and proposals; review criteria.

(a) In carrying out its review of a project concept under § 52h.10(a) or § 52h.10(b), the peer review group will take into account, among other factors:

(1) The significance from a scientific or technical standpoint of the goals of the proposed research or development activity;

(2) The availability of the technology and other resources necessary to achieve these goals;

(3) The extent to which there are identified, practical uses for the anticipated results of the activity; and

(4) Where the review includes the project approach, the adequacy of the methodology to be utilized in carrying out the activity.

(b) In carrying out its review of unsolicited contract proposals under § 52h.9, the peer review group will take into account, among other factors, those criteria in § 52h.8 which are relevant to the particular proposals.

(c) In carrying out its review of solicited contract proposals under § 52h.10(c) the peer review group will evaluate each proposal in accordance with the criteria set forth in the request for proposals.

§ 52h.12 Applicability of other regulations.

The regulations in this part are in addition to, and do not supersede other regulations concerning grant applications, contract projects, or contract proposals appearing elsewhere in this Title, Title 41, or Title 45 of the Code of Federal Regulations.

[FR Doc. 78-4441 Filed 2-23-78; 8:45 am]

FRIDAY, FEBRUARY 24, 1978
PART III



DEPARTMENT OF THE INTERIOR

Bureau of Land
Management



PUBLIC LANDS

Management of Recreation
Activities

Recreation
property

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2432]

Subchapter F—Outdoor Recreation and Wildlife Management (6000)

Group 6200—Recreation Management

PART 2920—SPECIAL LAND USE PERMITS

PART 6260—VISITOR MANAGEMENT

Rules for Visitor Use—Other Than Developed Recreation Sites

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes a permit and fee system for management of recreation activities on public lands. The Federal Land Policy and Management Act of 1976 provides specific authority for permits for recreation use on public lands.

EFFECTIVE DATE: March 27, 1977.

ADDRESS: Director (370), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202-343-8735.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 5294 to 5296 of the *FEDERAL REGISTER* of January 27, 1977, to delete recreation permit provisions from 43 CFR Part 2920, establish 43 CFR 6260 as the appropriate location for recreation permit provisions in the Code of Federal Regulations and establish the specific authority for issuing special recreation permits. 43 CFR Part 2920 covers permit procedures for activities not specifically provided for in other law and is no longer the proper Part for special recreation permits.

The principal author of this document is Mr. Larry Young of the Bureau of Land Management, Washington Office Division of Recreation, assisted by the Division of Legislation and Regulatory Management and the Solicitor's Office of the Department of the Interior.

Comments were received through mail, public meetings, and petitions for a 75 day period ending April 13, 1977. Adding together signatures on petitions and comments from letters and meetings, approximately 850 people commented on the proposed rulemaking.

DISCUSSION OF MAJOR COMMENTS—GENERAL COMMENTS

Many comments expressed only general disapproval of any permit and fee system. A permit system is considered

necessary to establish management and control over concentrated recreation activities which cause damage to natural resources. Fees are included for two purposes. Filing fees are to cover the cost of processing an application and are nonrefundable because an application must be processed and costs are involved whether it leads to a permit or is rejected. Use fees are charged to ensure the general public a fair return for the use of its land for commercial purposes and for specialized uses which entail exclusive use of certain public lands by a specific person, group, or organization.

Some comments expressed only general approval of a permit and fee system and included no suggestions for improvement.

It was suggested that the requirements of the permit system are not restrictive enough to adequately protect the resources. No specific additional restrictions were suggested and the rules allow the authorized officer enough latitude to take quick action to protect resources in an urgent situation.

Several comments suggested that the filing fee be returned to the area where it was collected as a fund to be used for the improvement of recreation lands and facilities. There is no authority that allows adoption of this suggestion.

It was suggested that since Alaska has many unique characteristics, the rules should be phased in over a five year period. It is recognized that Alaska, because of its remote situation, has some unique characteristics. However, there is also a need to manage concentrated recreation use in Alaska. The regulation gives the authorized officer latitude in decision-making to apply the rules according to resource protection needs in Alaska.

Many comments objected to the amount of authority vested in the authorized officer and held that actions of the authorized officer should be appealable. The authorized officer is the Bureau of Land Management official who has been delegated the authority to carry out the management responsibilities of the Secretary of the Interior on a particular management area of the public lands. The authorized officer may be an Area Manager, a District Manager, a State Director, or the Director of the Bureau of Land Management, depending upon the location and the resource program involved. It will most often be Area and District Managers under these rules. Decisions of the authorized officer are appealable to the Interior Board of Land Appeals and to the courts as appropriate. The issuance of any permit is entirely discretionary with the official who is responsible for the effect of the permitted activity on public lands under that official's care. However, the au-

thorized officer cannot exercise that discretionary power in a capricious manner so as to discriminate against one individual or group without a supportable motive.

SPECIFIC COMMENTS BY SECTION

Section 6263.0-5(a). Comments were received on the definition of "commercial use" as follows:

1. Exclude any noncompetitive event from the regulations.

The exclusion is not made. Many noncompetitive recreation activities may be conducted for commercial purposes and the public is entitled to a fair return for the use of the land.

2. Clarify the regulations with respect to church, scout, and certain camp activities.

No changes are considered necessary. Church groups, scout groups, and similar nonprofit organizations, when not engaged in off-road vehicle competitive events, would only be required to get a permit when their outing involves 50 or more vehicles on public land. Where more than 50 vehicles are involved, such groups may qualify to secure a recreation use permit for the minimum fee of \$1 per permit.

3. Do not consider the charging of fees as one of the criteria for determining commercial use.

The term "fee", as used in the definition of "commercial use", is properly used. No change is made.

4. Make an exception for subsistence activities in Alaska.

Subsistence activities in Alaska are not considered recreation use. The definition of "commercial use" is changed as suggested.

Section 6263.0-5(c). The definition of "competitive use" is clarified by deleting the last sentence and adding more precise criteria for determining competitive use.

Section 6263.0-5(e). It was suggested that the term "educational use" should not be confined only to activities of groups with scholastic accreditation. Since the intention of the definition is to separate nonprofit activities by educational institutions from commercial activities and primarily recreation oriented activities, the definition is considered proper as it is now written.

Section 6263.0-5(g). As suggested in several comments, the definition of "special area" is expanded to include primitive and wilderness areas and to give flexibility to the authorized officer to take special measures in areas such as high fire risk areas when needed.

Section 6263.0-5(h). The term "rider/event" is not used in the rulemaking and the definition is deleted.

Section 6263.0-5(j). Many comments were critical of the definition of the term "motorized recreation vehicle"

and its use in the proposed rulemaking. The term is deleted throughout the rulemaking and the term "off-road vehicle" is used instead, where appropriate. Additionally, several comments requested an exclusion for emergency vehicles when used for emergency purposes. The exclusion is effected in the definition of the term "off-road vehicle." Finally, the exclusion of official use vehicles and combat vehicles from the definition of the term "off-road vehicle" has been added to conform the definition to that contained in Executive Order 11989, 42 FR 26959 (May 25, 1977).

Section 6263.0-7. Several comments expressed concern that enforcement authority might be abused by enforcement agents. Personnel who are to be authorized to enforce these rules will be well trained and carefully screened before being entrusted with the authority. However, the scope of the legal sanctions authorized by this section have been limited to failure to pay any fee or failure to obtain a permit when required or operating with a suspended permit. Resource protection programs will continue to put emphasis on the cooperative efforts of the public land user.

Section 6263.1. Many comments suggested that the minimum number of off-road vehicles involved in noncompetitive events for which a permit would be required should be increased from 25 to 50 to accommodate groups who generally travel only on roads and trails and whose recreation pursuits are not as potentially damaging to resources as competitive events. Two comments expressed general disapproval of the special area provisions in the section. It was suggested that the permit system be based upon numbers of people rather than numbers of vehicles involved in an event.

Concentrated recreation use involving large numbers of off-road vehicles has been a major cause of natural resource damage on public lands. Vehicles are required to get people to the public lands for recreation purposes. Therefore, numbers of off-road vehicles is retained as one basis for requiring permits and fees. Also, special area provisions are retained to ensure that the authorized officer will be able to exercise closer control of potentially damaging activities where natural resources have unique features which need protection or where public hazards exist which must be guarded against.

It was determined to raise the minimum number of off-road vehicles, for which permits and fees are required, from 25 to 50 where noncompetitive, noncommercial recreation activities are the objective of a group, because the types of activities engaged in by the groups in the noncompetitive, non-commercial category are less of a

hazard to resources than competitive activities.

Section 6263.2. Several comments addressed the time frames established in regard to filing applications. Many commentators felt that the provision for filing 120 days in advance of the proposed use date is unrealistic and should be shortened and that the authorized officer should not be allowed 60 days from the filing date to determine that a permit might be delayed by the need for an environmental impact statement or other reasons. Additionally, comments objected to the requirements for three maps.

The 120 day lead time was adopted to allow 90 days for processing an application and 30 days for the applicant to have a permit in hand prior to the use date. The intent is to serve the user by allowing 30 days in which to prepare for the planned event with no uncertainty as to whether or not a permit would be granted to the applicant. The rulemaking provides the authorized officer with flexibility to accept an application and process it in a shorter time than 120 days if the authorized officer determines that it is practicable to do so. Therefore, the 120 day advance requirement for filing is retained.

The time set up to inform the applicant of a delay in the processing of the application is shortened to 30 days after the filing date or 15 days prior to the proposed use date whichever is earlier. The intent is to serve the applicant by giving the earliest possible notice of problems with the application.

The map requirement is reduced to one map of sufficient scale to allow identification of the use area on the ground.

Additionally, the section is clarified by stating that applications may be mailed in as well as filed in person.

Section 6263.4. It was suggested that fee provisions only apply to profit making organizations. Also, it was suggested that the authorized officer be given complete authority to determine whether or not a fee should be charged.

Fee provisions are established to ensure a fair return to the general public for the use of public lands for commercial purposes and for specialized uses which entail exclusive use of certain public lands by a specific person, group, or organization and where a need for above normal expenditures of public funds is created by the activity. The authorized officer is not given complete authority to determine whether fees should be charged in the case of commercial and competitive events and in special areas because consistency must be maintained from jurisdiction to jurisdiction across the public lands.

Additionally, it was suggested that exclusions be placed in § 6263.4(d) as follows:

1. Exclude dog races in Alaska.
2. Exclude the State of Alaska.
3. Exclude lands selected by Native Corporations under the Alaska Native Claims Settlement Act.
4. Exclude land in reservations which have been revoked by provisions of the Alaska Native Claims Settlement Act.

It is determined that where the Secretary of the Interior has the management responsibility for the public lands, the rules needed by the Bureau of Land Management to properly carry out that responsibility must apply to all lands under its jurisdiction. This approach will protect the values important to the Native Corporations as well as the values important to the general public. Dog races are competitive events which result in concentrated recreation use and therefore should not be excluded from these rules.

Section 6263.5. Section 302(c) of the Federal Land Policy and Management Act of 1976 requires an administrative finding of a violation of any term or condition of a permit before a permit may be revoked or suspended. However, it provides that a permit may be suspended without an administrative finding of a violation where necessary to protect health or safety or the environment. The regulations have been changed to reflect this authority.

There were objections to the provision in 6263.5(a)(4) allowing access to documents and records of a permittee for three years after a permit is terminated. Several comments asked clarification of the bonding provisions relating to when a bond is required and how the amount of the bond is established. Many comments expressed disapproval of any bonding or insurance provisions.

Regarding the examination of records and documents after a permit has terminated: this is a standard procedure on operations involving Federal permits, licenses, leases, and contracts where money is involved. With regard to protection of the permittee under the Freedom of Information Act: the authorized officer only reserves the right to examine the records; therefore, the records would not be subject to exposure under the Act unless irregularities in the records resulted in a court action. In that event, the records would be exposed by the court.

Regarding bonding provisions: the authorized officer will decide whether a bond is required and how large the bond shall be. The decision will be based upon the kind of recreation activity proposed, what the effect of the proposed activity might be on the lands involved, and what costs of rehabilitation may be anticipated as a result of the proposed activity. In the case of a payment bond it is based upon the amount of the use fee involved.

Bonding and insurance requirements are necessary for several reasons. Bonding assures the public that its tax money will not have to be used to rehabilitate public lands damaged by special interests who do not fulfill the obligations of their permits. Bonds are released expeditiously to permittees who comply with the terms of their permits.

Insurance requirements assure the public that its tax money will not have to be used to pay for lawsuits filed by recreation seekers who are injured or suffer equipment losses while voluntarily engaging in high risk events on public lands. Participants in permitted recreation events have a right to expect the sponsors of high risk events to be properly bonded and insured to protect the participants.

Accordingly, Parts 2920 and 6260, Chapter II, Title 43 of the Code of Federal Regulations are amended as set forth below.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Order 11821 and OMB Circular A-107.

Dated: February 16, 1978.

GUY R. MARTIN,
Assistant Secretary
of the Interior.

PART 2920—SPECIAL LAND USE PERMITS

§ 2920.0-50 [Amended]

§§ 2920.0-2—2920.7 (Subpart 2924) [Deleted]

1. Part 2920 is amended by deleting § 2920 is amended by deleting § 2920.0-5(e), and Subpart 2924.

PART 6260—VISITOR MANAGEMENT

2. Part 6260 is amended by adding Subpart 6263 to the table of sections as follows:

• • • • •

Subpart 6263—Rules for Visitor Use—Other Than Developed Recreation Sites

Sec.

6263.0-1 Purpose.

6263.0-2 Objective.

6263.0-3 Authority.

Sec.

6263.0-5 Definitions.

6263.0-7 Enforcement.

6263.1 Permits required.

6263.1-1 Public lands, general.

6263.1-2 Special areas.

6263.2 Applications.

6263.3 Issuance of permits.

6263.4 Fees.

6263.5 Terms.

3. Part 6260 is amended by adding Subpart 6263 to read as follows:

Subpart 6263—Rules for Visitor Use—Other Than Developed Recreation Sites

§ 6263.0-1 Purpose.

This subpart sets forth the procedures for authorizing certain recreational uses of lands and waters administered by the Bureau.

§ 6263.0-2 Objective.

To establish a permit and fee system for certain recreation uses of lands and waters administered by Bureau.

§ 6263.0-3 Authority.

The rules in this subpart are issued pursuant to: 43 U.S.C. 1201; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1374; 43 U.S.C. 1181a; 16 U.S.C. 460(1-6a); 16 U.S.C. 670g-n; 16 U.S.C. 1271-1287; 16 U.S.C. 1241-1249.

§ 6263.0-5 Definitions.

For the purposes of this subpart:

(a) "Commercial use" is recreational use of the public lands for business or financial gain. When any permittee, employee or agent of a permittee, operator, or participant makes or attempts to make a profit, salary, increase his capital worth, advance or promote his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the special recreation permit, the use will be considered commercial. Subsistence activities of Alaskan natives in Alaska are not considered recreational use. The collection by a permittee or his agent of any fee, charge, or other compensation which is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity or use shall make the activity or use commercial. Use by educational and therapeutic institutions is considered commercial when the above criteria are met. Profit making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making. Non-profit status of any group or organization under the Internal Revenue or Postal Laws or regulations does not in

itself determine whether an event or activity arranged by such a group or organization is noncommercial. Any person, group, or organization seeking to qualify as noncommercial shall have the burden of establishing to the satisfaction of the authorized officer that no financial or business gain will be derived from the proposed use.

(b) "Actual costs or expenses" are costs or expenses necessarily incurred for the permitted activity or use. These terms include, but are not limited to, the actual costs of such items as expendable equipment and supplies. Actual costs or expenses will not include any salaries, profit, increase of capital worth, allowances, or subsidies of any other activities of the permittee or sponsor, the purchase or amortization of nonexpendable supplies or equipment, any allowance for under-subscribed events, or any monetary compensation for sponsors or participants.

(c) "Competitive use" is any formally organized or structured use, event, or activity on public land in which there are the elements of competition between two or more contestants, registration of participants, and/or a predetermined course or area is designated. The term also applies to one or more individuals contesting an established record such as speed or endurance.

(d) An "event" is a single, structured, organized, consolidated, or scheduled meeting or occurrence for the purpose of recreational use of the public lands. An event may be composed of several activities.

(e) "Educational use" is use by an institution which has been recognized as educational by Federal, State, or local government bodies, or regional accrediting bodies. Such use must have learning as the major objective, and there must be a teacher-pupil relationship present. National regional, State, or local accreditation will normally qualify a school as noncommercial, but such accreditation in and of itself does not assure noncommercial status.

(f) An "operator" is a group, association, individual, corporation, or organization which provides recreational services.

(g) A "special area" is an area established as a component of the National Trails System, the National Wild and Scenic Rivers System, the National Wilderness System, an area covered by joint agreement between the Bureau of Land Management and a State government as provided for in Title II of the Sikes Act, or any other area where the authorized officer determines that the resources require special management and control measures for their protection.

(h) A "User day" is any calendar day, or portion thereof, for each individual accompanied or serviced by an

operator or permittee on the public lands. Passenger day is synonymous with user day.

(i) An "off-road vehicle" is any motorized vehicle capable of or designed for, travel on or immediately over land, water, or other natural terrain excluding: (1) any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is specifically authorized by the authorized officer or otherwise officially approved; (4) official use; or (5) any combat or combat support vehicle when used in times of natural defense emergencies.

§ 6263.0-7 Enforcement.

Failure to pay any fee or failure to obtain a permit required by this subpart or operating with a suspended permit shall be punishable pursuant to the Federal Land Policy and Management Act of 1976, the Land and Water Conservation Fund Act, the Wild and Scenic Rivers Act, the National Trails Act, the Sikes Act, and other appropriate laws when applicable.

§ 6263.1 Permits required.

§ 6263.1-1 Public lands, general.

Special recreation permits are required for (a) commercial use, (b) competitive use, (c) off-road vehicle events involving 50 or more vehicles, and (d) special area use where the authorized officer determines the criteria of the Land and Water Conservation Fund Act, the Sikes Act, the Wild and Scenic Rivers Act, Federal Land Policy and Management Act, the Taylor Grazing Act, or National Trails Act requires their issuance.

§ 6263.1-2 Special areas.

With the exception of use in special areas, special recreation permits are not required for recreational use by individuals, or individual immediate families. Notice will be given in the FEDERAL REGISTER and regional news media when special recreation permits are required for recreational use other than commercial, competitive, and off-road vehicle use in a special area. Access points in special areas will also be posted notifying the public of required permits for recreational use, other than commercial, competitive, and off-road vehicle use.

§ 6263.2 Applications.

(a) *Forms and maps.* Applications for special recreation permits shall be made to the authorized officer on forms approved by the Director, Bureau of Land Management. Applications shall include a map of sufficient scale and detail to allow identification of the proposed use area on the

ground. The authorized officer may waive the requirement for maps where appropriate.

(b) *Supplemental information.* The authorized officer may require the applicant to submit supplemental information in sufficient detail to evaluate the impact of the proposed event upon the lands and environment, including measures the applicant would take to mitigate impacts on the lands and environment.

(c) *Filing.* (1) The application shall be filed in the office of the Bureau having jurisdiction over the lands to be used. The application shall be filed a minimum of 120 days in advance of intended use unless a shorter time is authorized by the authorized officer. Applications may be filed by mail or in person. (2) Within 30 days of the filing date or within 15 days of the desired use date, which ever is earliest, the authorized officer will inform the applicant if the decision on issuing the permit will be delayed. (3) The authorized officer may establish a maximum time by which applications will be accepted prior to date of proposed use.

§ 6263.3 Issuance of permits.

The approval of an application and subsequent issuance of a special recreation permit is discretionary with the authorized officer.

§ 6263.4 Fees.

(a) *Filing fees.* Applicants for special recreation permits for commercial or competitive uses shall include with their application a \$10 nonrefundable filing fee.

(b) *Use fees.* (1) Commercial use—a minimum of \$25.00 is required for use of not in excess of 100 user days. Payment for use in excess of 100 user days shall be in the amount of \$25.00 each additional 100 user days or fraction thereof. (2) Competitive use—the fee is five percent of the gross receipts, \$1.00 per participant per day or \$10.00 whichever is greater. When use is both commercial and competitive, the competitive fee shall be charged. (3) Special area use—fees may be required for special area uses by other than commercial, competitive, and off-road vehicle users where the authorized officer determines that such charges are consistent with the Land and Water Conservation Fund Act. A minimum fee of \$1.00 will be charged for each permit for such use. (4) Off-road vehicle use—a minimum fee of \$1.00 will be charged for the permit for each event. (5) The authorized officer may charge larger fees than these minimums consistent with charges made for similar uses by other organizations and governmental agencies in the region of use. (6) Any change in established fees will be made in accordance with section 304 of the Federal Land Policy

and Management Act of 1976 (43 U.S.C. 1734).

(c) *Payment of use fees.* (1) Payment of fees will be required at the time a permit is issued. (2) Where the amount of intended use cannot be precisely determined, the fee will be based on an estimation and payment will be required of that amount. The fee will be adjusted, based on actual use, after use is made. Refunds will be made or additional payment will be required to the extent the payment requirement for actual use varies from the initial amount paid by \$10.00. (3) If an applicant is unable to pay the fee in advance, the authorized officer may allow the posting of a payment bond or other guarantee in an amount equal to the actual or estimated fee. The authorized officer will establish a payment date which is no later than 15 days following the use period.

(d) *Exceptions, exclusions, and exemptions.* (1) Nothing contained herein shall authorize Federal hunting, trapping, or fishing licenses, permits, or fees. (2) Fees under provisions of this part shall not be charged and permits shall not be required for commercial or other activities not related to recreation. Permits may be required but fees shall not be charged for uses including, but not limited to, organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes. (3) Applicants for waiver of fees on this basis will be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State, or local government bodies and will also be required to provide a statement as to the purposes of the visit proposed. (4) The use of areas for which a fee waiver is requested must relate directly to scientific or educational purposes. (5) No fee shall be charged for those special recreation permits required for: (i) Any hospital patient actively involved in medical treatment or therapy in the area visited; (ii) educational and therapeutic institutions that are not commercial; and (iii) individuals, and individual immediate families except in certain special areas. The authorized officer may determine that permits and fees are unnecessary where an event begins and ends on non-public lands, traverses less than one mile of public lands, and poses no threat of significant damage to public resource values.

§ 6263.5 Terms.

(a) *General.* (1) The authorized officer may suspend a special recreation permit if necessary to protect public health, public safety, or the environment. The term of the permit shall continue to run during any such suspension. (2) Permits may be issued for

a day, season of use, or such other time period considered appropriate by the authorized officer for the use involved. (3) A special recreation permit will not be issued for an area larger than the authorized officer determines is necessary for the contemplated use. The land may be surveyed or unsurveyed. (4) The operator or permittee will allow the authorized officer, or other duly authorized representative of the Bureau, to have access to and the right to examine any directly pertinent books, documents, papers, and records of the operator or permittee involving transactions related to the permit. The operator or permittee also will allow the authorized officer, or other duly authorized representative of the Bureau, to have access to and the right to examine any directly pertinent books, documents, papers, and records of any employee or agent of the permittee or operator. These allowances and rights terminate 3 years after the expiration of the permit.

(b) *Stipulations.* A special recreation permit will contain such stipulations as the authorized officer considers necessary to protect the lands and resources involved and the public interest in general.

(c) *Bonds.* In addition to a payment bond, the authorized officer may require the posting of a cash or surety bond or other guarantee in such form and in such amount as the authorized officer determines to be sufficient to defray the costs of restoration and rehabilitation of the lands affected by the permitted use. Bonds and guarantees will be returned to the permittee upon satisfactory compliance with all permit stipulations, including restoration and rehabilitation requirements.

(d) *Insurance.* The authorized officer shall require all commercial and competitive applicants, and may require other applicants, to obtain and submit a property damage, personal injury, and public liability insurance policy which he judges sufficient to

protect the public and the United States. The policy shall name the United States Government as a co-insured and stipulate that the authorized officer of the Bureau of Land Management will be notified 30 days in advance of the termination or modification of the policy.

(e) *Liability.* The permittee shall indemnify the United States against any responsibility or liability for damage, injury, or loss to persons and property which may occur during the permitted use period or as a result of such use.

(f) *Violation of law.* The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources, the environment, endangered species, or antiquities that is related to said special recreation permit may result in the cancellation of the permit.

[FR Doc. 78-4761 Filed 2-23-78; 8:45 am]

FRIDAY, FEBRUARY 24, 1978
PART IV



**LABOR
DEPARTMENT**

**Employment Standards
Administration**



**MINIMUM WAGES FOR
FEDERAL AND FEDERALLY
ASSISTED
CONSTRUCTION**

**General Wage Determination
Decisions**

**Registered
Prepaid**

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the pro-

visions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose

of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77-1025.....	Mar. 4, 1977.
AL78-1003.....	Feb. 3, 1978.
Arizona:	
AZ77-5050; AZ77-5060.....	June 17, 1977.
Arkansas:	
AR77-4173.....	Aug. 19, 1977.
AR77-4290.....	Nov. 11, 1977.
California:	
CA78-5004; CA78-5005.....	Jan. 27, 1978.
Delaware:	
DE77-3134.....	Sept. 30, 1977.
Minnesota:	
MN77-2043; MN77-2044; MN77-2045; MN77-2046.....	May 6, 1977.
Missouri:	
MO77-4271.....	Sept. 30, 1977.
New Mexico:	
NM78-4012.....	Feb. 10, 1978.
North Dakota:	
ND77-5099.....	Dec. 2, 1977.
Oklahoma:	
OK77-4278.....	Sept. 30, 1977.
Pennsylvania:	
PA78-3169.....	May 21, 1978.

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decisions numbers are in parentheses following the numbers of the decisions being superseded.

California:	
CA77-5090 (CA78-5002); CA77-5091 (CA78-5003).....	Sept. 30, 1977.
Florida:	
FL77-1028 (FL78-1149).....	Mar. 18, 1977.
Georgia:	
GA77-1153 (GA78-1008).....	Dec. 16, 1977.
Mississippi:	
MS78-1137 (MS78-1013).....	Dec. 17, 1978.
Ohio:	
OH77-2132 (OH78-2006).....	Sept. 2, 1977.
Pennsylvania:	
PA77-3023 (PA78-3005).....	Jan. 28, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., This 17th day of February 1978.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION NO. A277-5060 - Mod. #4 (42 FR 31070 - June 17, 1977) Pima County, Arizona					
Change: Asbestos Workers	.50	1.20			.02
Elevator Constructors	.745	.56	a		.025
Plumbers; Steamfitters:	.745	.56	a		.025
Zone I	.75	1.35			.10
Zone II	.75	1.35			.10
Zone III	.75	1.35			.10
Zone IV	.75	1.35			.10
DECISION NO. AK17-4173 - Mod. #5 (42 FR 42063 - August 19, 1977) Jefferson County, Arkansas					
Change: Description of work to read "Building construction (does not include single family homes and garden type apartments up to and including 4 stories)."					
DECISION NO. AR77-4290 - Mod. #3 (42 FR 58924 - November 11, 1977) Conway, Van Buren, Perry and Cleburne Counties, Arkansas					
Change: Description of work to read "Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)."					

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #AL77-1025-MOD. #5 (42 FR 15277 - March 4, 1977) Lawrence, Limestone and Morgan Counties, Alabama					
Change: Electricians: Cable Splicers	.55	3% + .35			1%
DECISION #AL78-1003 - Mod. #2 (43-FR-4805 - February 3, 1978) Statewide Alabama					
Change: Electricians: Zone 1 Zone 3					
Zone 1	\$10.65a				
Zone 3	10.65a				
FOOTNOTE: a. Plus fringe benefits of \$.55 Health and Welfare, 3%+.40 Pension and .5% Apprentice Training.					
DECISION NO. A277-5059 - Mod. #5 (42 FR 31065 - June 17, 1977) Maricopa County, Arizona					
Change: Painters: Zone A	\$9.85	.40			.08
Brush; Tapers	10.10	.40			.08
Spray; Paperhangers					
Zone B					
Brush; Tapers	10.85	.40			.08
Spray; Paperhangers	11.10	.40			.08
Zone C					
Brush; Tapers	12.10	.40			.08
Spray; Paperhangers	12.35	.40			.08
Plumbers; Steamfitters:					
Zone I	12.24	1.35			.10
Zone II	12.59	1.35			.10
Zone III	13.01	1.35			.10
Zone IV	14.31	1.35			.10
Sheet Metal Workers:					
Zone I	10.83	38+.80	1.30		.10
Zone II	11.48	38+.80	1.30		.10
Zone III	13.33	38+.80	1.30		.10
Soft Floor Layers:					
Zone A	9.21	.59	.12		.12
Zone B	10.21	.59	.12		.12
Zone C	10.71	.59	.12		.12

POWER EQUIPMENT OPERATORS

- Group 1: Brakeman; Compressor (less than 5600 CFM); Ditchwitch, with seat, or similar type equipment; Elevator operator - inside; Engine oiler; Fork lift op. under (5 tons); Generator; Generator, pump or compressor plant operator; Heavy duty repairman helper; Pump; Signalman; Switchman
- Group 2: Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Rotary drill helper (oilfield); Skiploader wheel type up to 3/4 yd. w/o attachments; Soils field technician; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Truck crane oiler
- Group 3: A-frame or winch truck; Chainman; Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radman (ground); Power concrete curing machine; Power concrete saw; Power driver jumbo form setter; Ross carrier (job site); Stationary pipe wrapping and cleaning machine
- Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (greaser truck); Guard rail, post driver; Helicopter roller, hydraulic cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Rodman; Roller (compacting); Screed (asphalt or concrete); Trenching machine (up to 6 ft.)
- Group 5: Asphalt plant engineer; Batch plant; Bit sharpener; Concrete joint machine (canal and similar type); Concrete planer; Deck engine; Derrickman (oilfield type); Drilling machine operator (including water wells); Hydrographic seeder machine (straw, pulp or seed); Instrumentman; Machine tool operator; Maginnis internal full slab vibrator; Mechanic berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete-CIary, Johnson, Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine; Slip form pump (power-driven hydraulic lifting device for concrete forms); Skiploader (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Stinger crane (Austin-Western or similar type); Tractor-bulldozer, tamper scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Tugger hoist 1 drum; Tunnel locomotive (over 10 and up to and including 30 tons); Welder-general

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
DECISION NO. CA78-5004 - Mod. #1 (43 FR 3844-January 27, 1978) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change: Power Equipment Operators: (Schedule Attached) Truck Drivers: (Schedule Attached)					
DECISION NO. CA78-5005 - Mod. #1 (43 FR 3853-January 27, 1978) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change: Power Equipment Operators: (Schedule Attached) Truck Drivers: (Schedule Attached)					
POWER EQUIPMENT OPERATORS					
Group 1:	\$10.70	\$1.00	\$2.00	.55	.14
Group 2:	10.98	1.00	2.00	.55	.14
Group 3:	11.27	1.00	2.00	.55	.14
Group 4:	11.41	1.00	2.00	.55	.14
Group 5:	11.63	1.00	2.00	.55	.14
Group 6:	11.74	1.00	2.00	.55	.14
Group 7:	11.86	1.00	2.00	.55	.14
Group 8:	12.03	1.00	2.00	.55	.14
Group 9:	12.16	1.00	2.00	.55	.14

MODIFICATIONS P. 5
POWER EQUIPMENT OPERATORS (Cont'd.)

Group 6: Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Backhoe (up to and including 3/4 yd.); Crane operator; Cast-in-place pipe laying machine; Combination mixer and compressor (gunite work); Compactor, self-propelled; Concrete mixer - paving; Concrete pump (truck mounted); Crane operator up to and including 25 ton capacity (long-boom pay applicable); Cretor crane; Crushing plant; Drill doctor; Elevating grader; Forklift (over 5 tons); Crane checker; Grade-all; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; Letourneau blob conveyor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. rubber tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Polar gantry crane operator; Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment (single engine); Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck; Rubber-tired earth moving equipment (multiple engine, up to and including 25 yds. struck); Rubber-tired scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Self-propelled curb and gutter machine; Skip-loader (crawler and wheel type-over 1 1/2 yds., up to and including 6 1/2 yds.); Surface heaters and planer; Tower crane operator; Tractor compressor drill combination; Tractor (any type larger than D-5 - 100 flywheel h.p. and over, or similar - Bulldozer, tamper, scraper and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping cleaning and bending machine; Trenching machine (over 6 ft. depth); Tunnel locomotive (over 30 tons); Shovel, backhoe, dragline, clamshell (over 3/4 yd. and up to 5 cu. yds. m.r.c.) (long boom pay applicable)

Group 7: Crane, over 25 ton up to and including 100 tons m.r.c. (long boom pay applicable); Derrick barge (long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist, stiff-legs, guy derrick or similar type, up to and including 100 tons (long boom pay applicable); Mono-rail locomotive (diesel); Gas or electric; Motor patrol-blade operator (single engine); Multiple engine tractor (Euclid and similar type, except quad 9 cat); Party chief; Pedestal crane operator; Rubber-tired earth moving equipment (single engine, over 50 yds. struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. m.r.c.) (long boom pay applicable); Tower crane repairman; Tractor loader (crawler and wheel type over 6 1/2 yds.); Welder-certified; Wood mixer and similar pugmill equipment

Group 8: Auto grader; Automatic slip form; Crane-over 100 tons (long boom pay applicable); Crawler transport; Hoist (stiff legs, guy derrick or similar types capable of hoisting 100 tons or more) (long boom pay applicable); Mass excavator - less than 750 cu. yds.; Mechanical finishing machine; Mobile form traveler; Motor patrol, multi-engine; Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber tired self-loading scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired scraper - pushing one another w/o push cat. Push-pull (50¢ per hour additional to base rate); Tandem equipment (2 units only); Tunnel tractor (quad 9 or similar type); Tunnel mole boring machine

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment (\$1.00 p/h additional to base rate); Wheel excavator (over 750 cu. yds.)

NOTICES

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1:	\$9.52	\$1.25	.75	\$1.10	.10
Group 2:	9.60	1.25	.75	1.10	.10
Group 3:	9.66	1.25	.75	1.10	.10
Group 4:	9.75	1.25	.75	1.10	.10
Group 5:	9.78	1.25	.75	1.10	.10
Group 6:	9.80	1.25	.75	1.10	.10
Group 7:	9.84	1.25	.75	1.10	.10
Group 8:	9.85	1.25	.75	1.10	.10
Group 9:	9.90	1.25	.75	1.10	.10
Group 10:	9.93	1.25	.75	1.10	.10
Group 11:	9.98	1.25	.75	1.10	.10
Group 12:	10.00	1.25	.75	1.10	.10
Group 13:	10.05	1.25	.75	1.10	.10
Group 14:	10.30	1.25	.75	1.10	.10
Group 15:	10.55	1.25	.75	1.10	.10
Group 16:	10.65	1.25	.75	1.10	.10
Group 17:	10.75	1.25	.75	1.10	.10
Group 18:	11.05	1.25	.75	1.10	.10
Group 19:	11.55	1.25	.75	1.10	.10

- Group 1: Warehouseman and Teamster
- Group 2: Driver or vehicle or combination of vehicles of 2 axles (including all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load
- Group 3: Truck mounted power broom
- Group 4: Drivers or vehicles or combination of vehicles of 3 axles
- Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle
- Group 6: Dump, of less than 16 yards; Erosion control driver
- Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6 1/4 yds.
- Group 8: Truck repairman helper
- Group 9: Water truck, 3 or more axles
- Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and utility working truck including winch, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50¢ per hour additional for tireman)
- Group 11: Transit-mix, 3 yards or more; Dumpcrete, 6 1/4 yds. and over
- Group 12: Driver of vehicle or combination of vehicles of 4 or more axles
- Group 13: Dump, 16 yards but less than 25 yards
- Group 14: A-frame or Swedish crane, or similar type of equipment driver; Fork lift driver; Ross carrier, highway
- Group 15: All-off-highway equipment within Teamster jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Dump, 25 yds. or more; Truck repairman; Water pull, single engine
- Group 16: Truck repairman-welder
- Group 17: Low bed driver, 9 axle or over
- Group 18: Water pull, single engine with attachments
- Group 19: Water pull, twin engine with attachment

Decision NO. DE77-3134- Mod. #5
(42 FR - 52990 - September 30, 1977)
State of Delaware

CHANGE:

Bricklayers
Stonemasons

DECISION #M77-2043 - Mod. #3
(42 FR 23390 - May 6, 1977)
Anoka, Carver, Hennepin, Scott
Dakota, Ramsey & Washington
Counties, Minnesota

Change:
Asbestos Workers
Electricians:
Building
Hennepin & Scott Cos. Twps. of
Anoka & Fridley in Anoka
County

Remainder of Anoka County &
Remaining Counties
Residential

Carver, Hennepin & Scott Cos;
Twps. of Anoka, Fridley, Crow
& Ramsey in Anoka Co.
Dakota, Ramsey, Washington
Cos; & Remainder of Anoka Co.

Elevator Constructors:
Constructors
Helpers
Helpers (Prob.)

Painters:
Dakota, Ramsey & Washington Cos;
Brush

Structural Steel & Spray
Remaining Counties:

Brush
Structural Steel & Spray

Plasterers:
Dakota, Ramsey & Washington
Cos;

Sheet Metal Workers:
Remaining Counties

State of Delaware

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
CHANGE:						
Bricklayers	\$10.10	.95	.85			
Stonemasons	10.10	.95	.85			
DECISION #N77-2043 - Mod. #3 (42 FR 23390 - May 6, 1977) Anoka, Carver, Hennepin, Scott Dakota, Ramsey & Washington Counties, Minnesota						
Change: Asbestos Workers Electricians: Building Hennepin & Scott Cos. Twps. of Anoka & Fridley in Anoka County Remainder of Anoka County & Remaining Counties Residential Carver, Hennepin & Scott Cos; Twps. of Anoka, Fridley, Crow & Ramsey in Anoka Co. Dakota, Ramsey, Washington Cos; & Remainder of Anoka Co. Elevator Constructors: Constructors Helpers Helpers (Prob.) Painters: Dakota, Ramsey & Washington Cos: Brush Structural Steel & Spray Remaining Counties: Brush Structural Steel & Spray Plasterers: Dakota, Ramsey & Washington Cos: Sheet Metal Workers: Remaining Counties	\$11.13 10.60 10.65 6.93 7.35 10.87 702JR 502JR 10 10 10.70 10.08 10.68 9.89 11.52	.70 7% 5 3/4% .48 .48 .745 .745 .55 .55 .55 .55 .70 .52	.65 6% 6% 3% 3% .56 .56 .25 .25 .25 .25 .25 .71	 10% 11 1/2% .27 .29 8% + a 8% + a 		

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DECISION #MN77-2044 - MOD. #3
(42 FR 23395 - May 6, 1977)
Blue Earth, Fairbault, Freeborn
& Mower Counties, Minnesota

Change:
Asbestos Workers
Electricians:
Blue Earth & Fairbault Cos.
Jobs outside the Mankato city
area less than \$50,000
Jobs within a 5 mile radius of
Mankato and all jobs \$50,000
& over
Mower County & Freeborn Cos:
\$25,000 or less
\$25,000 or more
Elevator Constructors:
Constructors
Helpers
Helpers (Prob.)
Glaziers:
Blue Earth County
Remainder of Counties
Ironworkers
Laborers: Building
General Laborers & Carp. Tenders
Mason Tenders & Vibrator Oprs.
Mortar Mixers
Painters:
Remainder of Counties
Brush
Spray & Structural Steel
Plumbers & Steamfitters
Remainder of Counties
Roofers:
Remainder of Counties

DECISION #MN77-2045 - MOD. #2
(42 FR 23400 - May 6, 1977)
Olmsted County, Minnesota

Change:
Asbestos Workers
Cement Masons & Plasterers
Building
Electricians:
\$25,000 or more
Under \$25,000 & Residential
Ironworkers
Plumbers & Steamfitters
Tile Setters

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.13	.70	.65			.02
8.45	7½%	6%	10%		1%
10.60	7½%	6%	10%		1%
7.67	4%	1%	6%		.25%
10.01	4%	1%	6%		.25%
10.87	.745	.56	8% + a		.025
70%JR	.745	.56	8% + a		.025
50%JR					
8.20					
10.00					
10.85	.75	.60			.02
8.50	.20	.15			
8.60	.20	.15			
8.65	.20	.15			
9.35	.50	.10			.09
9.85	.50	.10			.09
10.31	.30	.20			.02
9.30	.55				
\$11.13	.70	.65			.02
9.35	.50	.25			
10.01	.60	.3%	6%		.25%
7.67	.44	.3%	6%		.25%
10.85	.75	.60			.02
10.31	.30	.20			.02
11.20					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.13	.70	.65			.02
9.86	.50	.50	.50		.02
10.13	.60	.60			
8.45	7½%	6%	10%		1½%
10.60	7½%	6%	10%		1½%
10.65	5 3/4%	6%	11½%		3/8%
10.85	.75	.60			.02
9.71	.45	.35			.01
10.08	.55	.25			.09
10.68	.55	.25			.09
10.39	.38	.50	1.35		.05
10.92	.52	.31			.03

DECISION #MN77-2046 - MOD. #2
(42 FR 23404 - May 6, 1977)
Benton, Sherburne & Stearns
Counties, Minnesota

Change:
Asbestos Workers
Carpenters: Building Constr.
Southern Tip of Sherburne Co.
Carpenters, Millwrights & Pile-
drivers
Cement Masons - Building & Site
Preparation, Excavation & Inci-
dential Paving
Sherburne County
Electricians:
Benton & Stearns Cos: Wps. or
Haven, Palmer, Santiago, Becker
& Clear Lake in Sherburne
County:
Jobs under \$50,000
Jobs over \$50,000
Remainder of Sherburne Co.
Ironworkers
Lathers:
Benton & Stearns Counties
Painters:
Eastern 2/3 of Sherburne Co.
Brush - Rollers & Paperhangers
Spray, Structural Steel &
Sandblasting
Plumbers & Steamfitters:
Sherburne County; Eastern ½ of
County
Sheet Metal Workers

MODIFICATIONS P. 11

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #M077-4271 - Mod. #2 (42 FR 53068 - September 30, 1977) Franklin, Jefferson, Lincoln, St. Charles, Warren Counties & City & County of St. Louis, Missouri					
Change: CARPENTERS; MILLWRIGHTS; PILE DRIVERS:					
Zone 1	\$10.96	.65	.70		
Zone 2					
Contracts \$200,000.00 & under	9.25	.65	.70		
Contracts over \$200,000.00	10.96	.65	.70		
Zone 3 - Jefferson County					
Contracts over \$25,000.00	10.96	.65	.70		
Zone 4					
Contracts under \$250,000.00	10.25	.65	.70		
Contracts over \$250,000.00	10.96	.65	.70		
Zone 5					
Contracts \$250,000.00 & under	9.68	.65	.70		
Contracts over \$250,000.00	10.96	.65	.70		.09
IRONWORKERS	11.225	.55	.70		
LABORERS:					
Zone 1	9.65	.45	1.00		
Wrecking					
PLUMBERS (Franklin, Jefferson, St. Charles, St. Louis & Warren Counties)	11.155	.80	.80		.20
SPRINKLER FITTERS	13.11	.65	.95		.11
DECISION NO. NM78-4012 - Mod. #1 (43 FR February 10, 1978) Statewide, New Mexico					
CHANGE: ELEVATOR CONSTRUCTORS: Bernalillo, Catron, Colfax, Curry, Debaca, Guadalupe, Harding, Lincoln, Los Alamos, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties: Elevator Constructors Elevator Constructors helpers Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties: Elevator Constructors Elevator Constructors					
	\$10.96	.545	.35	4%+b+c	.02
	70%JR	.545	.35	4%+b+c	.02
	8.57	.745	.35	4%+b+c	.02
	70%JR	.745	.35	4%+b+c	.02

MODIFICATIONS P. 12

DECISION #ND77-5099 - Mod. #2 (42 FR 61437 - December 2, 1977) Statewide, North Dakota	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
OMIT: POWER EQUIPMENT OPERATORS GROUP 5: Rotomill Operator	\$7.85	.45	.40		
ADD: POWER EQUIPMENT OPERATORS GROUP 4: Rotomill Operator	8.10	.45	.40		
DECISION NO. OK77-4278 - Mod. #5 (42 FR 53103 - September 30, 1977) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma					
CHANGE: PIPEFITTERS	\$11.02	.50	.65		.08
DECISION NO. PA76-3169- Mod. #5 (42 FR 21133 - May 21, 1976) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
CHANGE: LINE CONSTRUCTION Journeyman Lineman Experienced Winch Truck 2nd 1000 Hrs. 1st. 1000 Hrs. Experienced Truck Driver 2nd 1000 Hrs. 1st. 1000 Hrs. Experienced Groundman 2nd 1000 Hrs. 1st. 1000 Hrs. LANDSCAPING: Landscape Laborers Farm Tractor Driver Hydroseeder Nozzlemun Mulcher Nozzlemun	\$13.71 9.55 9.32 9.09 8.86 8.63 8.40 8.17 7.93 7.70	.45 .45 .45 .45 .45 .45 .45 .45 .45 .45	1.37 .095 .093 .090 .088 .066 naa .081 .079 .077		.041 .028 .027 .027 .026 .025 .025 .024 .023 .023

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5002

Supersedes Decision No. CA77-5090 dated September 30, 1977, in 42 FR 52905
 DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$ 13.00	.95	\$ 1.27	\$2.00		.07
BOILERMAKERS	13.625	1.075	1.00	.75		.02
BRICKLAYERS: Stonemasons: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	11.42	1.50	1.10	1.00		.05
Alameda and Contra Costa Cos.	12.55	1.35	1.25			.25
Fresno, Kings, Madera, Mariposa and Merced Counties	12.05	.95	1.00			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties	12.50	1.03	1.21			.25
Monterey and Santa Cruz Cos.	12.60	1.22	1.26			
San Benito and Santa Clara Cos.	12.55	1.35	1.25			.25
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	11.70	1.00	1.30	1.00		.07
Tulare County	11.60	1.00	1.00			

DECISION NO. CA78-5002

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BRICK TENDERS: Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	\$ 9.30	\$1.00	\$ 1.70			
San Francisco and San Mateo Counties	10.00	.65	.80			
Fresno, Kings, Madera and Tulare Counties	10.80	.80	1.40			
Calaveras and San Joaquin Counties	9.98	1.25	1.70			
CARPENTERS: Carpenters	11.70	1.35	1.71	1.00		.07
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.85	1.35	1.71	1.00		.07
Millwrights	12.20	1.35	1.71	1.00		.07
Piledrivermen, bridge, wharf and dock builders	12.23	.84	1.26	.75		.04
CEMENT MASONS: Cement Masons	10.50	1.30	1.43	1.68		.05
Mastic; Magnesite; All Composition Masons	10.75	1.30	1.43	1.68		.05
Men working from swinging or slip form scaffolds	10.75	1.30	1.43	1.68		.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75		.07
ELECTRICIANS: Alameda County	13.91	1.30	38+1.65			.069
Electricians	15.52	1.30	38+1.65			.069
Cable Splicers						
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra						
Mountain Watershed						
Electricians	14.89	.95	38+.85			.045
Cable Splicers	16.38	.95	38+.85			.045
Tunnels:						
Electricians	15.02	.95	38+.85			.045
Cable Splicers	17.52	.95	38+.85			.045

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ELECTRICIANS: (Cont'd)					
San Benito, Santa Clara and Santa Cruz Counties	.92	38+2.10			.05
Electricians	.92	38+2.10			.05
Cable Splicers					
San Francisco County	1.04	38+.90			.06
Electricians	1.04	38+.90			.06
Cable Splicers					
San Mateo County	1.25	38+1.25			.03
Electricians	.745	.56	a		.025
ELEVATOR CONSTRUCTORS' HELPERS	.745	.56	a		.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)					
GLAZIERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino, (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, Santa Clara, Santa San Mateo, San Francisco, Cruz, Solano, (S.W. from east of Fairfield) and Sonoma Counties	1.00	1.41			.02
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Merced, (North of the City of Livingston), Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo and Yuba Cos. Fresno, Kings, Madera and Tulare Counties and the remaining portions of Merced County	.58	1.50			
IRONWORKERS:					
Fence Erectors	.81	1.04	.805		.05
Reinforcing	1.24	2.22	1.46		.06
Ornamental: Structural	1.24	2.22	1.46		.06
LATHERS:					
Alameda and Contra Costa Counties	1.09	1.26			.025

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ELECTRICIANS: (Cont'd)					
Lake Tahoe Area	.84	38+1.07			.08
Electricians	.84	38+1.07			.08
Cable Splicers					
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties	1.12	38+.905			.04
Electricians	1.12	38+.905			.04
Cable Splicers					
Tunnel:					
Electricians; Cable Splicers' Helpers	1.12	38+.905			.04
Cable Splicers	1.12	38+.905			.04
Calaveras and San Joaquin Counties	.96	38+1.49			.01
Electricians; Technicians	.96	38+1.49			.01
Cable Splicers					
Contra Costa County	.70	38+1.00			
Electricians	.70	38+1.00			
Cable Splicers					
Del Norte and Humboldt Counties	.80	38+1.85			.04
Electricians	.80	38+1.85			.04
Cable Splicers					
Fresno, Kings, Madera and Tulare Counties	.80	38+1.85			
Electricians					
Cable Splicers	.80	38+1.05			.05
Lake, Marin, Mendocino and Sonoma Counties	.80	38+1.05			.05
Electricians					
Cable Splicers	1.11	38+.30			.02
Mariposa, Merced, Stanislaus and Tuolumne Counties	1.11	38+.30			.02
Electricians					
Cable Splicers	.94	38+1.50			1/4%
Monterey County	.94	38+1.50			1/4%
Electricians					
Cable Splicers	1.15	38+3.00			.06
Napa and Solano Counties	1.15	38+3.00			.06
Electricians					
Cable Splicers	1.08	38+1.10			.04
Electricians	.08	38+1.10			.04
Cable Splicers					

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LATHERS: (Cont'd)						
Butte, Colusa, Glenn, Humboldt, Lake (the portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	\$ 11.00	.66	.50			.01
Calaveras and San Joaquin Counties	11.30	.68	.55			.01
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	9.01	.87	.85	1.00		1/8¢
Monterey and Santa Cruz Counties	11.30	.68	.55			.01
San Francisco and N.Y. of San Mateo County	13.07	.66	2.00			.02
San Benito and Santa Clara Counties	12.69	.98	1.75			
Fresno, Kings, Madera and Tulare Counties	12.03	.35	.45			
Mariposa, Merced, Stanislaus and Tuolumne Counties	10.75					.01
Amador, El Dorado, Sacramento and Yolo Counties	11.72	.67	1.75			.02
Southern half of San Mateo County	10.03	.32	1.00			
LINE CONSTRUCTION:						
Contra Costa County						
Groundmen	11.40	.70	3¢+1.00			
Line Equipment Operators	13.68	.70	3¢+1.00			
Linemen	15.20	.70	3¢+1.00			
Cable Splicers	16.70	.70	3¢+1.00			
Del Norte, Modoc and Siskiyou Counties						
Tree trimmer helper; Groundman	8.24	.45	3¢	.10	1/2¢	
Head groundman; Headgroundman (Chippert); Powdermen; Jackhammermen	8.76	.45	3¢	.10	1/2¢	
Line Equipment Men	10.02	.45	3¢	.10	1/2¢	
Linemen Polesprayer; Heavy Line Equipment Men; Certified Lineman; Welder	11.63	.45	3¢	.10	1/2¢	
Tree Trimmer	10.50	.45	3¢	.10	1/2¢	
Cable Splicers; Leadman; Pole Sprayer	12.88	.45	3¢	.10	1/2¢	
Fresno, Kings, Madera and Tulare Counties						
Groundmen	12.74	.75	3¢+.95			.05
Linemen; Line Equipm n. Operators	13.56	.75	3¢+.95			.05
Cable Splicers	14.92	.75	3¢+.95			.05
LINE CONSTRUCTION: (Cont'd)						
Calaveras and San Joaquin Counties						
Groundmen	\$ 10.35	.96	3¢+1.49			.01
Line Equipment Operators	12.42	.96	3¢+1.49			.01
Linemen	13.80	.96	3¢+1.49			.01
Cable Splicers	15.53	.96	3¢+1.49			.01
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Linemen	9.83	.62	1¢			1¢
Cable Splicers	10.81	.62	1¢			1¢
Monterey County						
Groundmen	9.42	1.15	3¢+3.00			.06
Linemen; Technicians	12.56	1.15	3¢+3.00			.06
Cable Splicers	13.88	1.15	3¢+3.00			.06
Napa and Solano Counties						
Linemen	12.07	.68	3¢+1.10			.04
Cable Splicers	13.58	.68	3¢+1.10			.04
Butte, Glenn, Lassen, Plumas, Shasta, Tehama and Trinity Counties						
Groundmen	9.58	.87	1¢+.705			.02
Linemen; Equipment Operators	11.98	.87	1¢+.705			.02
Cable Splicers	13.18	.87	1¢+.705			.02
Alameda County						
Groundmen	9.68	1.05	3¢+1.15			.03
Linemen	12.91	1.05	3¢+1.15			.03
Line Equipment Operators	11.62	1.05	3¢+1.15			.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed						
Groundmen	8.97	.73	1¢+.75			.045
Linemen	11.21	.73	1¢+.75			.045
Cable Splicers	12.33	.73	1¢+.75			.045
Lake, Marin, Mendocino and Sonoma Counties						
Groundmen	10.52	1.11	3¢+.80			.02
Line Equipment Operators	11.84	1.11	3¢+.80			.02
Linemen	13.15	1.11	3¢+.80			.02
Cable Splicers	14.50	1.11	3¢+.80			.02

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION: (Cont'd)						
San Mateo County	\$ 12.10	\$ 1.16	38+1.25			.03
Groundman A	9.25	1.16	38+1.25			.03
Line Equipment Operators	12.81	1.16	38+1.25			.03
Linemen	14.23	1.16	38+1.25			.03
Cable Splicers	16.01	1.16	38+1.25			.03
Humboldt County						
Groundmen	9.00	.80	38+1.85			.04
Linemen	11.25	.80	38+1.85			.04
Cable Splicers	12.15	.80	38+1.85			.04
San Francisco County						
Groundmen	13.25	1.04	38+ .90			.06
Linemen; Technicians	15.585	1.04	38+ .90			.06
Cable Splicers	17.53	1.04	38+ .90			.06
San Benito, Santa Clara, and Santa Cruz Counties						
Groundmen	11.65	1.02	38+2.10			.04
Linemen; Line Equipment Operators	13.70	1.02	38+2.10			.04
Cable Splicers	15.41	1.02	38+2.10			.04
MARBLE SETTERS	11.74	1.40	.93	1.03		
PAINTERS:						
Alpine, Amador, Calaveras and San Joaquin Counties						
Brush	9.82	.85	2.34	1.11		
Spray; Sheetrock Taper; Swing Stage; Scaffold; Sandblaster Structural Steel	10.22	.85	2.34	1.11		
Fresno, Kings, Madera and Tulare Counties						
Brush; Tapers	11.12	.41	.20			
Spray; Structural Steel	11.37	.41	.10			
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Brush	9.60	.70	.45	.75		.02
Swing Stage; Paperhangers; Bosun Chair; Steam Cleaning; Water Blasting	9.85	.70	.45	.75		.02
Spray; Sandblasting	10.10	.70	.45	.75		.01

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS: (Cont'd)						
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)	\$ 12.31	\$ 1.10	\$ 1.50	.80	.06	
Brush	12.56	1.10	1.50	.80	.06	
Spray	12.86	1.10	1.50	.80	.06	
Tapers						
Lake Tahoe Area						
Brush	10.95	.70	.75			
Spray; Structural Steel; Tapers	11.20	.70	.75			
Lake, Marin, Mendocino, San Francisco and Sonoma Cos.						
Brush	12.10	1.10	1.50	.80	.06	
Spray	12.68	1.10	1.50	.80	.06	
Tapers	12.98	1.10	1.50	.80	.06	
Butte, Colusa, Glenn, Lassen, (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties						
Brush; Pot Tenders; Rollers Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	8.75	.60	.40			
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)	9.25	.60	.40			
Brush	10.95	.70	.75			
Spray; Structural Steel; Tapers	11.20	.70	.75			
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)						
Brush	12.31	1.10	1.50	.80	.06	
Spray	12.81	1.10	1.50	.80	.06	
Tapers	13.11	1.10	1.50	.80	.06	

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PAINTERS: (Cont'd)						
Del Norte and Humboldt Counties	\$ 7.55	.60	.20	.80		
Brush						
Spray; Sandblasters; Structural						
Steel; Swing Stage; Tapers;	7.80	.60	.20	.80		
Paperhangers						
Parking Lot Striping Work and/or						
Highway Markers:						
Fresno, Kings and Tulare Counties						
Traffic Delineating Device	9.37	.55	.40	b		
applicator						
Wheel Stop Installer; Traffic	8.98	.55	.40	b		
Surface Sandblaster; Striper						
Helper (wheel stop installer,						
traffic surface sandblaster,	7.08	.55	.40	b		
striper)						
Slurry Seal Operation:						
Mixer Operator	8.98	.55	.40	b		
Squeesge Man	7.98	.55	.40	b		
Applicator Operator	7.08	.55	.40	b		
Shuttleman	6.90	.55	.40	b		
Top Man	6.08	.55	.40	b		
Remaining Counties						
Traffic Delineating Device						
Applicator; Wheel Stop	9.37	.55	.40	b		
Installer; Traffic Surface						
Sandblaster						
Helper (traffic delineating						
device applicator, wheel	7.97	.55	.40	b		
stop installer, traffic	10.47	.55	.40	b		
surface sandblaster)	8.47	.55	.40	b		
Striper						
Helper (striper)						
Slurry Seal Operation:	9.37	.55	.40	b		
Mixer Operator	8.87	.55	.40	b		
Squeesge man	7.97	.55	.40	b		
Applicator Operator	6.90	.55	.40	b		
Shuttleman	6.47	.55	.40	b		
Top Man						
PLASTERERS:						
Alameda and Contra Costa	10.10	.745	1.05			.03
Counties	7.72	.48	.90	1.50		.075
San Mateo County						

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PLASTERERS: (Cont'd)						
Butte, Colusa, Glenn, Lassen	\$ 9.79	.56	\$ 1.00			
(Southeastern half of Lassen	12.31	1.00	.35			.01
County), Plumas, Sierra,						
Sutter, and Yuba Counties						
Monterey County						
Fresno, Kings, Madera and	9.24	.90	1.50	1.11		
Tulare Counties						
Alpine, Amador, Butte, Calaveras,						
Colusa, El Dorado, Glenn,						
Lassen (SE), Nevada, Placer,						
Plumas, Sacramento, San						
Joaquin, Sierra, Sutter,						
Yolo and Yuba Counties	11.59	.71	1.50			.01
San Francisco County	12.33	1.00	2.25			.03
Del Norte, Humboldt, Lassen						
(Northwestern half), Marin,						
Modoc, Napa, Shasta,						
Siskiyou, Solano, Sonoma,						
Tehama and Trinity Counties	10.65	.98	.80	1.25		.01
Mariposa, Merced, Stanislaus						
and Tuolumne Counties	9.05	.90	1.55	1.20		
PLASTERERS' TENDERS:						
Alameda and Contra Costa	8.87	.60	1.10			
Counties						
Fresno, Kings and Madera	9.80	.80	1.40			
Counties						
San Francisco and San Mateo	9.80	.80	1.20	1.25		
Counties						
Alpine, Amador, El Dorado,						
Nevada, Placer, Sacramento,	7.455	.455	1.40	.80		
Sierra and Yolo Counties						
Calaveras and San Joaquin	9.91	1.25	1.70	1.00		
Counties	8.32	.80	1.40	.90		
Marin County	10.40	1.25	1.70			
Monterey County						
San Benito, Santa Clara and	11.80	.70	1.40			
Santa Cruz Counties	10.25	1.25	1.70	1.10		
Solano County	11.40	1.25		1.10		
Napa County						
PLUMBERS:						
Alameda County	14.40	1.25	2.29			.16
Contra Costa County	14.37	1.25	2.29			.26
PLUMBERS; Steamfitters:						
Amador (Northern half of						
County), Sacramento, Yolo,						
El Dorado, Nevada, Placer and						
Sierra Counties (excluding Lake						
Tahoe Area)	13.84	1.32	1.81			.14
Lake Tahoe Area	10.99	.58	.60	1.95		.10
Marin, Mendocino, San Francisco						
and Sonoma Counties	11.75	1.905	1.50	1.17		.15

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation		
PLUMBERS; Steamfitters: (Cont'd)					
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	\$ 13.60	\$ 2.00			.10
Lake, Napa and Solano Counties	14.44	2.29			.22
Del Norte and Humboldt Counties	12.29	.86	1.22		.05
San Benito and Santa Clara Cos.	15.15	1.08	1.77		.14
San Mateo County	14.41	1.14	2.30		.25
ROOFERS:					
Alameda and Contra Costa Cos.	10.94	1.17	1.10	.60	.04
Roofers	11.19	1.17	1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.94	1.17	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar built up					
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne, Counties	12.15	1.04	1.00		
Roofers (slate, tile composition and built up)	12.30	1.04	1.00		
Felt Machine Operator					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties	11.89	.93	.40		.06
Roofers					
Fresno, Kings, Madera and Tulare Counties	11.65	.60	.90		
Roofers					
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties	10.98	1.10	1.20	1.63	.09
Roofers	11.23	1.10	1.20	1.63	.09
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.98	1.10	1.20	1.63	.09
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation		
ROOFERS: (Cont'd)					
Del Norte and Humboldt Counties	\$ 10.32	.40	.75	.35	
Roofers					
Monterey and Santa Cruz Counties	10.40	1.40	1.15		
Roofers					
San Francisco and San Mateo Counties	11.58	.60	1.20	1.15	.09
Roofers					
Mastic Workers and Kettlemen (2 kettles) without pumps	11.83	.60	1.20	1.15	.09
Bitumastic; Enamelers; Pipewrappers; Coal tar	12.58	.60	1.20	1.15	.09
Amador, Sacramento and Yolo Counties					
Roofers (slate, tile and Composition)	11.15	1.04	1.10	1.00	.10
Enamelers and Kettlemen	12.65	1.04	1.20	1.00	.10
San Benito and Santa Clara Counties					
Roofers; Kettle (1 kettle)	11.10	.85	1.29		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	11.94	.73	2.11	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.77	.66	1.40		.02
Amador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	11.68	.73	1.65		.11
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	11.15	3%+.66	1.845	1.115	
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	12.50	.66	1.74		.12

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TILE SETTERS: Alameda, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo & Yuba Cos.	\$ 12.00	.98	\$ 1.20	\$ 1.40	.095
TILE SETTERS' HELPERS: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano and Trinity Counties	9.17	1.00	.70	2.00	
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	10.80	1.00	.50		
Monterey and Santa Cruz Cos.	13.41	1.09	1.18		
TILE SETTERS' HELPERS: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano and Trinity Counties	9.27	.69	.51	10%	
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties	7.78	.80	1.20		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 8% of basic hourly rate for over 5 years' service, and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.
- Employer contributes \$.23 per hour to Holiday Fund plus \$.14 per hour to Vacation Fund for the first year of employment; 4 year but less than 5 years \$.34 per hour to Vacation Fund; 5 years but less than 10 years \$.44 per hour to Vacation Fund; over 10 years \$.54 per hour to Vacation fund.
- Employer contributes \$.90 per hour for the first five years of employment; After five years \$1.05 per hour to Vacation and Holiday Benefits.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
SHEET METAL WORKERS: (Cont'd) San Mateo County	\$ 13.54	.73	\$ 1.84		.10
Modoc and Siskiyou Counties	10.285	.52	.28		.035
Fresno, Kings, Madera and Tulare Counties	11.98	.73	1.22		.14
SOFT FLOOR LAYERS: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	10.73	.84	1.30	1.00	.10
Honey Lake Area and Lake Tahoe Area	10.05	.70	.20		
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	11.30	.60	1.00	c	.10
SPRINKLER FITTERS: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	16.26	.65	1.45		.09
Remaining Counties	15.07	.65	.95		.08
STEAMFITTERS: Alameda and Contra Costa Cos.	13.30	1.25	2.29		.165
Del Norte and Humboldt Cos.	11.64	.61	1.12		.05
TERRAZZO WORKERS: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	11.42	1.50	1.10	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	11.80	.80	.90		.25

LABORERS

Group 1

Group 1(a)

Group 1(b)

Group 1(c)

Group 1(d)

Group 1(e)

Group 1(f)

Group 1(f)1

Group 1(g)

Group 2

Group 3

LABORERS
(Sunnite)

Group 1

Group 2

Group 3

LABORERS
(Tunnel and Shaft Work)

Group 1

Group 2

Group 3

Group 4

LABORERS
(Wrecking Work)

Group 1

Group 2

Group 3

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & W	Pensions	Vacation		
\$ 8.775	\$ 1.25	\$ 1.70	\$ 1.10		.10
9.00	1.25	1.70	1.10		.10
9.275	1.25	1.70	1.10		.10
8.825	1.25	1.70	1.10		.10
8.775	1.25	1.70	1.10		.10
9.325	1.25	1.70	1.10		.10
9.36	1.25	1.70	1.10		.10
8.375	1.25	1.70	1.10		.10
8.975	1.25	1.70	1.10		.10
8.625	1.25	1.25	1.10		.10
8.525	1.25	1.25	1.10		.10
9.235	1.25	1.70	1.10		.10
8.645	1.25	1.70	1.10		.10
8.525	1.25	1.70	1.10		.10
10.345	1.25	1.70	1.10		.10
10.035	1.25	1.70	1.10		.10
9.855	1.25	1.70	1.10		.10
9.735	1.25	1.70	1.10		.10
8.775	1.25	1.70	1.10		.10
8.625	1.25	1.70	1.10		.10
8.525	1.25	1.70	1.10		.10

Group 1: Asphalt Ironers and rollers, wacker and similar type tampers, buggy/mobile; Chainsaw, faller, log loader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters; Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxysesin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, banders, Pipewappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple head concrete chipper; Davis trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with "stoppers" work; Vibrators; Drip-pak-it machine; High pressure blow pipe (1 1/2" or over, 100 lb. pressure or over); Hydro Seeder and similar type; Laser beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scalars (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Wire winding machine in connection with guniting or shotcrete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shotcrete - Aligner helper

NOTICES

LABORERS (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers, caulkers, banders, pipewrappers, conduit layers and plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, precast manhole setters, cast in place, manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chute-man; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzlemans, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of Pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dump-man, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborefs on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Gunite)

Group 1: Nozzlemans (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Cont'd)
(Tunnel and Shaft Work)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzlemans; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzlemans on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - primer house; Vibrator-men, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS
(Wrecking Work)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General Laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS: DREDGING CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1: Bargeman; Deckhand; Fireman; Oiler	\$8.29	\$1.07*	\$1.78	.80	.14
Area 1	9.13	1.07*	1.78	.80	.14
Area 2	9.41	1.07*	1.78	.80	.14
Area 3	9.69	1.07*	1.78	.80	.14
Area 4					
Group 2: Deck Engineers; Deck Mate	9.91	1.07*	1.78	.80	.14
Area 1	10.76	1.07*	1.78	.80	.14
Area 2	11.03*	1.07*	1.78	.80	.14
Area 3	11.31	1.07*	1.78	.80	.14
Area 4					
Group 3: Welder; Mechanic Welder; Watch Engineer	10.31	1.07*	1.78	.80	.14
Area 1	11.15	1.07*	1.78	.80	.14
Area 2	11.43	1.07*	1.78	.80	.14
Area 3	11.71	1.07*	1.78	.80	.14
Area 4					
Group 4: Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)	11.01	1.07*	1.78	.80	.14
Area 1	11.86	1.07*	1.78	.80	.14
Area 2	12.14	1.07*	1.78	.80	.14
Area 3	12.41	1.07*	1.78	.80	.14
Area 4					
Group 4-A: Clamshell Operator (over 7 cu. yds. m.r.c.) (Long Boom Pay)	12.08	1.07*	1.78	.80	.14
Area 1	12.93	1.07*	1.78	.80	.14
Area 2	13.31	1.07*	1.78	.80	.14
Area 3	13.48	1.07*	1.78	.80	.14
Area 4					

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS (Cont'd)						
DREDGING						
SCHEDULE II						
HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING						
Group A-1:						
Bargeman; Deckhand; Levee-hand; Fireman; Oiler						
Area 1	\$8.27	\$1.07*	\$1.78	.80	.14	
Area 2	9.11	1.07*	1.78	.80	.14	
Area 3	9.39	1.07*	1.78	.80	.14	
Area 4	9.67	1.07*	1.78	.80	.14	
Group A-2:						
Winchman (stern winch on dredge); Deckmate; Deck Engineer						
Area 1	9.20	1.07*	1.78	.80	.14	
Area 2	10.05	1.07*	1.78	.80	.14	
Area 3	10.30	1.07*	1.78	.80	.14	
Area 4	10.60	1.07*	1.78	.80	.14	
Group A-3:						
Watch Engineer; Welder; Welder Mechanic						
Area 1	9.85	1.07*	1.78	.80	.14	
Area 2	10.70	1.07*	1.78	.80	.14	
Area 3	10.98	1.07*	1.78	.80	.14	
Area 4	11.25	1.07*	1.78	.80	.14	
Group A-4:						
Leverman; Clamshell Operator						
Area 1	10.69	1.07*	1.78	.80	.14	
Area 2	11.54	1.07*	1.78	.80	.14	
Area 3	11.82	1.07*	1.78	.80	.14	
Area 4	12.09	1.07*	1.78	.80	.14	

TOW BOATS (Dredging): Work on self-propelled vessels (except skiffs powered by out- board motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Deckhand/Mechanics					
Area 1	\$ 9.55	.89	\$ 1.61	\$1.18	
Area 2	10.05	.89	1.61	1.18	
Area 3	10.30	.89	1.61	1.18	
Area 4	10.55	.89	1.61	1.18	
Operator Mechanic/Watch Engineer					
Area 1	10.75	.96	1.36	1.15	
Area 2	11.25	.96	1.36	1.15	
Area 3	11.50	.96	1.36	1.15	
Area 4	11.75	.96	1.36	1.15	
Building and Heavy Construction Tow Boats (work on self-propelled vessels) Boat Operators	10.75	.96	1.36	1.15	
FOOTNOTES: Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California					
Area 1 - Up to 20 road miles from said Centers.					
Area 2 - More than 20 road miles to and including 80 road miles from said Centers.					
Area 3 - Outside of 30 road miles from said Centers.					
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.					
*Includes \$.20 per hour to Pensioned Health and Welfare Fund.					

POWER EQUIPMENT OPERATORS (Piledriving)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Group 1	\$ 9.18	1.58	\$ 2.25	\$1.00	.29
Group 1(a)	9.55	1.58	2.25	1.00	.29
Group 1(b)	9.78	1.58	2.25	1.00	.29
Group 2	9.78	1.58	2.25	1.00	.29
Group 2(a)	10.60	1.58	2.25	1.00	.29
Group 3	10.92	1.58	2.25	1.00	.29
Group 3(a)	11.36	1.58	2.25	1.00	.29
Group 4	11.93	1.58	2.25	1.00	.29
Group 5	12.11	1.58	2.25	1.00	.29
*Includes \$.28 per hour to Pensioned Health and Welfare Fund.					

POWER EQUIPMENT OPERATORS
(Piledriving)

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2: Tugger Hoist (hoisting material only)

Group 2-A: Compressor Operator (2-7); Generator (100 K.W. or over);
Pump (2-7); Welding Machine (2-7) (Powered other than by electricity)Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom
type lifting device

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer
Tending Boiler or Compressor attached to Crane Piledriver;
Operator of Piledriving Rigs, Skid or Floating and Derrick
Barges; Operator of Diesel or Gasoline powered Crane Piledriver
(w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to
and including 25 tons hoisting material onlyGroup 5: Operator of Diesel or gasoline powered Crane Piledriver
(w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash
boiler, pump or compressor attached); Operator of steam powered
Crawler or Universal type driver (Raymond or similar type); Truck
Crane, over 25 tons hoisting material, or performing piledriving
work

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Townmobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BIL Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or Jackhammers); Grader, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Bump, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (W-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perapalt, CRC, or similar types; Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater

Group 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, barbed-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom) Soil Tester; Truck type Loader

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" m.r.c.) Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar pugmill equipment)

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vocation
Group 1:	AREA 1	AREA 2			
Group 2:	\$ 9.13	\$10.64	\$ 1.58	\$ 2.25	\$1.00
Group 3:	9.50	11.01	1.58	2.25	1.00
Group 4:	9.73	11.24	1.58	2.25	1.00
Group 5:	10.32	11.83	1.58	2.25	1.00
Group 6:	10.55	12.06	1.58	2.25	1.00
Group 7:	10.71	12.22	1.58	2.25	1.00
Group 8:	10.87	12.38	1.58	2.25	1.00
Group 9:	11.31	12.82	1.58	2.25	1.00
Group 10:	11.54	13.05	1.58	2.25	1.00
Group 10-A:	11.76	13.27	1.58	2.25	1.00
Group 11:	11.88	13.39	1.58	2.25	1.00
Group 11-A:	12.06	13.57	1.58	2.25	1.00
Group 11-B:	13.22	14.73	1.58	2.25	1.00
Group 11-C:	13.52	15.03	1.58	2.25	1.00
	13.84	15.35	1.58	2.25	1.00

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(AREAS I and II)

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motor-man; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II) (Cont'd)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Carry-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 1 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elevator; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooter (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive (100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Prestress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine scraper over 45 yds. Soil stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 3/4 cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. m.r.c.); Power blade (single engine); Self-propelled boom-type lifting device (center mount) (over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CMI dual lane Auto grader SP30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS I and II) (Cont'd)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (over 5 tons); Loader (over 4 yds., up to and including 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip form Paver (concrete or asphalt); Tandem Cates; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebherr and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber Tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote Controlled Earthmoving Equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helper; Warehousemen	\$ 10.725	\$ 1.395	.75	\$1.00	
TEAMSTER Oilier and/or Greaser and/or Service man	10.80	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.835	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROAD OIL TRUCKS OR BOOT MAN	\$ 10.845	\$ 1.395	.75	\$1.00	
LIFT JITNEYS, Fork Lift	10.855	1.395	.75	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.875	1.395	.75	1.00	
FUEL AND/OR GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00	
TRUCK REPAIRMAN HELPER	10.895	1.395	.75	1.00	
VACUUM TRUCK under (3,500 gallons)	10.905	1.395	.75	1.00	
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.92	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.935	1.395	.75	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.975	1.395	.75	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.985	1.395	.75	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.995	1.395	.75	1.00	

TRUCK DRIVERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	\$ 11.02	\$ 1.395	.75	\$ 1.00		
A-FRAME, WINCH TRUCKS; Buggyobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo	11.035	1.395	.75	1.00		
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00		
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00		
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00		
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00		
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00		
COMBINATION BOOTMAN and ROAD OILER	11.165	1.395	.75	1.00		
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level	\$ 11.26	\$ 1.395	.75	\$ 1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	11.27	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395	.75	1.00	
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	11.30	1.395	.75	1.00	
DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man	11.32	1.395	.75	1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00	

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TRUCK DRIVERS (Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	\$ 11.405	\$ 1.395	.75	\$ 1.00		
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	11.46	1.395	.75	1.00		
TRUCK REPAIRMAN	11.395	1.395	.75	1.00		

TRUCK DRIVERS (Cont'd.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	\$ 11.61	\$ 1.395	.75	\$ 1.00	
DW 10's, 20's, 21's and other similar cat type, Terra Cobra, Letourneau pulls, Tournorocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00	
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	11.76	1.395	.75	1.00	

CALIFORNIA
AREA DEFINITIONS FOR
POWER EQUIPMENT OPERATORS

TRUCK DRIVERS (Cont'd)

BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	\$ 11.91	\$ 1.395	.75	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and in- cluding 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and including 95 yds. water level)	12.06	1.395	.75	1.00	

****AREA 1:** All areas included in the description defined below
which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly
line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing
the Mt. Diablo meridian to the S.W. corner of township 19S, range
6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.E. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E,
falling on the Southerly line of Kings County, thence Easterly
along the Southerly boundary of Kings County and the Southerly
boundary of Tulare County, to the S.E. corner of township 24S,
range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E.
corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

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CALIFORNIA
AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Northerly to the N.E. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the
Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary
of the State of California to the N.E. corner of township 17N,
range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Westerly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E.
corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,

CALIFORNIA
AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the
Pacific Ocean excluding that portion of Northern California
within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo
baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S,
range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S,
range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S,
range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S,
range 3E, to the point of beginning which portion is a part of
Area 2.
AREA 1 also includes that portion of Northern California within the
following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line
of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W.
corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of
township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner
of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner
of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the
Pacific Ocean.

CALIFORNIA

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

AREA 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian; Thence Southerly to the S.W. corner of township 44N, range 7W, Thence Easterly to the S.E. corner of township 44N, range 7W, Thence Southerly to the S.W. corner of township 43N, range 6W, Thence Easterly to the S.E. corner of township 43N, range 5W, Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5003
Supersedes Decision No. CA77-5091 dated September 30, 1977, in 42 FR 52927.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS				
BOILERMAKERS	\$ 13.00	.95	\$ 1.27	.07
BRICKLAYERS; Stonemasons:	13.625	1.075	1.00	.02
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties				
Alameda and Contra Costa Cos.	11.42	1.50	1.10	.05
Fresno, Mariposa and Merced Cos.	12.55	1.35	1.25	.25
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	12.05	.95	1.00	
Monterey and Santa Cruz Counties	12.50	1.03	1.21	.25
San Benito and Santa Clara Cos.	12.60	1.22	1.26	.25
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	12.55	1.35	1.25	
BRICK TENDERS:	11.70	1.00	1.30	1.00
Calaveras and San Joaquin Cos.	9.96	1.25	1.70	
San Francisco and San Mateo Cos.	10.00	.65	.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.30	1.00	1.70	
Fresno County	10.80	.80	1.40	
CARPENTERS:	11.70	1.35	1.71	.07
Carpenters				
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.85	1.35	1.71	.07
Millwrights	12.20	1.35	1.71	.07
Piledrivermen, Bridge, Wharf and Dock Builders	12.23	.84	1.26	.04
Mariposa and Merced Counties: Carpenters (wood frame residential construction)	7.00	1.22		

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
IRONWORKERS:						
Fence Erectors	\$10.66	\$ 1.24	\$ 2.22	\$1.46	.06	
Reinforcing	11.55	1.24	2.22	1.46	.06	
Ornamental; Structural	11.55	1.24	2.22	1.46	.06	
LATHERS:						
Alameda and Contra Costa Cos.	11.36	1.09	1.26		.025	
Humboldt, Nevada, Placer and Tehama Counties	11.00	.66	.50		.01	
Amador, El Dorado, Sacramento and Yolo Counties	11.72	.67	1.75		.01	
Calaveras and San Joaquin Cos.	11.30	.68	.55		.01	
Marin and Sonoma Counties	9.01	.87	.85	1.00	1/8c	
Monterey and Santa Cruz Counties	11.30	.68	.55		.01	
San Francisco and N ^o of San Mateo County	13.07	.66	2.00		.02	
San Benito and Santa Clara Cos.	12.69	.98	1.75			
Fresno County	11.43	.35	.45			
Mariposa, Merced and Tuolumne Counties	10.75				.01	
Southern half of San Mateo County	10.03	.32	1.00			
PAINTERS:						
Alpine, Amador, Calaveras and San Joaquin Counties	9.82	.85	2.34	1.11		
Brush						
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	10.22	.85	2.34	1.11		
Fresno County						
Brush; Tapers	11.12	.41	.20			
Spray; Structural Steel	11.37	.41	.20			
Del Norte and Humboldt Counties						
Brush	7.55	.60	.20	.80		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	7.80	.60	.20	.80		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area)						
Brush	12.31	1.10	1.50	.80	.06	
Spray	12.56	1.10	1.50	.80	.06	
Tapers	12.86	1.10	1.50	.80	.06	

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS: (Cont'd)					
Sutter, Tehama and Yuba Counties	\$ 8.75	.60	.40		
Brush; Pot Tender; Rollers					
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	9.25	.60	.40		
Lake Tahoe Area					
Brush	10.95	.70	.75		
Spray; Structural Steel; Tapers	11.20	.70	.75		
Marin, San Francisco and Sonoma Counties					
Brush	12.18	1.10	1.50	.80	.06
Spray	12.68	1.10	1.50	.80	.06
Tapers	12.98	1.10	1.50	.80	.06
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	12.31	1.10	1.50	.80	.06
Spray	12.81	1.10	1.50	.80	.06
Tapers	13.11	1.10	1.50	.80	.06
Mariposa, Merced and Tuolumne Counties					
Brush	9.60	.70	.45	.75	.02
Swing Stage, Paperhangers, Bosun Chair, Steam Cleaning and Water Blasting	9.85	.70	.45	.75	.02
Spray, Sandblasting	10.10	.70	.45	.75	.02
PLASTERERS:					
Alameda and Contra Costa Cos.	10.10	.745	1.05		.03
Sutter and Yuba Counties	9.79	.56	1.00		
Fresno County	9.24	.90	1.25		
Monterey County	12.31	1.00	.35	1.00	.01
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Cos.					
San Francisco County	11.59	.71	1.50		.01
San Mateo County	12.33	1.00	2.25		.03
Del Norte, Humboldt, Marin, Napa, Solano, Sonoma and Tehama Counties	7.72	.48	.90	1.50	.025
Mariposa, Merced and Tuolumne Counties	10.65	.98	.80	1.25	.01
	9.05	.90	1.55	1.20	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
ROOFERS: (Cont'd)					
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile and composition and built up)	.98	.67			
Pelt Machine Operator	.98	.67			
El Dorado, Placer, Sutter and Yuba Counties					.06
Roofers	.93	.40			
Fresno County	.60	.80			
Roofers					.04
Marin, Napa, Solano and Sonoma Counties					.04
Roofers	.85	-1.20	1.63		
Mastic Workers; Kettlemen (2 Kettle w/o pumps)	.85	1.20	1.63		
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	.85	1.20	1.63		
Del Norte and Humboldt Counties	.40	.75	.35		
Roofers					.09
Monterey and Santa Cruz Counties	1.40	1.15			
Roofers					.09
San Francisco and San Mateo Cos.	.60	1.20	1.15		
Roofers	.60	1.20	1.15		
Mastic Workers and Kettlemen (2 kettles w/o pumps)	.60	1.20	1.15		
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	.60	1.20	1.15		
Amador, Sacramento and Yolo Counties					.10
Roofers	1.04	1.10	1.00		
Enamelers and Pitch	1.04	1.10	1.00		
San Benito and Santa Clara Cos.					.04
Roofers; Kettlemen (1 kettle)	.85	1.29			
SHEET METAL WORKERS:					.02
Alameda, Contra Costa, Napa and Solano Counties	.73	2.11	12%		
Alpine, Calaveras and San Joaquin Counties	.66	1.40			
Amador, El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Cos.	.73	1.65			.11
Mariposa, Merced and Tuolumne Counties	.60	1.10			.06

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
PLASTERERS TENDERS:					
Alameda and Contra Costa Cos.	.60	1.10			
Fresno County	.80	1.40			
Marin County	.80	1.40	.90		
Solano County	1.25	1.70	1.10		
Napa County	1.25	1.70	1.10		
San Francisco and San Mateo Cos.	.80	1.20	1.25		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	.455	1.40	.80		
Calaveras and San Joaquin Cos.	1.25	1.70	1.00		
Monterey County	1.25	1.70			
San Benito, Santa Clara and Santa Cruz Counties	.70	1.40			
PLUMBERS:					
Alameda County	.83	1.55			.12
Contra Costa County	.90	1.72			.20
PLUMBERS; Steamfitters:					
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	1.32	1.81			.14
Lake Tahoe Area	.58	.60	1.95		.10
Marin, San Francisco and Sonoma Counties	1.905	1.50	1.17		.15
San Benito and Santa Clara Cos.	1.08	1.77			.14
San Mateo County	1.14	2.30			.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter, Tehama, Tuolumne and Yuba Cos.	1.44	2.00			.10
Napa and Solano Counties	1.25	2.29			.22
Del Norte and Humboldt Cos.	.86	1.22			.05
ROOFERS:					
Alameda and Contra Costa Cos.	1.17	1.10	.60		.04
Roofers					.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	1.17	1.10	.60		.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	1.17	1.10	.60		.04

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
SHEET METAL WORKERS: (Cont'd)				
Monterey, San Benito, Santa Clara and Santa Cruz Cos.	38+.66	\$1.845	\$1.115	.10
San Mateo County	.73	1.84		
Del Norte, Humboldt, Marin, San Francisco and Sonoma Cos.	.66	1.74		.12
Fresno County	.73	1.22		.14
SOFT FLOOR LAYERS:				
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)				
Lake Tahoe Area				
Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties	.84	1.30	1.00	.10
SPRINKLER FITTERS:	.70	.20		
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	.60	1.00	b	.10
Remaining Counties				
STEAMFITTERS:				
Alameda and Contra Costa Cos.	.65	1.45		.09
Del Norte and Humboldt Cos.	.65	.95		.08
TERRAZZO WORKERS:				
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	1.25	2.29		.165
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	.61	1.12		.05
	1.50	1.10	1.00	
	.80	.90		.25

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TILE SETTERS:				
Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Cos.	.98	\$ 1.20	\$ 1.40	.095
Joaquin and Tuolumne Counties	1.00	.70	2.00	
Fresno, Mariposa and Merced Counties	1.00	.50		
Monterey and Santa Cruz Counties	1.09	1.18		
TILE SETTERS' HELPERS:				
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma and Solano Counties	.69	.51	10%	
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Tehama, Yolo and Yuba Counties	.80	1.20		
PAID HOLIDAYS:				
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				
FOOTNOTES:				
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.				
b. Employer contributes \$.90 per hour for the first five years of employment; After five years \$1.05 per hour to Vacation and Holidays Benefits.				

NOTICES

LABORERS

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Group 1	\$ 8.775	\$ 1.25	\$ 1.70	\$ 1.10	.10
Group 1(a)	9.00	1.25	1.70	1.10	.10
Group 1(b)	9.275	1.25	1.70	1.10	.10
Group 1(c)	8.825	1.25	1.70	1.10	.10
Group 1(d)	8.775	1.25	1.70	1.10	.10
Group 1(e)	9.325	1.25	1.70	1.10	.10
Group 1(f)	9.36	1.25	1.70	1.10	.10
Group 1(f) 1	8.375	1.25	1.70	1.10	.10
Group 1(g)	8.975	1.25	1.70	1.10	.10
Group 2	8.625	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10
LABORERS (Gunite)					
Group 1:	9.235	1.25	1.70	1.10	.10
Group 2:	8.645	1.25	1.70	1.10	.10
Group 3:	8.525	1.25	1.70	1.10	.10

Group 1: Asphalt Ironers and Rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters, Headerboardmen, Rubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-Kold, cresote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, handlers, Pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chopper; Davis trencher - 300 or similar type (and all small trenchers); Roto and ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzleman; Signalling and Riggings; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressure blow pipe (1½" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardner-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Sealers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackmen and rod beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on General construction work on or in bell hole footings and shaft

NOTICES

LABORERS (Cont'd)

Group 1(f): Wire winding machine in connection with guniting or shotcrete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shotcrete - Aligner helper

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit layers and Plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, Precast manhole setters, cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (Clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzlemans, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of Pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS
(Gunnite)

Group 1: Nozzlemans (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
Group 1:	AREA 1	AREA 2				
Group 2:	\$ 9.13	\$10.64	\$ 1.58	\$ 2.25	\$1.00	.29
Group 3:	9.50	11.01	1.58	2.25	1.00	.29
Group 4:	9.73	11.24	1.58	2.25	1.00	.29
Group 5:	10.32	11.83	1.58	2.25	1.00	.29
Group 6:	10.55	12.06	1.58	2.25	1.00	.29
Group 7:	10.71	12.22	1.58	2.25	1.00	.29
Group 8:	10.87	12.38	1.58	2.25	1.00	.29
Group 9:	11.31	12.82	1.58	2.25	1.00	.29
Group 10:	11.54	13.05	1.58	2.25	1.00	.29
Group 10-A:	11.76	13.27	1.58	2.25	1.00	.29
Group 11:	11.88	13.39	1.58	2.25	1.00	.29
Group 11-A:	12.06	13.57	1.58	2.25	1.00	.29
Group 11-B:	13.22	14.73	1.58	2.25	1.00	.29
Group 11-C:	13.52	15.03	1.58	2.25	1.00	.29
	13.84	15.35	1.58	2.25	1.00	.29

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS

(AREAS I and II)

Group 1: Assistant to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towermobile

NOTICES

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yds.); Concrete Pumps or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports and canals; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Grader, Grade checker (mechanical or other-wise); Highline cableway Signalman; Locomotives (steam or over 30 tons); Maginnis International Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical finishers (concrete); (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and gutter machine, concrete or asphalt; Portable crusher; Post driver (M-1500 and similar); Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled Pipeline wrapping machine; Perault, CRC, or similar types; Slip forms pumps (lifting device for concrete forms); Small rubber tired tractor; Surface heater

Group 7: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Gantry rider (or similar); Hydraulic hammer (or similar); Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or Shaft Moist; Mixer/mobile; Pavement breaker with or without compressor combination; Pavement breaker, truck mounted with compressor combination; Pipe bending machine (pipes only); Pipe cleaning machine (tractor propelled and supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Roller operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader

Group 8: Armor-Coater (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heading shield operator; Heavy duty repairman and/or welder; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical trench shield; Portable crushing and screening plants; Push cat; Rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c.); Euclids, T-Pulls, DW-10, 20, 21 and similar; Rubber tired dozer; Self-propelled compactor with dozer; Sheepfoot; Timber skidder (rubber tired or similar equipment); Tractor drawn scraper; Tractor trenching machine; Tri-batch paver; Tunnel mole boring machine; Welder; Woods-mixer (and other similar pugmill equipment)

Group 9: Canal finger drain digger; Chacago boom; Combination mixer and compactor (gunite); Combination slurry mixer and/or cleaner; Highline cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking machine (rubber tire, rail or track type); Tractor (with boom) (d-6 or larger and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 10: Boom-type backfilling machine; Bridge crane; Carry-lift or similar; Chemical grouting machine, truck mounted; Combination backhoe and loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more Loader; Adams elegrader; Elevating grader; Heavy duty rotary drill rig (including caisson foundation work and Euclid loader and similar type; Robbins type drills); Koehring skooter (or similar); Lift slab machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive 100 tons (single or multiple units); Multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); Pre-stress wire wrapping machine; Reservoir debris tug (self-propelled floating); Rubber-tired scraper, self-loading (paddle wheels, etc.); Shuttle car (reclaim station); Single engine scraper over 45 yds. soil stabilizer (P & H or equal); Sub-grader (gurrries or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and loader over 3/4 cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); Cranes (not over 25 tons, Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. m.r.c.); Power blade (single engine); Self-propelled boom-type lifting device (centermount) (over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CMI dual lane Auto grader SP30 or similar

Group 11: Automatic concrete slip form paver; Automatic railroad car dumper; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous flight tie back auger over 1 cu. yd. (including crane); Drott travellift 650-A-1 or similar (45 tons or over); Euclid loader when controlled from the pulicat; Highline cableway (over 5 tons); Loader (over 4 yds. up to and including 12 cu. yds.); Miller formless M900 sloper paver or similar; Power blade (multi-engine); Power shovels, clamshells, draglines, backhoes, grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber-tired earthmoving machines (with tandem scrapers); Slip form paver (concrete or asphalt); Tandem cats; Tower cranes mobile including rail mounted; Trencher (pulling attached shield); Universal Liebherr and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band wagons (in conjunction with wheel excavator); Cranes (over 125 tons); Loader (over 12 cu. yds. up to and including 18 cu. yds.); Power shovels and draglines (over 7 cu. yds. m.r.c.); Rubber tired multi-purpose earth moving machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry per-batch concrete mix, under 4 yds. water level); Helper; Warehousemen	\$ 10.725	\$ 1.395	.75	\$1.00	
TEAMSTER Oiler and/or Greaser and/or Service man	10.80	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.835	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROAD OIL TRUCK OR BOOT Man	\$ 10.845	\$ 1.395	.75	\$1.00	
LIFT JINNEYS, Fork Lift	10.855	1.395	.75	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.875	1.395	.75	1.00	
FUEL AND/OR GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00	
TRUCK REPAIRMAN HELPER	10.895	1.395	.75	1.00	
VACUUM TRUCK under (3,500 gallons)	10.905	1.395	.75	1.00	
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.92	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.935	1.395	.75	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.975	1.395	.75	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.985	1.395	.75	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.995	1.395	.75	1.00	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS (Cont'd)					
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	\$ 11.26	\$ 1.395	.75	\$1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	11.27	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395	.75	1.00	
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	11.30	1.395	.75	1.00	
DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man	11.32	1.395	.75	1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00	

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS: (cont'd)					
BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	\$ 11.02	\$ 1.395	.75	\$ 1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	11.035	1.395	.75	1.00	
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00	
COMBINATION BOOTMAN and ROAD OILER	11.165	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	11.405	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level; Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, Lefournepulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	11.46	1.395	.75	1.00	
TRUCK REPAIRMAN	11.395	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	\$ 11.61	\$ 1.395	.75	\$1.00		
DW 10's, 20's, 21's and other similar cat type, Terra Cobra, Lefournepulls, Tournorocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00		
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level; Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	11.76	1.395	.75	1.00		

NOTICES

CALIFORNIA
AREA DEFINITIONS FOR
POWER EQUIPMENT OPERATORS

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	\$ 11.91	\$ 1.395	.75	\$ 1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and including 95 yds. water level)	12.06	1.395	.75	1.00	

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.

Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,

Thence Southerly to the S.W. corner of township 20S, range 6E, Thence Easterly to the S.W. corner of township 20S, range 13E, Thence Southerly to the S.W. corner of township 21S, range 13E, Thence Easterly to the S.W. corner of township 21S, range 17E, Thence Southerly to the S.W. corner of township 22S, range 17E, Thence Easterly to the S.W. corner of township 22S, range 17E, Thence Southerly to the S.W. corner of township 23S, range 18E, Thence Easterly to the S.E. corner of township 23S, range 18E, Thence Southerly to the S.W. corner of township 24S, range 19E, Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,

Thence Northerly to the N.E. corner of township 21S, range 29E, Thence Westerly to the N.W. corner of township 21S, range 29E, Thence Northerly to the N.E. corner of township 13S, range 28E, Thence Westerly to the N.W. corner of township 13S, range 28E, Thence Northerly to the N.E. corner of township 11S, range 27E, Thence Westerly to the N.W. corner of township 11S, range 27E, Thence Northerly to the N.E. corner of township 10S, range 26E, Thence Westerly to the N.W. corner of township 10S, range 26E, Thence Northerly to the N.E. corner of township 9S, range 25E, Thence Westerly to the N.W. corner of township 9S, range 25E, Thence Northerly to the N.E. corner of township 8S, range 24E, Thence Westerly to the N.W. corner of township 8S, range 24E, Thence Northerly to the N.E. corner of township 6S, range 23E, Thence Westerly to the S.E. corner of township 5S, range 19E, Thence Northerly to the N.E. corner of township 5S, range 19E, Thence Westerly to the N.W. corner of township 3S, range 18E, Thence Northerly to the N.E. corner of township 3S, range 18E, Thence Westerly to the N.W. corner of township 2S, range 17E, Thence Northerly to the N.E. corner of township 2S, range 17E, Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,

Thence Westerly to the N.W. corner of township 2N, range 16E, Thence Northerly to the N.E. corner of township 3N, range 15E, Thence Westerly to the N.W. corner of township 3N, range 15E, Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the
Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary
of the State of California to the N.E. corner of township 17N,
range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Westerly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E.
corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,

CALIFORNIA
AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the
Pacific Ocean excluding that portion of Northern California
within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo
baseline and Meridian;
Thence in a Southerly direction to the S.W. corner of township 7S,
range 3E,
Thence in a Easterly direction to the S'E. corner of township 7S,
range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S,
range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S,
range 3E, to the point of beginning which portion is a part of
Area 2.
AREA 1 also includes that portion of Northern California within the
following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line
of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W.
corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of
township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner
of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner
of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the
Pacific Ocean.

NOTICES

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SUPERSEDES DECISION

STATE: Florida
 COUNTY: Alachua
 DECISION NUMBER: FL77-1149
 DATE: Date of Publication
 Supersedes Decision No.: FL77-1028 published March 18, 1977 in 42 FR 15262
 DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less).

*AREA 1: (Cont'd)

AREA 1 also includes that portion of Northern California included within the following line:
 Commencing at the Northerly boundary of the State of California at the N.W. corner of township 43N, range 7W, Mt. Diablo baseline and meridian; Thence Southerly to the S.W. corner of township 44N, range 7W, Thence Easterly to the S.E. corner of township 44N, range 7W, Thence Southerly to the S.W. corner of township 43N, range 6W, Thence Easterly to the S.E. corner of township 43N, range 5W, Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California, Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

STATE: Florida

DECISION NUMBER: FL77-1149

COUNTY: Alachua

DATE: Date of Publication

Supersedes Decision No.: FL77-1028 published March 18, 1977 in 42 FR 15262
 DESCRIPTION OF WORK: Building Construction (does not include single family homes or garden type apartments of four stories or less).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos Workers	10.99	.45	.55		.08	
Boilermakers	10.05	.95	1.05		.02	
Bricklayers	7.65	.30	.30		.02	
Carpenters	8.92	.52	.50		.05	
Cement Masons	7.30	.30	.30		.02	
ELECTRICIANS:						
Commercial:						
Wiremen	9.05	.35	3%		1%	
Cable Splicers	9.905	.35	3%		1%	
Industrial:						
Wiremen	10.25	.35	3%		1%	
Cable Splicers	11.275	.35	3%		1%	
ELEVATOR CONSTRUCTORS:						
Mechanics	9.785	.745	.56	4%+a+b	.025	
Helpers	6.85	.745	.56	4%+a+b	.025	
Porbatinary Helpers	4.89					
Glaziers	8.00		.20			
Ironworkers	8.95	.55	.85		.02	
LABORERS:						
Air tool operators; Mortar						
Mixers; Pipelayers (concrete & clay)	4.90	.20				
Unskilled	4.80	.20				
Lathers	7.95				.01	
Marble Setters	7.30	.30	.30		.02	
Millwrights	9.23	.30	.30		.02	

FL77-1149 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	7.01	.10			.05
Paperhangers	7.51	.10			.05
Structural Steel	7.51	.10			.05
Spray	7.51	.10			.05
Swing Stage	7.51	.10			.05
Boatswain's Chair	7.51	.10			.05
Piledrivers	8.92	.52	.50		.05
Plasterers	7.65	.30	.30		.02
Plumbers; Pipefitters;					
Steamfitters	10.30	.20	.25		.10
ROOFERS:					
Roofers	8.71*	.50	.25		.025
Kettlemen	6.53	.50	.25		.025
Sheet Metal Workers	9.08	.80	3% + .44		.125
Soft Floor Layers	8.47	.52	.50		.05
Sprinkler Fitters	10.16	.65	.95		.10
Stone Masons	7.65	.30	.30		.02
Tile & Terrazzo Workers	7.30	.30	.30		.02
Welders - Rate for craft to which welding is incidental					

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanks-giving Day; F-Christmas Day.

FOOTNOTES:

- Six paid holidays, A through F.
- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

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FL77-1149 - (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.48	.50	.35		.05
GROUP II	8.30	.50	.35		.05
GROUP III	7.32	.50	.35		.05
GROUP IV	6.21	.50	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scraper), front end loaders, (over 4 cu. cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), Locomotive engineer (jobs not covered by railroad unions).

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging), including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scrapers.

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer, (mobile plant), pavement breakers, street sweeping machines.

GROUP IV: Tractor operated sweeper, trenching machine, (ladder & wheel type maximum cut 6', maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps with a 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine.

SUPERSEDEAS DECISION

STATE: GEORGIA

COUNTY: HOUSTON

DECISION NO.: GA78-1008

DATE: DATE OF PUBLICATION

DATE: 16, 1977, in 42 FR 63620.

Supersedes Decision No. GA77-1153, dated December 16, 1977, in 42 FR 63620.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

SUPERSEDEAS DECISION

STATE: Mississippi

COUNTY: *SEE BELOW

DECISION NUMBER: MS78-1013

DATE: Date of Publication

Supersedes Decision No.: MS76-1137 dated December 17, 1976 in 41 FR 55271

DESCRIPTION OF WORK: Highway Construction. (Does not include Building Structures in Rest Area Projects, Bridges over Navigable Waters, Tunnels and Railroad Construction).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$10.15	.55	.60		.10	
BOILERMAKERS	10.25	.75	.15		.02	
BRICKLAYERS & STONE MASONS	7.50					
CARPENTERS	8.05					
CEMENT MASONS	5.76					
ELECTRICIANS	9.00	.50	3%		$\frac{2}{3}$ of 1%	
IRONWORKERS:						
Structural, Ornamental, & Reinforcing	9.25	.65	.57		.07	
LABORERS:						
Unskilled	3.64					
Air tool operators	4.65					
LATHERS	7.00	.15	.10		.05	
MILLWRIGHTS	8.45					
PAINTERS & DRY WALL FINISHERS	6.10	.45	.40		.10	
PLASTERERS	6.89					
PLUMBERS & PIPEFITTERS	9.60	.52	.63		.05	
ROOFERS	5.38					
SHEET METAL WORKERS	7.74					
SOFT FLOOR LAYERS	5.76	.15				
TILE SETTERS	5.85					
TRUCK DRIVERS	4.27					
WELDERS - Rate for craft						
POWER EQUIPMENT OPERATORS:						
Backhoe	8.88	.55	.50		.02	
Bulldozer	7.61	.55	.50		.02	
Crane, derrick, dragline	8.88	.55	.50		.02	
Forklift	7.31					
Front end loader	7.61	.55	.50		.02	
Mechanic	8.88	.55	.50		.02	
Motor grader	4.25					
Oilier	6.99	.55	.50		.02	
Tractor	5.00					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Carpenters	\$5.20				
Cement masons/Finisher	5.00				
Electricians	5.00				
Ironworkers, reinforcing	5.70				
Ironworkers, structural	9.73				
Laborers:					
Unskilled	3.00				
Asphalt Raker	3.72				
Pipelayer	3.50				
Painter (Structural steel)	10.00				
Piledriverman	5.07				
Truck driver	3.00				
Tugboat operator	5.50				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor-spreader operator	3.81				
Backhoe/Shovel Operator	4.76				
Bulldozer operator	4.50				
Concrete finishing machine operator	5.13				
Crane, dragline operator	5.00				
Loader operator (all types)	4.60				
Mechanic	5.50				
Motor patrol operator	5.17				
Oilier-greaser	3.50				
Roller operator (self-propelled)	3.68				
Striping machine operator	4.10				

Area VI Counties:

George, Hancock, Harrison, Jackson, Pearl River, and Stone.

STATE: OHIO
 DECISION NUMBER: OH78-2006
 COUNTIES: *SEE BELOW
 DATE: Date of Publication
 Supersedes Decision No.: OH77-2132, dated September 2, 1977 in 42 FR 44469
 DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to & including 4 stories)

* ALLEN, AUGLAIZE, CRAWFORD, DEFIANCE, ERIE, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, VAN WERT, WILLIAMS, WOOD, & WYANDOT

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:	Allen, Defiance, Mercer, Paulding, Van Wert, & Williams Cos.	.50	.75		
	Auglaize, & Logan Cos.	.75	1.00		.02
	Crawford, Hardin, Knox, Marion, & Morrow Cos.	.45	.85		.02
	Erie (W), Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood, & Wyandot Cos.	.50	1.20		.04
	Erie (E & W), & Huron Cos.	.55	.80		.02
	Richland Co.	.70	1.00		.03
	BOILERMAKERS				
	Bricklayers; Marble setters; Terrazzo workers; & Tile setters:				
	Allen, Auglaize, Mercer, & Van Wert Cos.		.20		
	Crawford, Hardin, Marion, Morrow, Richland, Wyandot (except Twps. of Crawford, Ridge, Richland, & Tymochee) Cos.	.60	1.00		.02
CEMENT MASONS:	Defiance, Henry (except Twps. of Monroe, Barlo, Liberty, Washington, Richfield, Marion, & Damascus & that part of Harrison outside city limits of city of Napoleon), Paulding, Putnam, & Williams Cos.:				
	Bricklayers; Marble setters	11.72			
	Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), Wyandot (Tymochee Crawford, Ridge, & Richland Twps.), & Island of Lake Erie North of Sandusky	.93			
			.50		.01
		.60			

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DECISION NO. OH78-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Henry (Twps. of Washington, Damascus, Richfield, Bartlo, Liberty, Harrison, Monroe, & Marion), & Wood (Twps. of Perrysburg, Ross, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids):	\$12.155	.93	.90		.01
	Knox Co.	.60	.50		.02
	Logan Co.	10.60			
	CARPENTERS:				
	Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos.	.53	.70		.02
	Crawford, Erie, Hancock (Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (Fostoria) Cos.	.70	1.00	a	.04
	Defiance, Henry, Paulding, & Williams Cos.	.93	.75		
	Hancock & Wood Cos. (excluding Fostoria)	.93	.75		.05
	CEMENT MASONS:				
	Allen, Auglaize, Hardin, Logan, & Mercer, Van Wert Cos.	.50			.05
Crawford, Marion, Morrow, Richland, & Wyandot Cos.	Defiance, Paulding & Williams Cos.				
	Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Twps. of Tymochee, Crawford, Ridge, & Richland), & Island of Lake Erie North of Sandusky	.60	.50		.01
	Hancock, Henry, Putnam, & Wood (except Perry & Bloom Twps.) Cos.	.60			.02
	Knox Co.	.50	.20		.03

DECISION NO. OH78-2006

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Sandblasting; Spray; Steam-cleaning; Mitts; High pressure water cleaning; Blow down Stilts & automatic drywall tools	.73	.50		.03
Petroleum storage tanks (over 30 ft. high) brush, rollers	.73	.50		.03
Structural steel (open skeleton) - brush or roller	.73	.50		.03
Elevated water tanks & stacks - brush, roller or spray	.73	.50		.03
Grasford, Marion, Morrow, & Richland Cos.:				
Brush; Roller; Washer & cleaner	8.80	.50		
Drywall; Paperhangers; Wall coverer; Pot tender	9.55	.50		
Structural steel tanks & towers; Hazardous materials incl. epoxy or any 2 component materials	9.30	.50		
Spray; Riggers & helpers on scaffold over 30 ft. above base level	9.55	.50		
Sign & pictorial	9.65	.50		
Sandblaster cleaner	9.95	.50		
Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos.:				
Old Commercial				
Brush; Roller; Wash; Clean	8.80	.60		\$50.00p/yr
Drywall; Paperhanging; 30' to 60'	9.05	.60		50.00p/yr
60' or over	9.90	.60		50.00p/yr
Sandblasting; Spray; Swing stage; Boatswain chair; Needle beam	9.30	.60		50.00p/yr
Hazardous work & material; Stacks, Tanks, Towers over 40' in ht.	9.80	.60		50.00p/yr
New Commercial				
Brush; Roller; Wash; Clean	9.40	.60		50.00p/yr
Drywall; Paperhanging	9.45	.60		50.00p/yr
Structural steel; 30' to 60'	9.85	.60		50.00p/yr
60' & over	10.25	.60		50.00p/yr
Sandblast; Spray; Swing stage; Needlebeam; Boatswain chair; Hazardous work & material; Stacks, tanks, & towers over 40' in ht.	9.90	.60		50.00p/yr
	10.40	.60		50.00p/yr

DECISION NO. OH78-2006

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Henry, Ottawa, & Wood Cos.: Brush; Paperhangers; Drywall tapers & finishers Sandblasting; Spray; Pressure cleaning Open structural steel; Brush	.65 \$10.49 11.04 10.04	.70 . . .			
Knox Co.: Brush; Paperhangers Spray Logan Co.: Brush; Paperhangers (tools furnished) Swing stage Spray Structural steel	7.50 7.95 7.80 8.15 8.50 8.35	.25			
PILEDRIVERS: Allen, Auglaize, Hardin, Knox, Logan, Marion, Mercer, Morrow, Putnam, Van Wert, & Wyandot Cos. Crawford, Huron, & Richland Cos. Defiance, Erie (N. of B & O RR Tracks), Hancock, Henry, Ottawa Paulding, Sandusky, Seneca, Williams, & Wood Cos. Erie (E. of B & O RR Tracks)	10.79 10.66 12.32 12.10	.70 1.00 .75 1.25	a		.02 .04 .05 .03
PLASTERERS: Allen, Auglaize, Hardin, Knox, Logan, Mercer, & Van Wert Cos. Crawford, Marion, Morrow, Richland, & Wyandot (excluding Tymochtee, Crawford, Ridge, & Richland Tps.) Cos. Defiance, Hancock, Henry, Paulding, Williams, & Wood (excluding Perry & Bloom Tps.) Cos. Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Tps.), Wyandot (Tymochtee, Crawford, Ridge, & Richland Tps.), & Island of Lake Erie N. of Sandusky	10.34 10.45 13.00 11.14	.30 .60 .50			.02 .01 .01

FEDERAL REGISTER, VOL. 43, NO. 38—FRIDAY, FEBRUARY 24, 1978

DECISION NO. OH78-2006

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$12.30	.65	.95		.08

SPRINKLER FITTERS

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

- 2 paid holidays: B & D
- 7 paid holidays: A through F, & Day after Thanksgiving
- Employee contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the Holiday and the regular scheduled work days immediately preceding and following the holiday.
- \$.39 of gross earnings to SASMI
- .3% of gross earnings to SASMI

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DECISION NO. OH78-2006

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:				
Allen, Auglaize, Mercer, Paulding, Putnam, & Van Wert Cos.: Building laborers; Laser beam; Power wheelbarrow or power buggy	.55	.40		.05
Vibrators; Spikers by hand (Railroad); Cement finishers' helpers; All machine driven tools (gas, electric, air); Asphalt rakers; Caisson; Cofferdam; Demolition; Packers; Pot tenders; Pump man under 4" discharge; Taper; Torch man; & tunnel	.55	.40		.05
Blaster helper; Cylinder, shaft; Jackhammer; Man-hole builders; Mason tenders; Mortar mixers; Plasterers' tenders; Sewer bottom man; Sewer pipelayer; Sewer, water conduit, gas, oil, pipeline, except mainlines; & wagon drill helper	.55	.40		.05
Blaster-powder man; Gunite ops.; Muckers & miners (tunnel & caisson) free air; Sandblasters; & wagon drill/operator	.55	.40		.05
Crawford, Knox, Morrow, & Richland Cos.: General laborer; Carpenter tender; Concrete handler	.65	.55		.10
Mason & Plasterers' tenders; Air & power driven tools; Pipelayer; Dynamite blaster; Mortar mixer & formsetter	.65	.55		.10
Gunite operator	.65	.55		.10

DECISION NO. OH78-2006

POWER EQUIPMENT OPERATORS

	ZONE I		ZONE II		ZONE III		Fringe Benefits Payments		
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vocation
GROUP A	\$ 12.09	\$11.81	\$12.37	\$12.37	\$12.37	\$12.37	.61	1.00	
GROUP B	11.93	11.65	12.22	12.22	12.22	12.22	.61	1.00	
GROUP C	11.58	11.29	11.87	11.87	11.87	11.87	.61	1.00	
GROUP D	10.77	10.51	11.09	11.09	11.09	11.09	.61	1.00	
GROUP E	10.44	10.18	10.77	10.77	10.77	10.77	.61	1.00	
GROUP F	8.73	8.48	9.09	9.09	9.09	9.09	.61	1.00	

ZONE I: Allen, Defiance, Hancock, Hardin, Henry, Ottawa, Paulding, Putnam,

Richland, Sandusky, Seneca, Van Wert, Williams, & Wood Counties

ZONE II: Auglaize, Crawford, Knox, Logan, Marion, Mercer, Morrow, &

Wyandot Counties

ZONE III: Erie & Huron Counties

GROUP A - A-frames, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggy-back operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip forms pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

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DECISION NO. OH78-2006

POWER EQUIPMENT OPERATORS (CONT'D):

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), Submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers, (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum fireman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power) GROUP F - Oilier, helpers, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

STATE: Pennsylvania

COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter

DECISION No.: PA78-3005
 Supersedes Decision No. PA77-3023 dated January 28, 1977, in 42 FR-5640
 DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocation		
CARPENTERS						
ZONE 1	\$10.87	8%	7%			
ZONE 2	10.58	8%	7%			
CARPENTER - WLEDER						
ZONE 1	11.30	8%	7%			
ZONE 2	11.02	8%	7%			

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Erie, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland
 ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Forest, Franklin, Fulton, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Potter, Somerset, Venango and Warren

CEMENT MASONS	10.25	.615	1.635			
FILED/DRIVER/ME	10.55	5.5%	10%			
IRONWORKERS:						
Reinforcing	8.07	.785	1.03		.01	
ZONE 1						
ZONE 2						
Structural, Ornamental & Reinforcing	11.28	.84	1.36		.03	

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter
 ZONE 2 Franklin, Huntingdon and Mifflin Counties

DECISION #PA78-1005

LABORERS

CLASS 1
 CLASS 2
 CLASS 3
 CLASS 4

BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES	FRINGES BENEFITS	
			H&W	PEN
ZONE 1	ZONE 1	ZONE 2	ZONE 3	ZONE 3
\$ 8.05	\$ 7.93	\$ 7.83	10%	10%
8.21	8.11	8.01	10%	10%
8.63	8.63	8.58	10%	10%
9.58	9.58	9.58	10%	10%

AREA COVERED BY LABORERS ZONES

ZONE 1 - Allegheny, Beaver, Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, and Somerset
 ZONE 2 - Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango and Warren
 ZONE 3 - Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 1 - Heavy Highway & R.R. Construction Laborer (including tenders, handling Salnamanders, L.P. Gas Heaters or simillas, etc.), Asphalt curb sealers, asphalt tamperers, batchman (weigh), blaster's helper, brakeman, change house attendant, coffer dam laborer, concrete curing, pitman, puddler, (including vibrator operators), drill runner's helper includes drill mounted on truck, track or similar and davey drills (spots-clean-up & helps to maintain), electric brush and/or grinder, fence construction (including fence machine operator), form stripper and mover, gabion (erectors and placers), hydro-jet blaster nozzle man, manually moved emulsion sprayer, radio actual traffic control operator, rip rap work, scaffolds and runways (as per agreement of record), sheet piers and shoring, structural concrete top surfacer, walk behind street sweeper, water boy, welder's helper (pipeline), wood chipper.

CLASS 2 - Air tools (all types), asphalt, batch and concrete plant operator (manually operated), asphalt rakers, burner, caisson men (open air), carryable pumps, chain saw operator (including attachments), cribbing (concrete or steel), curb machine operator (asphalt or concrete) (walk behind), diamond head core drill, drill runner's helper (tunnel), fork lift (walk behind), form setter (road forms line man), highway slab reinforcement placers (incl. joint and basket setter), hydraulic pipe pusher, liner plates (tile or vitrified clay), mechanical compacting equipment, mechanical joint sealer, dope pot, and tar kettle, mortar mixer (hand or machine), muckers, brakemen and all other labor (includes installation of utility lines), pipe layers (regardless of material), portable single unit conveyor, post hole auger (2 or 4 cycle hand operated), power wheelbarrows & buggies, rail porter, or similar, all railroad track work, adzing machine, ballast router, bolting machine, power jacks, rail drills, railroad brakeman, rail saws, spike drivers (manually or hand-held tool), spike pullers, tamping machine, thornitweld, sandblaster, signal man.

CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 3 - Blacksmith, blaster, brick stone and block pavers and block cutters, (wood, belgian & asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manhole or catch basin builder (brick, block, concrete or any prefa-brication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder.

CLASS 4 - Welder (pipeline).

	BASIC HOURLY RATES	BASIC HOURLY RATES	Fringe Benefits Pensions		
			H & W	PENSION	APPR. TR.
LANDSCAPE: Landscape Laborer Skilled Landscape Laborer Landscape Tractor Operator	ZONE 1	ZONE 2			
	\$ 5.50	5.40	.40	.40	
	5.65	5.55	.40	.40	
	6.00	5.90	.40	.40	

AREA COVERED BY LANDSCAPE
LABORERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, Westmoreland
ZONE 2 - Bedford, Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Erie, Forest, Franklin, Fulton, Huntingdon, McKean, Mifflin, Potter, Somerset, Warren

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION					
ZONE 1					
Journeyman Lineman	\$12.83	.45	1.28		.064
Experienced Winch Truck Operator	8.98	.45	.089		.044
2nd 1000 Hrs.	8.77	.45	.087		.043
1st 1000 Hrs.	8.55	.45	.085		.042
Experienced Truck Driver	8.34	.45	.083		.041
2nd 1000 Hrs.	8.13	.45	.081		.040
1st 1000 Hrs.	7.91	.45	.079		.039
Experienced Groundman	7.70	.45	.077		.038
2nd 1000 Hrs.	7.48	.45	.074		.037
1st 1000 Hrs.	7.27	.45	.072		.036
ZONE 2					
Journeyman Lineman	10.76	.45	.107		.053
Experienced Winch Truck	7.49	.45	.074		.037
2nd 1000 hrs.	7.30	.45	.073		.036
1st 1000 hrs.	7.12	.45	.071		.035
Experienced Truck Driver	6.94	.45	.069		.034
2nd 1000 hrs.	6.76	.45	.067		.033
1st 1000 hrs.	6.58	.45	.065		.032
Experienced Groundman	6.40	.45	.064		.031
2nd 1000 hrs.	6.21	.45	.062		.030
1st 1000 hrs.	6.03	.45	.060		.030

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 Allegheny, Armstrong, Beaver, Bedford, Blair, Cambria, Centre, Clarion, Clearfield, Fayette, Fulton, Greene, Huntingdon, Indiana, Jefferson, Somerset, Washington, & Westmoreland Counties
ZONE 2 Franklin & Mifflin Counties

POWER EQUIPMENT OPERATOR	FRINGES BENEFITS		
	BASIC HOURLY RATES	BASIC HOURLY RATES	BASIC HOURLY RATES
CLASS 1	\$11.13	11.84	.95
CLASS 2	10.87	10.56	.95
CLASS 3	8.51	8.22	.95
CLASS 4	8.06	7.73	.95
CLASS 5	7.91	7.62	.95

AREA COVERED BY POWER
EQUIPMENT OPERATOR ZONES

ZONE 1 - Allegheny, Armstrongs, Beaver, Blair, Butler, Cambria, Centre, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

CLASSIFICATION DEFINITION
FOR ALL ZONES

CLASS 1 - Autograder (C. M. I. & similar), backfiller, backhoe - 360° swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, concrete pump (self-propelled), cranes, cranes (boom or mast 101 ft. or over up to & including 150 ft. inclusive of jib + .25), cranes (boom or mast over 150 ft. up to & including 200 ft. inclusive of jib + \$.50), cranes (boom or mast over 200 ft. inclusive of jib + \$.75), cranes (tower-stationary-climbing tower cranes), derrick, derrick boat, dozer (D-6 & over), dragline, dredge, dredge hydraulic (1 leverman - 1 oiler - 1 apprentice), elevating grader, franki pile machine, gradall (remote control or otherwise), grader (power-fine grade), helicopter (1500 lb. or over 1 ft), helicopter (under 1500 lb. lift), lift (4 cy. & over), hoist 2 drums or more (in one unit), hydraulic boom truck (with pivotal cab) (single motor-pitman or similar), kocal, lead mechanic, locomotive (std. gauge), metro-chip harvester or similar, mix mobile, mix mobile (with self loading attachment), mulching machine (tunnel), pile driver machine, pipe extrusion machine, presplitter drill (self contained), refrigeration plant (soil stabilization), rough terrain crane (25 ton & over), rough terrain crane (under 25 ton), scrapers, shovel-power, slip form paver (C. M. I. and similar), trenching machine (30,000 lbs. and over), trenching machine (under 30,000 lbs.), tunnel machine (mark XXI Jarva or similar), whirley

CLASSIFICATION DEFINITION
FOR ALL ZONES (CONT'D)

CLASS 2 - Asphalt paving machines (spreader), asphalt plant operator, auger (tractor mtd.), auger (truck mtd.), backhoe (rear pivotal swing), (180° swing), belt loader (euclid or similar), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C. M. I. and similar), concrete finishing machine and spreader, concrete mixer (over 1 cy.), concrete pump (stationary), core drill (truck or skid mtd. - similar to Penn drill), dozer (under D-6), force feed loader, fork lift (lull or similar), grader - power, grease unit operator (head), guard rail post driver (truck mounted), guard rail post driver (skid type), lift (und 4 cy.), hydraulic boom truck (non-pivotal cab), job work boat (powered) (when assistance is required it shall be a deckhand), jumbo operator, locomotive (narrow gauge), mechanic, minor equipment operator (accumulative four units), mucking machine, multi-head saw (groover), over-head crane, roller - power-asphalt, roas carrier, side boom or tractor mounted boom, stone crusher, (screening-washing plants), stone spreader (self-propelled) truck mounted drill (davey or similar), welder and repairman, well point pump operator

CLASS 3 - Broom Finisher (C.M.I. or similar), Compactors/Rollers (Static or Vibratory) (Self-propelled), Curb Builder, Minor Equipment Operator (Two to three units), Multi-head Tie Tamper, Pavement Breaker (Self-propelled or ridden), Soil Stabilizer Machine, Tire Repairman (As per Agreement with Teamsters), Tractor (Snaking & Hauling), Well Driller & Horizontal and Winch or "A" Frame Truck (When hoisting & lowering)

CLASS 4 - Ballast Regulator, Compressor, Concrete Mixer (1 cy. & under with skip), Concrete Saw (ridden or self-propelled), Conveyor, Elevator (Material hauling only), Fork-lift (ridden or self-propelled), Form Line Machine, Generator, Grout Pump, Heater (Mechanical), Hoist (Single Drum), Ladavator, Light Plant, Mulching Machine, Personnel Boar (powered), Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (power Driven), Subgrader, Tie Puller, Tugger and Welding Machine (Gas or Diesel)

CLASS 5 - Deck Hand, Farm Tractor, Fireman or Boiler, Mechanic's Helper, Oiler, Power Room, Side Delivery Shoulder Spreader (Attachment)

DECISION NO. PA78-3005

TRUCK DRIVERS

ZONE 1

- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- CLASS 5
- CLASS 6
- CLASS 7

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.55	7.3%	4.2%			
8.29	7.3%	4.2%			
8.39	7.3%	4.2%			
8.47	7.3%	4.2%			
8.34	7.3%	4.2%			
8.24	7.3%	4.2%			
8.57	7.3%	4.2%			

CLASSIFICATIONS DEFINITIONS ZONE 1

CLASS 1 - Heavy Duty Trailer, such as Low-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks

CLASS 2 - Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

CLASS 3 - Tandem-axle Ready-mixed Concrete Trucks (such as agitators barrel, redi-mix concrete trucks, etc.); Liquid Tank Trucks - Straight and Semi including water, sprinkler, oil trucks such as fuel, dump (tandem), Flat bottom, Scissors, and combination fuel and grease)

CLASS 4 - Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Pay-loader, Tournawagons, and similar equipment when at self-loaded) Rated under forty-five tons, Tri Axle trucks

CLASS 5 - Trucks with Dolly or Trailer

CLASS 6 - Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

CLASS 7 - Heavy off-the-road equipment (rated at forty-five tons or over): Bottom or Belly-dump Trucks

DECISION NO. PA78-3005

TRUCK DRIVERS

ZONE 2

- CLASS 1
- CLASS 2
- CLASS 3
- CLASS 4
- CLASS 5
- CLASS 6
- CLASS 7
- CLASS 8

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 8.35	7.3%	4.2%			
8.03	7.3%	4.2%			
8.14	7.3%	4.2%			
8.30	7.3%	4.2%			
8.19	7.3%	4.2%			
8.14	7.3%	4.2%			
8.00	7.3%	4.2%			
8.39	7.3%	4.2%			

CLASSIFICATIONS DEFINITIONS ZONE 2

CLASS 1 - Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carrier, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks

CLASS 2 - Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

CLASS 3 - Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

CLASS 4 - Tri-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Tri-axle Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons

CLASS 5 - Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also combination fuel and grease);

CLASS 6 - Trucks with Dolly or Trailer

CLASS 7 - Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

CLASS 8 - Heavy off-the-road Equipment (rated at forty-five tons and over); Bottom or Belly dump trucks

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland

ZONE 2 - Bedford, Cameron, Clarion, Clinton, Elk, Forest, Franklin, Fulton, Huntingdon, Mifflin, Potter

[FR Doc. 78-4811 Filed 2-23-78; 8:45 am]

Legislation
and
Policy

FRIDAY, FEBRUARY 24, 1978
PART V



**INTERAGENCY TASK
FORCE ON
WORKPLACE SAFETY
AND HEALTH**



**STRENGTHS AND
WEAKNESSES OF
EXISTING
GOVERNMENTAL
REGULATORY
WORKPLACE SAFETY
AND HEALTH PROGRAM**

Request for Public Comment

FRIDAY, FEBRUARY 24, 1978
PART V



INTERAGENCY TASK FORCE ON WORKPLACE SAFETY AND HEALTH

STRENGTHS AND
WEAKNESSES OF
EXISTING
GOVERNMENT
REGULATORY
WORKPLACE SAFETY
AND HEALTH PROGRAM
Request for Public Comment

[4510-23]

INTERAGENCY TASK FORCE ON WORKPLACE SAFETY AND HEALTH

STRENGTHS AND WEAKNESSES OF EXISTING GOVERNMENTAL REGULATORY WORK- PLACE SAFETY AND HEALTH PROGRAMS

Request for Public Comment

AGENCY: Interagency Task Force on Workplace Safety and Health.

ACTION: Request for Public Comment.

SUMMARY: This publication reviews the purposes for which the Interagency Task Force on Workplace Safety and Health was created. It requests comments from the public as to strengths and weaknesses of existing governmental regulatory workplace safety and health programs and opinions as to how those programs could be improved. Additional information is sought to help the Task Force identify successful private sector workplace safety and health activities so that recommendations for Government policies which foster these activities can be made.

DATES: Comments should be received by April 7, 1978, to be given full consideration by the Task Force in its recommendations.

ADDRESS: Mail comments to: Task Group A, Interagency Task Force on Workplace Safety and Health, 1815 North Lynn Street, Rosslyn, Va. 22209.

FOR FURTHER INFORMATION CONTACT:

Richard I. Bergman, Executive Director, Interagency Task Force on Workplace Safety and Health, 1815 North Lynn Street, Rosslyn Va. 22209.

SUPPLEMENTARY INFORMATION: By memorandum dated August 5, 1977, President Carter created the Interagency Task Force on Workplace Safety and Health, jointly chaired by Secretary of Labor Marshall and Office of Management and Budget Director Designate McIntyre, to consider ways of improving the Federal Government effort to protect the safety and health of American workers. Specifically, the President directed that the Task Force inquiry focus on the following:

Exploration of incentives that might supplement workplace safety regulations. These might include improved education and information services, economic aid and tax incentives to

help employers improve workplace safety, changes in workers' compensation and liability laws and deterrent penalty structures.

Evaluation of the government-wide administration of Federal workplace safety and health activities. This will include investigation of duplication, overlap and gaps in Federal agency jurisdiction.

Review of other ways to improve the safety and health efforts of all Federal agencies, including those programs that affect Federal employees, and the resources devoted to them.

In formulating its recommendations, the Task Force strongly encourages information and views from the public at large, including employers, workers and other interested parties, and from Government. Accordingly, this notice is published in the *FEDERAL REGISTER* to solicit public comment as to the direction in which the Federal Government should proceed to improve workplace safety and health.

In addition to general comments, opinions on the following matters would be particularly useful to the Task Force:

1. What problems have you or your organization had with the existing Federal safety and health regulatory program and in what ways has the program been beneficial? For example, describe your experience with such areas as the reporting system, the standards, inspections, or on-site consultations.

2. How could the programs of the Federal Government be improved to aid in reducing job-related injuries and illnesses?

The Task Force has received numerous comments on general experiences which employees and employers have had with the Federal occupational safety and health effort. The purpose of these questions is to pinpoint areas of concern in existing governmental workplace safety and health programs and to obtain opinions on how these programs could be improved.

3. Are you or your organization subject to conflicting safety and health regulations and guidelines from different Government sources, or to omissions in coverage of certain activities by any source? How does this affect the safety and health of employees? Do you have any suggestions for improvement?

Many employees and employers have indicated that in some instances there are conflicts and omissions in coverage between the regulations of certain Federal agencies as well as between Federal and State and local ju-

risdictions. The question is intended to identify those areas and to elicit ideas as to how they could be eliminated.

4. What has been tried over the last five years to improve safety and health at your workplace?

The purpose of this question is to determine the nature of safety and health activities in which interested persons have been involved over the past five years. The Task Force can use this information to better understand the current workplace health and safety effort.

5. Please describe one activity which you found was particularly successful in reducing accidents and illnesses, and one which was tried out but found to be ineffective.

How was the success measured? If it included data, please describe it (for example, evidence of decreased workplace injuries or improved health).

What motivated initiation of the activities? Was it union or other employee pressure, cost reduction, OSHA requirements, or other reasons?

Please specify what was spent on the activities in terms of both dollars and numbers of personnel. What levels of personnel were involved?

Are there any ways in which the Federal effort might be focused to complement your successful activity?

A statement by interested persons as to successful activities (for example, employee incentives, job or machine redesign, performance feedback, specific education and training programs) will aid the Task Force in recommending governmental policies which foster those activities. In order to fully evaluate the statement, however, it is necessary to know whether any other factors simultaneously existed which could have had an effect on the results of the activity, such as less than full production or employment.

Persons who are interested in assisting the Task Force in reaching its recommendations by responding to this notice should do so in writing to: Task Group A, Interagency Task Force on Workplace Safety and Health; 1815 North Lynn Street; Rosslyn, Va. 22209. All communications received on or before April 7, 1978, will be afforded full consideration by the Task Force in making its recommendations to the President.

Signed at Washington, D.C., this 21st day of February, 1978.

RICHARD I. BERGMAN,
Executive Director.

[FR Doc. 78-4912 Filed 2-23-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE
Office Of The Secretary
(32 CFR Part 70)
(DoD Directive 1332.28)
DISCHARGE REVIEW BOARDS (DRBs)
Procedures and Standards

AGENCY: Office of the Secretary of Defense

ACTION: Supplemental Notice of Proposed Rule

SUMMARY: The Department of Defense published a proposed rule on uniform standards and procedures for discharge review to meet statutory requirements. This supplemental notice includes the provisions of Public Law 95-126 which provides an opportunity until January 1, 1980 for former members administratively discharged under other than honorable conditions to make application to the Discharge Review Boards (DRBs) without regard to the normal 15-year period in which an application must be made. It also contains adoption of a number of recommendations made after the initial proposed rule was published, and reflects editorial format changes. Moreover, the Department of Defense has reevaluated both the proposed rule and the previous notice of rulemaking. Based upon that reevaluation, DoD has determined that a more detailed notice and a revised proposal should be published to provide a further opportunity for comment.

DATES: Written comments must be received on or before *March 3, 1978*.

ADDRESSES: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), The Pentagon, Room 3C980, Washington, D. C. 20301.

FOR FURTHER INFORMATION CONTACT:

Captain E. T. Boywid, JAGC, USN or

Lieutenant Colonel G. A. Johnson, USAF

Telephone 202-697-9525

SUPPLEMENTARY INFORMATION: In FR Doc. 77-35794 appearing in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), the Department of Defense (DoD) published a notice of proposed rulemaking to establish DoD uniform standards and procedures for discharge review to meet statutory requirements. In FR Doc. 78-1355 appearing in the FEDERAL REGISTER on January 18, 1978 (43 FR 2634), the 30-day period for comment was extended to January 23, 1978. Title 10, U.S.C. 1553 permits an individual who has been discharged or dismissed administratively in accordance with directives of the Military Departments or by sentence of a special court-martial to apply for review of that discharge or dismissal, provided that the application is made within 15 years from the date thereof. If the former member is deceased, an application may be made by the surviving spouse, next-of-kin, or legal representative

PROPOSED RULES

of the former member. In accordance with Public Law 95-126, the Department of Defense will provide an opportunity until January 1, 1980 for former members administratively discharged under other than honorable conditions to make application to the DRB without regard to the normal 15-year period in which an application must be made.

Public Law 95-126 amends Title 38, U.S.C. 3103 to provide that no benefits administered by the Veterans' Administration shall be provided as a result of an action by a DRB except upon a case-by-case review. This review must consider all the evidence and factors in each case under published uniform standards and procedures. The standards must be historically consistent with criteria for determining honorable service and shall not include any criterion for automatically granting or denying a change or new issuance of a discharge.

OTHER THAN HONORABLE DISCHARGES

In addition, the Department of Defense is required to provide a further determination in cases wherein discharges under other than honorable conditions were upgraded to general or honorable discharges in the following circumstances: (a) under the President's

directive of January 19, 1977, initiating further action with respect to Presidential Proclamation 4313 of September 16, 1974; (b) under the Department of Defense's special discharge review program on or after April 5, 1977; (c) under revised standards as implemented subsequent to April 5, 1977, and not made applicable to all persons administratively discharged or released from military service under other than honorable conditions. This review is designed to insure that persons whose discharges were upgraded in these programs receive benefits only if their discharges were upgraded under historically consistent standards. If a preliminary determination is made that the upgrade was not based upon historically consistent standards, the individual will be notified of the preliminary determination by the appropriate DRB and of the right to a hearing before the DRB concerned under published standards and procedures which are set forth in this Part prior to a final determination. The law requires that such determinations be made prior to October 8, 1978, and further mandates that determinations be made on an expedited basis after the Secretary concerned is notified by the Veterans' Administration that the individual has received,

PROPOSED RULES

is in receipt of, or has applied for such benefits, or after a written request is made by the individual for such determination.

STANDARDS AND PROCEDURES

The Secretary of Defense proposes to add a new Part 70 to 32 CFR Chapter 1 in order to publish the standards and procedures required by Public Law 95-126. The proposed rule will govern the Military Departments in the formulation and application of their rules concerning standards and procedures for discharge review. Discharge review is the process by which the reason for discharge, the procedures followed in accomplishing discharge, and the characterization of Service are reevaluated in order to determine whether the discharge should be changed.

The proposed rule assigns major administrative responsibility for compliance with Public Law 95-126 to the Secretary of the Army and the Assistant Secretary of Defense (Manpower, Reserve Affairs and logistics). The proposal sets forth the procedures to be followed in applying for a discharge review. Applicants may request a personal hearing (with or without counsel or other representative) or may have a counsel or other representative present the case in their absence.

In addition, a DRB may consider a case on its own motion. The proposed rule provides procedures to govern a DRB's action in case there is a failure to appear for a hearing, a request for continuance, or a request for reconsideration. Guidance is provided on how an applicant may obtain military and other government records relevant to the discharge review. The proposal guides a DRB in addressing problems that may arise with regard to such records. Provision is also made for notification of applicants concerning records that will be considered by the DRB's. The DRB must consider contentions clearly stated by applicants and all other pertinent issues discerned by the DRB. The DRB is instructed to review cases on the basis of available records, documentary evidence submitted by the applicant, personal testimony of the applicant and witnesses, presentation of any hearing examinations, and any other relevant evidence.

When a DRB determines that an applicant's discharge was improper, it must determine the proper reason for discharge based upon the facts and circumstances properly before the discharge authority in view of the regulations governing reasons for discharge at the time the applicant was discharged. Unless it is also determined that a discharge was

inequitable, the provisions as to characterization in the regulation under which the applicant should have been discharged will be considered in determining whether further relief is warranted. If the DRB determines that an applicant's discharge was inequitable, the degree of relief will be based upon an evaluation of the applicant's overall record of service and appropriate regulations of the military service in which the applicant served.

The proposed rule requires the DRB to prepare a decisional document for each case. This document contains relevant matters from the applicant's official records, reference to the evidence submitted by the applicant, and a statement of findings, conclusions, and reasons on issues upon which the decision is based or otherwise raised by the applicant. This document also contains information regarding advisory opinions, and the names and votes of the DRB members.

The proposed rule provides for the applicant to be notified in writing of the decision. The proposal specifies the contents of the record of proceedings and further provides for disposition of the records by the military service. In cases reviewed by the Secretary of a Military Department, the Secretary is bound to follow the uniform standards and to issue a decisional document similar to the document issued by the DRB's.

The proposed rule provides for the decisional document to be available for public inspection and copying, subject to appropriate deletions to protect rights of privacy, and to cover classified and other privileged material. In addition, the rule requires that an index be developed and be made available to the public. The index will enable the public to isolate from decisions that are indexed those decisions that may be similar to an applicant's case.

The proposed rule provides standards for discharge review. These standards are designed to be uniform and historically consistent with the criteria for honorable service. No factors require automatic change or denial of a change in a discharge. There are no weighted factors in the evaluation. In each case, consideration must be given to all applicable factors. The object of the review is to determine the propriety and equity of the discharge. A discharge is considered proper unless there was prejudicial error at the time of discharge. Accordingly, an error of fact, law, procedure, or discretion will render a discharge improper if there is substantial doubt that the discharge would have remained the same if the error had not been made. A further ground for finding impropriety is that the military service of which the applicant was a member has made a change in policy

PROPOSED RULES

that has been made expressly retroactive to the type of discharge under consideration.

A discharge shall be deemed equitable unless the policies and procedures under which the applicant was discharged differ in material respects from the policies and procedures currently applicable on a service-wide basis to discharges of the type under consideration, provided that (a) such changes represent a substantial enhancement of the rights afforded a respondent in such proceedings; and (b) that there is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration. A discharge may also be considered inequitable if, at the time of issuance, it was inconsistent with the standards of discipline in the military service of which the applicant was a member. A discharge may further be considered to be inequitable based upon consideration of (a) the applicant's Service record, and (b) other evidence presented to the DRB viewed in conjunction with the regulations under which the applicant was discharged and factors which are listed in the proposed directive.

COMMENTS RECEIVED

In response to the notice of proposed rulemaking published in the FEDERAL REGISTER on December 14, 1977 (42 FR 62934), as extended by 43 FR 2634 on January 18, 1978, the Department of Defense received comments from some 70 organizations and individuals. Each of the comments previously submitted, as well as those received as a result of this supplemental notice, will be considered prior to adoption of a final rule. ^{9H} Accordingly, we propose to amend Part 70 as follows:

PART 70--DISCHARGE REVIEW BOARDS (DRBs) PROCEDURES AND STANDARDS.

Sec.

70.1 Purpose.

70.2 Applicability and Scope

70.3 Definitions.

70.4 Policy and Responsibilities.

70.5 Discharge Review Procedures.

70.6 Discharge Review Standards.

Authority. Title 10, U.S.C. 1553 and Title 38, U.S.C. 101 and 3103, as amended by Public Law 95-126, October 8, 1977.

(new para)
H/H

§70.1 Purpose.

(a) This part establishes uniform policies, procedures and standards for the review of discharges or dismissals in accordance with Title 10, U.S.C.1553. In furtherance of such purpose, this Part

- (1) Provides for discharge review by application or on motion of a DRB;
- (2) Provides guidelines for the conduct of discharge reviews and standards to be applied in such reviews which are designed to insure historically consistent uniformity in execution of this function, as required by the provisions of Pub.L. 95-126.
- (3) Assigns responsibility for administering the program.
- (4) Makes provision for public inspection, copying, and distribution of DRB documents through the the Armed Forces Discharge Review Board Reading Room.
- (5) Provides an opportunity for former members administratively discharged under other than honorable conditions to make application to the DRBs without regard to the normal 15 year period in which an application must be made and establishes January 1, 1980 as the date by which such applications must be submitted.

(b) Nothing in this part changes or modifies in any way the portions of the separate service regulations that implement the requirements of Stipulation of Dismissal, Civil Action No. 76-530, United States Court for the District of Columbia, "Urban Law Institute of Antioch College, Inc., et al., Plaintiffs v. Secretary of Defense, et al., Defendants," January 31, 1977.

§70.2 Applicability and Scope.

The provisions of this directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff and, by agreement with the Secretary of Transportation, to the Coast Guard, and to all Reserve Components thereof in the conduct of discharge reviews. Directives of these organizations which relate to the discharge process are hereby incorporated in this Part.

§70.3 Definitions.

(a) Discharge Review Board (DRB). An administrative board constituted by the Secretary concerned and vested with discretionary authority to review discharges and dismissals under the provisions of Title 10, U.S.C. 1553. It may be configured as one main element or two or more elements as designated by the Secretary concerned.

(b) DRB Panel. An element of a DRB, consisting of five members, authorized by the Secretary concerned to review discharges and dismissals.

(c) Applicant. A former member of the Armed Forces who has been discharged or dismissed administratively in accordance with the directives of the Military Departments or by sentence of a special court-martial under Title 10, U.S.C., 801 et seq. (Uniform Code of Military Justice) and, in accordance with statutory and regulatory provisions: (1) whose case is heard by the DRB concerned at the request of the former member, or, if he or she is dead, the surviving spouse, next-of-kin, or legal representative; or (2) whose case is heard on the DRB's own motion, which includes reviews

requested by the Veterans Administration under Title 38, U.S.C. 101 and 3103, as amended by Public Law 95-126.

(d) Counsel/Representative. An individual or agency designated by the applicant who agrees to represent the applicant in a case before the DRB. It includes, but is not limited to: a lawyer who is a member of the bar of a Federal Court or of the highest court of a State; an accredited representative designated by an organization recognized by the Administrator of Veterans Affairs; a representative from a State agency concerned with veterans affairs; and representatives from private organizations or local government agencies.

(e) President, DRB. A person designated by the Secretary concerned and responsible for the supervision of the discharge review function and other duties as assigned.

(f) Hearing Examination. The process by which a designated officer of a DRB prepares a presentation for consideration by a DRB in accordance with regulations prescribed by the Secretary concerned.

(g) DRB Traveling/Regional Panel. A DRB panel that conducts discharge reviews in a location outside the Washington, D.C. area.

(h) Discharge. A general term used in this Part which includes dismissal and separation or release from active or inactive military status, as well as actions which accomplish a complete severance of all military status. This term also includes the assignment of a reason for such discharge and characterization of service.

(i) Discharge Review. The process by which the reason for separation, the procedures followed in accomplishing separation, and the characterization of service are evaluated.

§70.4 Policy and Responsibilities.

(a) Under the provisions of Title 10, U.S.C. 1553, the Secretaries of the Military Departments and the Secretary of Transportation (for the Coast Guard) have the authority for final decision and the responsibility for the operation of their respective discharge review programs.

(b) The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) is delegated the authority to: (1) resolve all issues concerning DRBs which cannot be resolved among the Military Departments; (2) insure uniformity among the Military Departments in the procedural rights afforded applicants in discharge reviews; and (3) modify or supplement this Part in a manner consistent with the policies set forth herein.

(c) The Secretary of the Army is designated the administrative focal point for DRB matters. In meeting this responsibility, the Secretary shall:

(1) Effect necessary coordination with other governmental agencies regarding continuing applicability of this Part and resolve administrative procedures relating thereto.

(2) Review suggested modifications to this Part, including implementing directives; monitor the implementing directives of the Military Departments; resolve differences when practicable; recommend specific changes; provide supporting rationale to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) for decision; and include appropriate documentation to effect publication in the Federal Register.

(3) Maintain the DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, and re-publish as necessary with appropriate coordination of the other Military Departments, the Secretary of Transportation and the Office of Management and Budget.

(4) Respond to all inquiries from private individuals, organizations or public officials with regard to Discharge Review Board matters.

In those instances where the specific Military Service concerned can be identified, such correspondence will be referred to the appropriate DRB for response. An appropriate activity may be further designated to perform this task.

(5) Provide overall guidance and supervision to the Armed Forces Reading Room with staff augmentation, as required, by the Departments of the Navy and Air Force.

(d) The preliminary determinations required by Title 38, U.S.C. 3103(e) shall be made upon majority vote of the DRB concerned on an expedited basis. Such determination shall be based upon the standards set forth in §70.6 of this Part.

§70.5 Discharge Review Procedures.

(a) Application for Review

(1) An applicant may submit a written request for review to the DRB concerned with such other statements, affidavits, or documentation as desired. The request for review shall be made on DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, which is available at most military installations and regional offices of the Veterans Administration.

(2) A motion or request for review must be made within 15 years after

the date of discharge or dismissal; except that, in accordance with Pub.L. 95-126, any former member administratively discharged under other than honorable conditions, and otherwise eligible to make application for review may do so without regard to the 15 year limitation period in Title 10, U.S.C. 1553 if such application is received prior to January 1, 1980.

(3) Written notification shall be made to each applicant whose record indicates a reason for discharge that bars receipt of benefits under Title 38, U.S.C. 3103a. This notification will advise the applicant that separate action by the Board for Correction of Military/Naval Records and/or the Veterans Administration (in case of disqualification based upon 180 days consecutive unauthorized absence) may confer eligibility for VA benefits. As regards the 180 days consecutive unauthorized absence:

(i) Such absence must have been included as part of the basis for the applicant's discharge under other than honorable conditions.

(ii) Such absence is computed without regard to the applicant's normal or adjusted expiration of term of service.

(b) Conduct of Reviews.

(1) Members. As designated by the Secretary concerned, the DRB and panels thereof, if any, shall consist of five members. One member of the DRB shall be designated as the President and may serve as a presiding officer. Other officers may be designated to serve as presiding officers for DRB panels under regulations prescribed by the Secretary concerned.

(2) Locations. Reviews by a DRB will be conducted in Washington, D.C. and such other locations as designated by the Secretary concerned.

(3) Modes of Appearance. An applicant, upon request, is entitled to appear before a DRB in person with or without counsel/representative or

to have counsel/representative present the applicant's case in the absence of the applicant.

(4) Applicant's Expenses. Unless otherwise specified by law or regulation, expenses incurred by the applicant, witnesses, or counsel/representative will not be paid by the Department of Defense.

(5) Withdrawal of Application. An applicant shall be permitted to withdraw an application without prejudice at any time before the scheduled review.

(6) Failure to Appear for Hearing. Except as authorized or directed by the Secretary concerned, further opportunity for personal appearance shall not be made available to an applicant who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time, either in person or by representative, not having made a prior, timely request for a continuance or withdrawal of the application. In such cases, the applicant shall be deemed to have waived the right to a personal appearance and the DRB shall complete its review of the discharge based upon the evidence of record. Further request for a personal hearing shall not be granted unless the applicant can demonstrate that the prior failure to appear or to request continuance or withdrawal of the application was due to circumstances beyond the applicant's control.

(7) Continuances and Postponements.

(i) A continuance of a discharge review hearing may be authorized by the President of the DRB or presiding officer of the panel concerned, provided that such continuance is of reasonable duration and is essential to achieving a full and fair hearing. Where a proposal for continuance is indefinite, the pending application shall be returned to the applicant with the option to resubmit when the case is fully ready for review.

(ii) Postponements of scheduled reviews normally shall not be permitted other than for demonstrated good and sufficient reason set forth by the applicant in a timely manner, or for the convenience of the government.

(8) Reconsideration. A discharge review shall not be subject to reconsideration except:

(i) Where the only previous consideration of the case was on the motion of the DRB;

(ii) When the original discharge review did not involve a personal hearing and a personal hearing is now desired, and the provisions of §.70.5 (b) (6) do not apply;

(iii) Where changes in discharge policy are announced subsequent to an earlier view of an applicant's discharge, and the new policy is made expressly retroactive:

(iv) Where the DRB determines that policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a Service-wide basis to discharges of the type under consideration, provided that such changes in policies or procedures represent a substantial enhancement of the rights afforded a respondent in such proceedings;

(v) Where an individual is to be represented by a counsel/representative, and was not so represented in any previous consideration of the case by the DRB;

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(vi) Where the case was not previously considered under uniform standards published pursuant to Pub.L. 95-126 and such application is made before January 1, 1980 or within 15 years after the date of discharge; or

(vii) On the basis of presentation of new, substantial, relevant evidence not available to the applicant at the time of the original review. The decision as to whether evidence offered by an applicant in support of a request for reconsideration is in fact new, substantial, relevant, and was not available to the applicant at the time of the original review will be based on a comparison of such evidence with the evidence considered in the previous discharge review. If this comparison shows that the evidence submitted would have had a probable effect on matters concerning the propriety or equity of the discharge, the request for reconsideration shall be granted.

(9) Availability of Records:

(i) Prior to a review, applicants or other designated representatives may obtain copies of military records by submitting a Standard Form 180, Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Missouri 62132. The request must be submitted prior to the time the DD Form 293 is submitted, since, once the DD Form 293 is submitted, the records will be requested from the NPRC by the DRB.

(ii) If the DRB is not authorized to provide copies of documents that are under the cognizance of another government department, office or activity, applications for such information must be made by the applicant to the cognizant authority. The DRB shall advise the applicant of the mailing address of the government department, office, or activity to which the request should be submitted.

(iii) In the event that the official records relevant to the discharge review are not available at the agency having custody of the records, the applicant shall be notified of the situation and requested to provide such information and documents as may be desired in support of the request for discharge review. A period of not less than 30 days shall be allowed for such documents to be submitted. At the expiration of this time period, the review may be conducted with information available to the DRB.

(iv) A DRB may take steps to obtain additional evidence material to the discharge review under consideration beyond that found in the official military records or submitted by the applicant, if a review of available evidence suggests certain aspects of the review would be incomplete without the additional information or when the applicant presents testimony or documents which require additional information to evaluate properly. Such information shall be made available to the applicant, upon request, with appropriate modifications regarding classified material.

(v) Prior to initiation of the decision process specified in §70.5(c), the applicant and/or counsel/representative is entitled to request access to the records to be considered by the DRB in the discharge review.

(A) At a reasonable time prior to the initiation of the decision process, in any case heard on request of an applicant, the DRB shall provide the applicant and/or counsel/representative with a description of all documents to be considered in the discharge review, except for documents in the official personnel/medical records and any documents submitted by the applicant. The DRB shall also notify the

applicant and/or counsel/representative: (1) of the right to examine such documents or to be provided with copies of the documents upon request, (2) of the date by which such requests must be received, and (3) of the opportunity to respond within a reasonable period of time to be set by the DRB.

(B) When necessary to acquaint the applicant with the substance of a classified document, the classifying authority, on the request of the DRB, shall prepare a summary of or extract from the document deleting all references to sources of information and other matters, the disclosure of which, in the opinion of the classifying authority, would be detrimental to the national security interests of the United States. Should preparation of such summary be deemed impracticable by the classifying authority, information from the classified source shall not be considered by the DRB in its review of the case.

(10) A secretary/recorder or assistant shall be designated to assist in the functioning of each DRB in accordance with the procedures prescribed by the Secretary concerned.

(11) Personal appearance hearings (including hearing examinations) shall be conducted with recognition of the rights of the individual to privacy. Accordingly, presence at hearings of individuals other than those whose presence is required will be limited to persons authorized by the Secretary concerned or expressly requested by the applicant. If in the opinion of the presiding officer, presence of other individuals would be prejudicial to the interests of the applicant or the government, such hearings may be held in closed session.

(12) Evidence and Testimony:

(i) The DRB may consider any evidence obtained in accordance with this Part.

(ii) Formal rules of evidence shall not be applied in DRB proceedings. The presiding officer shall rule on matters of procedure and shall insure that reasonable bounds of relevancy and materiality are maintained in the taking of evidence and presentation of witnesses.

(iii) Applicants undergoing personal appearance hearings shall be permitted to introduce witnesses, documents, sworn or unsworn statements or other information on their behalf, all at no expense to the Department of Defense.

(iv) Applicants may also make oral or written arguments personally and/or through counsel/representatives.

(v) Applicants and witnesses may be questioned by the DRB. All testimony shall be taken under oath or affirmation unless the applicant specifically requests to make an unsworn statement.

(vi) There is a presumption of regularity in the conduct of governmental affairs. This presumption can be applied in any review unless there is substantial credible evidence to rebut the presumption.

(13) Contentions.

(i) Applicants must state clearly and specifically their contentions, and/or the issues of fact, law, or discretion for a written determination to be made in accordance with §70.5(d)(4)(ii).

(ii) In addition, the DRB shall consider such issues of fact, law, or discretion as are discerned by the DRB in the discharge review process.

(iii) The DRB shall make findings and conclusions with respect to the contentions and issues as required by §70.5(d)(4).

(14) Decisions. On the basis of its findings and conclusions, the DRB shall record its decision as to whether relief should be granted. The nature of any change shall be specified clearly.

(15) Implementation of Discharge Review Decisions. A written notification shall be issued to implement the decision of the DRB, or that of higher authority, in each discharge review case.

(c) Decision Process:

(1) The DRB or the DRB panel, as appropriate, shall meet in plenary session to review discharges and exercise its discretion on a case-by-case basis in applying the standards set forth in §70.6.

(2) The presiding officer is responsible for the conduct of the discharge review. The presiding officer shall convene, recess, and adjourn the DRB panel as appropriate and shall maintain an atmosphere of dignity and decorum at all times.

(3) Each DRB member shall act under oath or affirmation requiring careful, objective consideration of the application. DRB members are

responsible for eliciting all facts necessary for a full and fair hearing. They shall consider all information presented to them by the applicant. In addition, they shall consider available Service and health records, together with such other records as may be in the files of the Military Department concerned and relevant to the issues before the DRB, and any other evidence obtained in accordance with this Part.

(4) If the applicant does not appear in person and the designated counsel/representative does not appear in the applicant's behalf, the DRB shall review the application on the basis of available official records, documentary evidence submitted by or on behalf of the applicant, presentation of the hearing examination, if any, and any other relevant evidence obtained in accordance with this Part.

(5) If the applicant appears in person or the designated counsel/representative appears before the DRB in the applicant's behalf, the DRB shall review the application on the basis of testimony on behalf of the applicant, available official records, documentary evidence submitted by or on behalf of the applicant, presentation of the hearing examination, if any, and any other relevant evidence obtained in accordance with this Part.

(6) Application of Standards:

(i) When a DRB determines that an applicant's discharge was improper (§70.6(b)), the DRB will determine which reason for discharge should have been assigned based upon the facts and circumstances properly before the discharge authority in view of the Service regulations governing reasons for discharge at the time the applicant was discharged. Unless it is also determined that the discharge was inequitable

(§70.6(c)), the provisions as to characterization in the regulation under which the applicant should have been discharged will be considered in determining whether further relief is warranted.

(11) When the DRB determines that an applicant's discharge was inequitable (§70.6(c)), any change will be based on the evaluation of the applicant's overall record of service and relevant regulations of the Military Service of which the applicant was a member.

(7) Voting shall be conducted in closed session, a majority of the five members' votes constituting the DRB decision. Voting procedures shall be prescribed by the Secretary concerned.

(8) Details of closed session deliberations of a DRB are privileged information and shall not be divulged.

(9) Minority opinions may be recorded by any member in accordance with procedures prescribed by the Secretary concerned.

(10) DRBs may request advisory opinions from staff offices of their Military Departments. These opinions are advisory in nature and are not binding on the DRB in its decision making process.

(d) Decisional Document: A decisional document shall be prepared for each review conducted by a DRB. At a minimum this document shall contain:

(1) The date, character of, and reason for the discharge or dismissal certificate issued to the applicant upon separation from military service, including the specific regulatory authority under which the discharge or dismissal certificate was issued.

(2) The circumstances and character of the applicant's service as extracted from Service records, health records and information provided by other government authority or the applicant, such as, but not limited to:

- Date of enlistment
- Period of enlistment
- Age at enlistment
- Length of service
- Periods of unauthorized absence
- Conduct and efficiency ratings (numerical or narrative)
- Highest rank achieved
- Awards and decorations
- Educational level
- Aptitude test scores
- Incidents of punishment pursuant to Article 15, Uniform Code of Military Justice (including nature and date of offense or punishment)
- Conviction by court-martial
- Prior military service and type of discharge received.

(3) Reference to the written brief, documentary evidence, and testimony presented to the DRB by or on behalf of the applicant.

(4) A statement of findings, conclusions, and reasons consisting of:

(i) Findings on all issues of fact, law, or discretion upon which the decision on the application is based, including those factors required by applicable Service regulations to be considered for determination of the character of and reason for the discharge or dismissal certificate in question.

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(ii) Findings and conclusions on all other issues of fact, law, or discretion raised by the applicant in accordance with §70.5(b)(13)(i); including claims by the applicant that statutory, regulatory, and/or constitutional provisions were violated, and such other claims made by the applicant, which in the opinion of the DRB would have warranted greater relief than that afforded the applicant by the DRB's decision if resolved in the applicant's favor.

(iii) Conclusions as to whether or not any change, correction, or modification should be made in the type or character of the discharge or dismissal and/or the reason and authority for the discharge or dismissal; and, if so concluded, the particular changes, corrections, or modifications that should be made.

(iv) A statement of the reasons for the findings and conclusions made in accordance with (i) through (iii) above.

(5) Advisory opinions, including those containing factual information, where such opinions have been relied upon for final decision or have been accepted as a basis for rejecting any of the applicant's claims. Such advisory opinions or relevant portions thereof that are not fully set forth in the statement of findings, conclusions, and reasons shall be incorporated by reference therein. A copy of such opinions shall be appended to the decision and included in the record of proceedings.

(6) A record of the DRE members' names and votes.

(7) The DRB decision and written minority opinions or reports, if any.

(8) A listing of the contentions or issues presented by the applicant, if not included elsewhere.

(9) An authentication of the document by an appropriate official.

(e) Issuance of Decisions Following Discharge Review. The applicant and counsel/representative, if any, shall be provided with a copy of the decisional document and of any further action in review. Final notification of decisions shall be issued to the applicant with a copy to the counsel/representative, if any, and to the Military Service.

(1) Notification to applicants, with copies to counsel/representatives, shall normally be made through the U.S. Postal Services. Such notification shall consist of a notification of decision, together with a copy of the decisional document.

(2) Notification to the Military Services shall be for the purpose of appropriate action and inclusion of review matter in personnel records. Such notification shall bear appropriate certification of completeness and accuracy.

(3) Actions on review by superior authority, when occurring, shall be provided to the applicant and counsel/representative in the same manner as the notification of the review decision.

(f) Records of DRB Proceedings:

(1) When the proceedings in any review have been concluded, a record thereof will be prepared. Records may include written records, electro-magnetic records, videotape recordings, or a combination thereof.

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(2) At a minimum, the record will include the following:

The application for review

A record of the testimony in verbatim, summarized, or recorded form at the option of the DRB concerned.

Documentary evidence or copies thereof considered by the DRB other than the Military Service record.

Briefs/arguments submitted by or on behalf of the applicant.

Advisory opinions considered by the DRB, if any.

The findings, conclusions, and reasons developed by the DRB.

Notification of the DRB's decision to the cognizant custodian of the applicant's records, or reference to the notification document.

Minority reports, if any.

A copy of the decisional document.

(g) Cases reviewed by the Secretary concerned, or by one to whom the reviewing authority has been delegated, shall be considered in accordance with the standards set forth in §70.6

(1) On every decision of the DRB that is reviewed by the Secretary, or by one to whom reviewing authority has been delegated, the decision on review shall be made in writing.

(2) In every case, the decision of the DRB and the reviewing authority, if any, shall include a statement of findings, conclusions, and reasons, (§70.5(d)(5)) except where the reviewing authority expressly adopts, in whole or in part, the statement of findings, conclusions and reasons of the DRB. Similarly, where the reviewing authority adopts the DRB's statement of findings, conclusions and reasons, there is no requirement for duplicative publication and indexing under terms of §70.5(i).

(h) Final Disposition of the Record of Proceedings. The original record of proceedings and all appendices thereto shall in all cases be incorporated in the Service record of the applicant and the Service record shall be returned to the custody of the NPRC, St. Louis, Missouri. Other copies shall be filed and disposed of in accordance with separate Military Service regulations.

(I) Availability of Discharge Review Board Documents for Public Inspection and Copying:

(1) A copy of the decisional document prepared in accordance with §70.5(d) shall be made available for public inspection and copying promptly after a notice of final decision is sent to the applicant.

(2) To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from documents made available for public inspection and copying. Names, addresses, social security numbers, and Military Service numbers must be deleted. Written justification shall be made for all other deletions and shall be available for public inspection.

(3) Any other privileged or classified material contained in or appended to any documents required by this agreement to be furnished the applicant and counsel/representative or made available for public inspection and copying may be deleted therefrom only if a written statement of the basis for the deletions is provided the applicant and counsel/representative and made available for public inspection. It is not intended that the statement be so detailed as to reveal the nature of the withheld material.

(4) DRB documents made available for public inspection and copying shall be located in the Armed Forces Discharge Review/Correction Boards Reading Room. The documents shall be indexed in a usable and concise form so as to enable the public and those who represent applicants before the DRBs to isolate from all these decisions that are indexed those cases that may be similar to an applicant's case and that indicate the circumstances under and/or reasons for which the DRB or the Secretary concerned granted or denied relief.

(i) The reading file index shall include, in addition to any other items determined by the DRB, the case number, the date, character of, reason for, and authority for the discharge. It shall further include the decisions of the DRB and reviewing authority, if any, and the issues addressed in the statement of findings, conclusions and reasons.

(ii) The index need be permanently maintained only at permanent DRB regional locations. This index should be made available at sites selected for traveling board hearings or hearings examinations for such periods as the DRB is present and in operation. Applicants at such sites shall be so advised in the notice of scheduled hearings.

(iii) The Armed Forces Discharge Review/Correction Boards Reading Room shall publish indexes quarterly for all Boards. All Boards will be responsible for timely submission to the Reading Room of individual case information required for update of the indexes. These indexes shall be available for public inspection and/or purchase at the Reading Room. This information will be provided to applicants in the notice of scheduled hearings.

(iv) Correspondence relating to matters under the cognizance of the Reading Room (including requests for purchase of indexes) shall be addressed to:

Armed Forces Discharge Review/Correction Board Reading Room

The Pentagon Concourse

Washington, D.C. 20310

(j) Privacy Act Information. Information protected under the Privacy Act is involved in the discharge review functions. The provisions of 32 CFR 286a will be observed throughout the processing of a request for review of discharge or dismissal.

§70.6 Discharge Review Standards.

(a) Objective of Review. The objective of a discharge review is to examine the propriety and equity of the applicant's discharge and to effect changes, if necessary. The standards of review and the underlying factors which aid in determining whether the standards are met shall be historically consistent with criteria for determining honorable service. No factors shall be established which require automatic change or denial of a change in a discharge. Neither a DRB or the Secretary concerned shall be bound by any methodology of weighting of the factors in reaching a determination. In each case, the DRB or Secretary concerned shall give a full, fair, and impartial consideration to all applicable factors prior to reaching a decision.

(b) Propriety: A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:

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(1) There exists an error of fact, law, procedures, or discretion associated with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby. Such error shall constitute prejudicial error, if there is substantial doubt that the discharge would have remained the same if the error had not been made; or

(2) That a change in policy by the Military Service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

(c) Equity: A discharge shall be deemed to be equitable unless;

(1) In the course of a discharge review, it is determined that the policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a Service-wide basis to discharges of the type under consideration, provided that:

(i) current policies or procedures represent a substantial enhancement of the rights afforded a respondent in such proceedings; and

(ii) there is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of the discharge proceedings under consideration;

(2) At the time of issuance, the discharge was inconsistent with standards of discipline in the Military Service of which the applicant was a member; or

(3) In the course of a discharge review, it is determined that relief is warranted based upon consideration of the applicant's Service record and other evidence presented to the DRB viewed in conjunction with the factors listed in this subparagraph and the regulations under which the applicant was discharged, even though the discharge was determined to have been otherwise equitable and proper at the time of issuance. Areas of consideration include, but are not limited to:

(1) Quality of Service, as evidenced by factors such as:

Service history, including date of enlistment, period of enlistment, highest rank achieved, conduct or efficiency ratings (numerical or narrative).

Awards and decorations.

Letters of commendation or reprimand.

Combat service

Wounds received in action.

Record of promotions and demotions.

Level of responsibility at which the applicant served.

Other acts of merit that may not have resulted in a formal recognition through an award or commendation.

Length of service during the service period which is the subject of the discharge review.

Prior military service and type of discharge received or outstanding post-service conduct to the extent that such matters provide a basis for a more thorough understanding of the performance of the applicant during the period of service which is the subject of the discharge review.

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Convictions by court-martial.

Record of non-judicial punishment.

Convictions by civil authorities while a member of the Service, reflected in the discharge proceedings or otherwise noted in Military Service records.

Record of periods of unauthorized absence.

Records relating to a discharge in lieu of court-martial.

(ii) Capability to serve, as evidenced by factors such as:

(A) Total Capabilities. This includes an evaluation of matters such as age, educational level, and aptitude scores. Consideration may also be given to whether the individual met normal military standards of acceptability for military service and similar indicators of an individual's ability to serve satisfactorily, as well as ability to adjust to the military service.

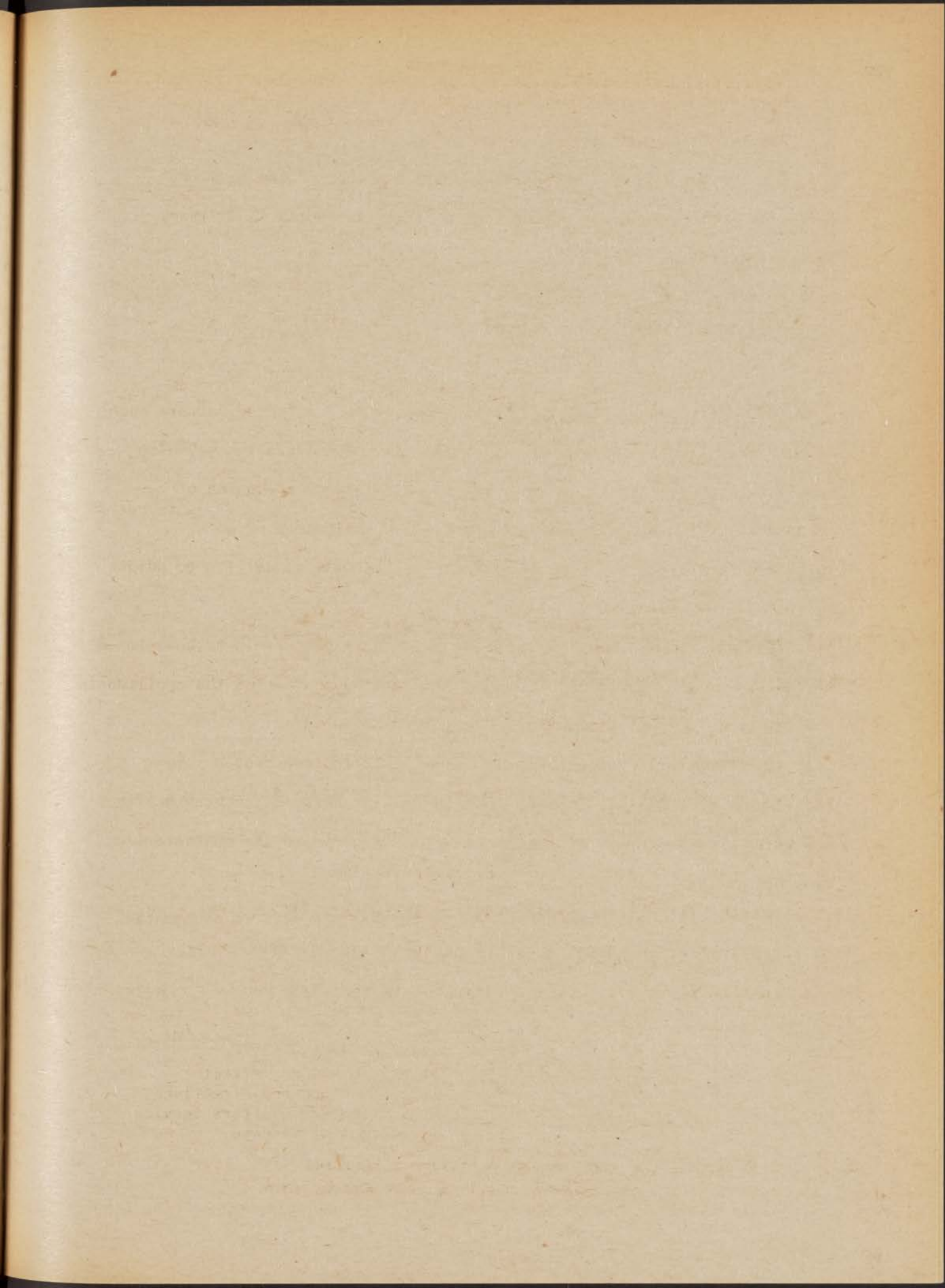
(B) Family/Personal Problems. This includes matters in extenuation or mitigation of the reason for discharge that may have affected the applicant's ability to serve satisfactorily may have been affected.

(C) Arbitrary or Capricious Actions. This includes actions by individuals in authority which constitute a clear abuse of such authority and which contributed to the decision to discharge or to the characterization of service.

(D) Discrimination. This includes unauthorized acts as documented by records or other evidence.

Maurice W. Roche

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





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